

**NOMINATIONS OF JEFF T.H. PON, MICHAEL J.  
RIGAS, AND EMILY J. MURPHY**

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**HEARING**

BEFORE THE

**COMMITTEE ON  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE  
ONE HUNDRED FIFTEENTH CONGRESS**

FIRST SESSION

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NOMINATIONS OF JEFF T.H. PON TO BE DIRECTOR, OFFICE OF  
PERSONNEL MANAGEMENT, MICHAEL J. RIGAS TO BE DEPUTY  
DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT, AND EMILY W.  
MURPHY TO BE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

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OCTOBER 18, 2017

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## **NOMINATIONS OF JEFF T.H. PON, MICHAEL J. RIGAS AND EMILY J. MURPHY**

**WEDNESDAY, OCTOBER 18, 2017**

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

The Committee met, pursuant to notice, at 10 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Portman, Lankford, Hoeven, Daines, McCaskill, Carper, Tester, Heitkamp, Peters, Hassan, and Harris.

### **OPENING STATEMENT OF CHAIRMAN JOHNSON<sup>1</sup>**

Chairman JOHNSON. Good morning. This hearing will come to order.

We are meeting today to consider the nominations for the Director and Deputy Director of the Office of Personnel Management (OPM) and the Administrator for the General Services Administration (GSA).

The Director of Office of Personnel Management is the human resources (HR) and personnel policy manager for the Federal Government and oversees a workforce of over 5,800 employees and a budget of about \$280 million. The Director is responsible for issuing governmentwide policies and guidance for recruiting, hiring, developing, and retaining individuals for Federal employment.

The Director is also responsible for the administration of Federal Employee Benefits Programs (FEBP), including retirement, health insurance, life insurance, and long-term care insurance.

The Director will also play a role in agency reorganizations under the President's Executive Order (EO) by assisting agencies with authorizations for personnel pay and hiring flexibilities.

The Office of Personnel Management faces many challenges. The agency has been without a confirmed Director for more than 2 years and without a Deputy Director for more than 5 years at a time when it is still recovering from the unprecedented breach of data of 22.1 million current and retired Federal employees by foreign operatives.

The Civil Service Reform Act (CSRA) is approaching its 40th anniversary, and there are concerns about whether the personnel systems established to protect merit-based employment are adapting to today's workforce needs.

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<sup>1</sup> The prepared statement of Senator Johnson appears in the Appendix on page 37.

The Office of Personnel Management also must stabilize and reduce backlogs in the processing of retirement claims and security clearance background investigations.

Other positions, the Administrator of GSA is responsible for implementing shared services governmentwide, constructing and managing government properties and leases, and assisting agencies in procuring goods and services in a cost-effective manner. This role requires oversight of roughly \$53 billion in annual procurement and 371 million rentable square feet, including 8,300 buildings and a fleet of 210,000 vehicles. In addition, the Administrator oversees a workforce of around 11,500 employees and a \$24 billion budget.

The Administrator plays a central role in two government operations that have long been plagued with operational challenges—information technology (IT) acquisitions and operations and real property management.

While Congress has recently enacted legislation to assist the agency with real property management, there are millions of square feet of property leases soon to expire and major construction projects that are behind schedule and over budget.

Meanwhile, the Federal Government spends more than \$80 billion annually on information technology, with a large portion going to operation and maintenance of dangerously old systems. Contributing to the problem is a complex and inflexible acquisition process.

With the Federal Acquisition Regulation (FAR) nearing 2,000 pages—I just got a copy of it right here. And by the way, if you are making acquisitions for one of the Departments, for example, Defense, you add that little book as well. It is clear we have become pennywise but pound foolish when it comes to overseeing how the government buys goods and services.

So I want to welcome the nominees. I know I see some family members here. During your testimony, I would encourage you to introduce them. We welcome your family members and friends as well. We appreciate your willingness to serve this Nation in these important positions.

And with that, I will turn the microphone over to Senator McCaskill for comments.

#### **OPENING STATEMENT OF SENATOR MCCASKILL**

Senator MCCASKILL. Thank you, Mr. Chairman. I appreciate you holding the hearing for these three nominees, and I especially appreciate your willingness to serve in government.

This is a tough time to serve in government because we have record-high cynicism and negativity about people who serve in the public sector. I think all of you appreciate that a lot of that judgment is unfair. That the vast majority of people who choose to serve in the public sector are doing so because they are committed and hardworking and have integrity, and unfortunately, I think there are way too many people now that are avoiding public service because of the negativity that is out there.

So I am especially appreciative when people who are very qualified and could make lots of money in the private sector decide that they want to give their time, effort, and ingenuity to a government, and so thank all three of you for that.

We have the OPM today and we have GSA.

The General Services Administration was established in 1949 to help support the basic functioning of Federal agencies. Today, as our nominee knows, GSA manages acquisition of Federal real property, supplies products, and communications for U.S. Government offices; provides transportation and office space to Federal employees; and develops governmentwide cost-minimizing policies, among other many important responsibilities.

In September, President Trump nominated Emily Murphy to serve as the next GSA Administrator. I will have an opportunity to say more about Ms. Murphy when I introduce her. For now, I will just say I have been very impressed by her record of public service and encouraged by my conversations with Ms. Murphy regarding her priorities in her future role.

I also look forward to hearing from the President's nominee to lead the Office of Personnel Management—Dr. Jeff Pon to serve as Director and Michael Rigas to serve as Deputy Director.

OPM oversees all policies and rules surrounding the hiring, training, performance evaluation, and overall management of the 2.1 million civilian Federal employees across the country.

It is also important that OPM carry out the Nation's Federal workforce priorities such as providing retirement benefits and services for all Federal employees and the all-important background investigation program.

I hope I will have an opportunity to hear from all three of the nominees about some of the serious challenges facing our workforce.

I also want to specifically mention that Dr. Pon and I talked about two items of concern to me. One is the background checks and how we are standing up the ability to do this in a more comprehensive and efficient way and the challenges we face with now an idea to pull it back to the Department of Defense (DOD) after it came over to OPM from DOD, a relatively short time ago.

I also want to make sure we are addressing the fact that people are giving their lives to Federal service and deciding to retire and waiting in a very long line to get their benefits because of the inefficiencies of the retirement system in terms of beginning your retirement benefits.

Also, I would like to see some reform in the Senior Executive Service (SES). It was designed to do one thing, and frankly, it has not reached that goal. And I think it is time we look at it, especially those people who burrowed in at agencies with very high salaries, guaranteed bonuses, without the kind of flexibility that the system was designed to embrace.

I also want to make sure that we talk about GSA, and there are so many issues at GSA that need to be addressed. And I know that having had a conversation with Ms. Murphy, she is fully cognizant of some of the biggest challenges she is going to face.

So thank you, all three, for being here. I will look forward to questioning you.

I do want to apologize now. I have to go to the White House to talk to the President about tax reform in about less than an hour. So if I leave during the hearing, please do not consider that as any

kind of slight of any of the three of you. It is just that I have this obligation I have to meet in about an hour.

Thank you very much.

Chairman JOHNSON. Thank you, Senator McCaskill.

It is the tradition of this Committee to swear in witnesses, so if you will all stand and raise your right hand.

Do you swear the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. PON. I do.

Mr. RIGAS. I do.

Ms. MURPHY. I do.

Chairman JOHNSON. Please be seated.

Our first nominee is the nominee to be Director of the Office of Personnel Management, Dr. Jeff Pon. Dr. Pon has devoted his career to human resources management in both private and public sectors. He is currently the Chief Human Resources and Strategy Officer at the Society for Human Capital Management.

Prior to that, Dr. Pon worked as Chief Operating Officer (COO) at Futures, Inc.; as a Federal contractor at Booz Allen Hamilton.

Mr. Pon previously served as Chief Human Capital Officer (CHCO) at the U.S. Department of Energy, as Deputy Director of eGovernment at the Office of Personnel Management.

Dr. Pon received his Ph.D. and master's of science degree from the California School of Professional Psychology and a bachelor of arts degree from the University of Southern California. Dr. Pon.

**TESTIMONY OF JEFF T.H. PON, PH.D.,<sup>1</sup> NOMINATED TO BE  
DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT**

Mr. PON. Thank you, Chairman Johnson, Ranking Member McCaskill, and Members of the Committee for the honor to appear before you today to discuss my nomination to be the Director of the U.S. Office of Personnel Management.

I would like to thank my family—Gillian, my wife; and my two daughters, Cordelia and Charlotte—for supporting me through this process and transition to serve, if confirmed, as the Director of the U.S. Office of Personnel Management.

I would like to thank President Trump for the trust he has put into me to lead and manage the Office of Personnel Management, which as you know is a vital agency to ensuring the proper functioning of the Federal Government.

I would also like to thank the Senators who I have had a chance to visit with prior to today's hearing and their staff.

I felt we had very honest and straightforward discussion about the obstacles we face, and I was inspired by their commitment to working together to solve big problems with big solutions.

I would also like to thank the staff of the Committee that took the time to speak to me during this process. If confirmed, I am looking forward to leading the hardworking Federal employees of OPM who serve the American public.

I would like to thank my friend, Acting Director Kathy McGettigan, who is here today, for her friendship, for our time to-

<sup>1</sup> The prepared statement of Mr. Pon appears in the Appendix on page 39.



gether when previously I served at OPM, and her support through this process.

My prior professional experience includes working in both the public and private sectors, including my time at OPM, where I led several eGovernment initiatives, and at the Department of Energy, where I served as the Chief Human Capital Officer.

In the private sector, I have gained working experience with companies and organizations of various sizes and have seen technological advances that they have been able to make to better serve their employees.

Through this public-and private-sector experience, I developed a keen understanding of the role human resources plays in the success of organizations.

Furthermore, I gained firsthand knowledge of the challenges Federal managers encounter while accomplishing the mission of their organizations. I have continually focused on mission-driven efforts, and along with the knowledge of developing and implementing large-scale change, I understand how to develop and implement large-scale change that will be important in my role, if confirmed as Director.

OPM and the government faces many challenges, but I believe we can overcome those obstacles. In my lifetime, which I mean during my service as OPM Director if I am confirmed, I want to work with this Committee to tackle the big problems.

We have not taken a hard look at our civil service laws in decades, and we are relying on paper processes, and in too many areas the Federal Government is not a workplace that is keeping up with the demands of the next generation of public servants or serving our current Federal employees.

I believe we can do better, and working together, I believe we can implement the many ideas that I have already had the opportunity to speak with some of you about prior to our meeting today.

If confirmed, I plan to concentrate on the most important resource at OPM and in the Federal Government, its people. My imperatives or non-negotiables for both myself and my teams are the following: always tell the truth, work together as a team, make the tough choices, treat everybody with dignity and respect, enhance the reputation and accomplishments of those around you, value differences, and create an environment that energizes you and the team around you.

If we integrate these principles into our daily work, I believe we can be successful in overcoming the obstacles before us today.

I would like to include in the testimony today a favorite quote of mine from Thomas Jefferson: "As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the circumstances of change, institutions must advance also to keep pace with the times."

In my lifetime, I have been fortunate enough to see technological advances in the public and private sector, and if confirmed, I look forward to leading OPM as it continues to advance to better serve the Federal workforce and, as a result, better serve the American public.

Thank you for your consideration, and I am happy to answer any questions that you may have.

Chairman JOHNSON. Thank you, Dr. Pon.

Our next nominee is the nominee for the Deputy Director of OPM. Mr. Michael Rigas has over 20 years of experience in improving organizational structures and streamlining operations in the private, public, and nonprofit sectors.

Mr. Rigas currently serves as an advisor in the General Services Administration Office of Small Business Utilization. He previously served as Chief of Staff of the Massachusetts Department of Veterans' Services.

Mr. Rigas has also worked as Political Director for the Republican Party of Massachusetts and as Deputy Director of Coalition Relations of the Heritage Foundation. He has also served as Associate Administrator at the General Services Administration.

Mr. Rigas received a master's of public administration degree from Harvard University and both a master's of arts and bachelor of arts degree from Boston University. Mr. Rigas.

**TESTIMONY OF MICHAEL J. RIGAS,<sup>1</sup> NOMINATED TO BE  
DEPUTY DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT**

Mr. RIGAS. Thank you, Mr. Chairman, Ranking Member McCaskill, and Members of the Committee for the opportunity to appear before you today. It is an honor to be nominated to be Deputy Director of the Office of Personnel Management, and I would like to thank President Trump for the opportunity to serve.

I would also like to take a moment to thank my wife, Laura; my parents, John and Zoe Rigas; my siblings; and other family and friends who have supported me throughout my life. It is from my parents that my siblings and I were taught the importance of public service as a way to give back to the country to which they immigrated. My father spent over 25 years as a public school teacher, and among the seven children in our family, five are in public service today.

I would also like to thank the Chairman and Committee staff who took the time to meet with me during this process, and I look forward to working with you and with the Members of this Committee, if confirmed.

I would also like to thank Acting Director McGettigan for being here today and for her support during this process.

I am grateful to be before you today to be considered for a position where I would have the opportunity to serve Federal employees and the American public. I know from my own experience at the State and Federal Government levels, the commitment and dedication of those who serve their country.

I hope to bring my over 20 years of management and leadership experience to bear on the challenges facing OPM today. If confirmed, I will work with agency leadership and staff to further OPM's ability to execute its mission of recruiting, retaining, and supporting the Federal workforce in the most efficient and effective way possible.

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<sup>1</sup> The prepared statement of Mr. Rigas appears in the Appendix on page 112.

OPM has faced a number of challenges over recent years. If confirmed, I look forward to rolling up my sleeves and working to address the pressing issues the agency faces.

In particular, I hope to focus on building on the work already undertaken to improve the information technology posture of the agency and restore the confidence of the public in the agency's ability to safeguard and protect Federal employee data.

There are also opportunities at OPM to modernize how the agency's work is carried out and how it can support Federal employees, retirees, and those seeking Federal employment.

In my previous experiences in the public and private sectors, I have implemented reforms, streamlined operations, and reduced the amount of time it takes to process benefits. These are the types of experiences I would like to bring to the role of Deputy Director, if confirmed.

In my previous professional leadership roles, I believe I left those organizations in a better position than I found them. I have endeavored to make a positive and meaningful impact, both in the public and private sectors, from improving customer service to saving taxpayer dollars. Each of these successes was possible because of the dedicated men and women I have had the privilege of serving with who worked together as a team to achieve a shared vision of a better workplace for our organization and better service for our customers and taxpayers.

It would be an honor to serve at the Office of Personnel Management, if confirmed, and to serve those who seek a career in public service, those currently serving, and those who have retired from Federal service.

I would like to thank the Committee for considering my nomination, and I look forward to answering any questions you may have.

Chairman JOHNSON. Thank you, Mr. Rigas.

Our final nominee, Ms. Emily Murphy, nominee for the Administrator of General Services Administration, will be introduced by Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

Mr. Chairman, as the senior Senator from Missouri and the Ranking Member of this Committee, it gives me great pleasure to introduce Emily Webster Murphy as President Trump's nominee to serve as Administrator of the General Services Administration.

Ms. Murphy was born and raised in St. Louis, and her family is here with her today. I will say that in full disclosure that her parents, Jim and Mimi Murphy, are friends of mine and friends of my husband's, and the Murphy family has a very impressive and successful local business, Murphy Company Mechanical Contractors, and I am proud that they are all here today along with her siblings and her niece and nephew to cheer her on and give her the support that she so rightly deserves from her family.

Welcome to the Murphy family, to the U.S. Senate.

Following her graduation from Smith College, Ms. Murphy worked for the family business and then moved to Washington, D.C., to serve as a professional staff member on the Committee of Small Business in the U.S. House of Representatives.

After attending law school at the University of Virginia School of Law, she returned to Washington to begin a distinguished legal

career in both the public, including service both in the legislative branch and the executive branch and private sectors, both as a practicing attorney and house counsel for a startup business.

She began her career in Federal procurement in 1997 and has worked on acquisition issues in a variety of capacities of the last 20 years. As an attorney, she represented clients on government contracting and compliance issues, including bid protests, contract disputes, lobbying on small business and procurement policies, as well as crafting legislative and regulatory action plans. And while working for the U.S. Congress in various roles, she conducted robust oversight of Federal procurement policy.

In the executive branch, she has served as Senior Advisor for Government Contracts and Business Development at the Small Business Administration (SBA) and the Chief Acquisition Officer at GSA under President George W. Bush.

The GSA Administrator must be a dedicated public steward of taxpayer funds to ensure the American people get the best value and service for their tax dollars. During my time as Chair of this Committee's Subcommittee on Contracting Oversight, I investigated GSA for spending recklessly on public relations contracts and employee conferences.

Ms. Murphy's breadth of experience in government contracting and procurement has enabled her to consider and understand procurement policy from the perspective of GSA, its sister agencies, its vendor community, as well as its oversight bodies.

I had the pleasure of meeting with her in person a few weeks ago. During that conversation, we had a chance to talk about our families, our love of St. Louis and Missouri, as well as challenges ahead for GSA.

She has a complete working understanding that managing the Federal procurement policy is no small task and is focused on reforming the acquisition process to increase both competition and competence.

She wants GSA to be a leader in assisting Federal agencies as they update their information technology and cybersecurity infrastructure.

She is committed to ensuring the success of our recently passed Federal Asset Sale and Transfer Act, which I know will make Senator Carper happy. She wants to manage real property and identify savings for the American people. She wants to move expeditiously to implement recommendations made by the Government Accountability Office (GAO) and the Inspector General (IG) for the acquisition and disposal of Federal property.

Finally and most importantly, she pledged to create an environment at GSA where all employees feel comfortable reporting waste, fraud, and abuse to management, the Inspector General, or Congress, without fear of reprisal.

I cannot imagine someone that could be more qualified for this position, and it is my honor to introduce her to the Committee today. And let me just say with some confidence, I look forward to working with her as Administrator of the General Services Administration.

Chairman JOHNSON. Thank you, Senator McCaskill.

There are three questions the Committee asks of every nominee for the record. I will ask the question and then just go from my left to your right.

Senator McCASKILL. She did not have a chance to testify.

Chairman JOHNSON. Oh, you are right. She did not.

Ms. Murphy, well, it was such a glowing—do you really have anything to add? [Laughter.]

**TESTIMONY OF EMILY W. MURPHY,<sup>1</sup> NOMINATED TO BE  
ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION**

Ms. MURPHY. Maybe I should stop talking now.

Senator McCASKILL. This goes under do not sell past the close. [Laughter.]

Chairman JOHNSON. Ms. Murphy.

Ms. MURPHY. Thank you.

Good morning, Chairman Johnson, Ranking Member McCaskill, and Members of the Committee. I am honored to be here today and to be nominated to serve as the next Administrator of the General Services Administration.

I want to especially thank Senator McCaskill for her kind remarks and for allowing my family to use her office as a base today.

Before I begin my formal remarks, with your permission, I would like to introduce my family members who came in from St. Louis: my father, Jim Murphy, who taught me the value of hard work by having me answer phones at the family business; my mother, Mimi, who started practicing law in 1971, showing me that women really can do anything; my sister Anne Hill and her husband, Rob, who had the courage to start their own small business; their children, Charlie who is 10 and Jane who is 8; and my brother, Joey, who probably has the most important job of any of us, teaching the next generation.

While St. Louis will always be home, I have been in D.C. working on Federal contracting issues for over 20 years now. I have benefited from approaching these issues from a variety of perspectives—legislative, executive, and private sector.

In my 9 years on the Hill, I have had the opportunity to work on contracting reform, first for then Congressman Jim Talent as the head of the House Small Business Committee. As the junior staffer, I got the issue no one else wanted, procurement policy, and I really like it.

I later returned to the Committee to work for Chairman Sam Graves and Chairman Steve Chabot. Until January, I worked for Chairman Mac Thornberry at the House Armed Services Committee.

I have also spent nearly 4 years in the executive branch implementing the laws that Congress passes, both at the Small Business Administration and during my tenure as the Chief Acquisition Office at GSA.

Through my previous roles in the legislative and executive branches, I have gained a deep appreciation for the oversight responsibilities of Congress. If confirmed, I pledge that you will have an accessible, transparent, and responsive Administrator.

<sup>1</sup> The prepared statement of MS. Murphy appears in the Appendix on page 165.

Equally importantly, in the private sector, I have worked both as an attorney helping small businesses comply with contracting regulations and as an employee of a tech startup. As a result, I understand the barriers to entry that ultimately limit competition.

The longer I work in Federal acquisition, the more I realize that good contracting saves taxpayers money, improves competition, and allows agencies to better execute their missions.

In 2017, as government continues to modernize, GSA's mission is to provide contracts, buildings, technology, and other mission support services in the most efficient and cost-effective manner possible. If confirmed, I will hold GSA to that mission.

To that end, I intend to focus on four overarching priorities. The first is to provide ethical leadership. The citizens we serve deserve confidence in the integrity of their government. I will strive to earn that trust every day by creating a culture within GSA that puts the taxpayers first, encourages a diversity of opinions, values the contributions of all employees, and promotes a safe culture for reporting misconduct.

My second priority is to reduce duplication. Significant opportunities exist to reduce duplication in GSA's internal mission support services and its systems, which will in turn reduce barriers to entry for contractors, barriers to access for other agencies, and the risks associated with managing outdated systems. Within the Public Building Service, GSA should facilitate the disposal of unused or underutilized real property. Further, where appropriate, GSA should reduce duplication by facilitating the adoption of shared services across agencies.

Third, it is critical that the agency look for ways to increase competition. There are opportunities to do so both at the contract award level and at the task order level. In terms of real property, the leases for over 100 million square feet of office space are set to expire in the next 5 years, which is an incredible opportunity for GSA to work with Congress and its tenant agency to get better deals.

Finally, improving transparency is central to the agency's work. Whether this means providing a database of Federal real property assets, making data more available at data.gov, or improving the system for award management, transparency will not only expose flaws and instill confidence in the integrity of our government but also increase competition and ultimately save taxpayer money.

These priorities should be applied to nearly every facet of GSA's mission. They will provide a framework for addressing recommendations from the GAO and from the IG, and most importantly, they are the key to instilling public confidence in the agency.

Thank you for the opportunity to be here today. If confirmed, I am excited about the opportunity to work with all of you, and I would be happy to answer any questions you may have.

Chairman JOHNSON. Thank you, Ms. Murphy. That was well worth the hearing. Sorry I almost overlooked your testimony.

There are three questions that the Committee asks of every nominee, so I will ask the question, then, from my left to right. Please respond.

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

Mr. PON. No.

Mr. RIGAS. No.

Ms. MURPHY. No.

Chairman JOHNSON. 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. PON. No.

Mr. RIGAS. No.

Ms. MURPHY. No.

Chairman JOHNSON. Finally, do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. PON. Yes.

Mr. RIGAS. Yes.

Ms. MURPHY. Yes.

Chairman JOHNSON. Thank you.

One of the reasons I try moving these hearings along is when I see I have good attendance, I really want to be mindful of the time.

I only have one line of questioning, and it really has to do with a ruling OPM—and I know, Dr. Pon, we have talked about this, but just a quick little timeline. That will not take long.

In the summer and fall of 2009, the Senate was debating health care reform in both the Health, Education, and Labor Pensions (HELP) and the Finance Committee. Both Senator Coburn and Senator Grassley offered amendments to require Members of Congress to purchase health care in the same situation, same basis changes or a plan produced by whatever legislation came up.

November 18, 2009, the Patient Protection Affordable Care Act was introduced into legislation, and it included language similar to Dr. Coburn's, which required Members and staff to enroll in one of the new health insurance programs created by the bill.

Now, there was no provision for an employer contribution. So Senator Grassley tried to offer an amendment, which was never voted on during that process, and of course, Obamacare was passed on Christmas Eve.

March 24, 2010, Senator Grassley again introduced an amendment during the debate on Health Care and Education Reconciliation Act that would have allowed an employer contribution that could be used only to purchase insurance through State-based exchanges, which is what was required under Obamacare.

That amendment failed, 43–56. So Congress expressly stated that no employer contribution would be allowed into the health care plans that Members of Congress had to buy through the exchanges.

Fast forward. On October 2, 2013, as we were approaching the implementation of Obamacare, in some way, shape, or form, the Office of Personnel Management came up with a scheme to allow Members of Congress to be viewed as a small employer with 50 employees, even though we have over 10,000, to purchase insurance

through Small Business Health Operations Program (SHOP) exchange, which did allow an employer contribution.

On October 9, 2013, Senator David Vitter requested information, documents in terms of how OPM reached that conclusion.

On January 6, 2014, I initiated a lawsuit to overturn what I think is an unlawful ruling.

Fast forward to February 2, 2016, Senator Vitter again requested information because he had not received any documentation. February 5, 2016, in a hearing on Beth Cobert's nomination for OPM Director, I asked her to commit to help me get that information. February 24, 2016, Vitter again wrote OPM asking for those documentations. Finally, on March 15, 2016, OPM provided limited documents, did not really tell us much.

I have continued to request that information. August of this year, I requested the documents again. I was provided on September 1 the same documents that David Vitter was provided, again, no information. So on October 4, I wrote another follow up letter saying that I might have to subpoena the records.

So, Dr. Pon, what I am asking you is a commitment to provide that information if you become Director of OPM.

Mr. PON. Sir, thank you for meeting with me, first of all, and highlighting this as a priority for you to get done. I do believe it is a very important issue, and the request, I believe, has been recognized in OPM. And they are in the process of providing you documentation of which I do not know the extent of which the documentation if confirmed, I will make sure that I look into it myself personally. I will make sure that if there is any documentation to be provided to you, I will inform you what the status is and make sure that we will follow up on it.

Obviously, this is Federal Employee Health Benefits. I know of no other organization in the private sector, to the best of my knowledge, that actually provides a contribution to a public exchange.

So with that said, if confirmed, I will be responsive to the request that you have currently, and I will be hopefully reviewing all of the materials that are available to OPM in regards to your concern.

Chairman JOHNSON. OK. Thank you.

Without a doubt, this is special treatment only for Members of Congress and their staff, and so I will just put the Administration on notice. They have basically told us they are going to begin document production on a rolling basis. Unless I am satisfied that that is being done in good faith, that I am going to get all the documentation, no offense to you, I will be holding up your nomination.

And with that, Senator McCaskill.

#### **OPENING STATEMENT OF SENATOR CARPER**

Senator CARPER. Mr. Chairman, could I just interject here, not to be counted against your time? Could I just make a quick statement?

Yesterday, an encouraging word out of negotiations between Senators Alexander and Murray on health care, trying to stabilize the exchanges—I think this is an issue that just cries out for us to sit down and just talk it through.

I think we have over half the people in this country get their health insurance through large group plans. Almost every one of



them have an employer contribution to their plan. Federal Government, all Federal employees, except—including now us—get some kind of employer contribution to the—and we have to pay a share, and so do most employees around the country into their—that is the way we do—we provide health care in this country. We have done it for years, and it makes sense.

Let us find a way so that the thing that I do not want to end up with is saying we are going to treat the legislative branch employees differently than every other Federal employee and differently—

Chairman JOHNSON. Take a look at how you voted for those things.

Senator CARPER. No. This would be a great—rather than just like going back and forth, let us just sit down and work this out. If Lamar and Patty can make the kind of contribution and progress they did on a much harder issue, we ought to be able to work this out.

Chairman JOHNSON. Yes. But again—

Senator CARPER. And I pledge to do that with you.

Chairman JOHNSON. Happy to. I will be introducing, hopefully, a piece of legislation today or tomorrow in terms of CSRs, but 4 years, I have been trying to get this information for 4 years and have not been able to do it. I have run out of patience.

So I think this is an important piece of information to have, these levels of documents, and again, I am just saying I want that—but I think that will be part of the record—so we can actually come to a conclusion on this, OK? Senator McCaskill.

Senator MCCASKILL. Let me just point out what I think is obvious that no Member of Congress is required to take the employer contribution. So if you voted to not take an employer contribution, then you have the ability to turn it down.

I certainly feel for what Senator Carper was addressing. It seemed terribly unfair to our staffs that every member of the Federal Government gets a Federal contribution for help with their health care, like most people who work in businesses in this country. It is terribly unfair to sacrifice them at the altar of politics, but certainly, every member has an individual decision they can make about whether or not they take the employee contribution. They have that freedom of choice. So you can be consistent with your vote if you want to be, those who voted to do that.

Let me ask this first question of all of the witnesses. We had a controversial legal opinion coming out of the Office of Legal Counsel earlier this year at the Department of Justice (DOJ), and it basically said that there was no obligation on the Federal Government to respond to Ranking Minority Members on oversight requests.

I have been grateful that seems to have been walked back, and I think most, if not all, of the nominees that have appeared in front of this Committee have said, no, absolutely, they would respond to requests from Minority Members as well as Majority Members in terms of oversight.

But I want to make sure I actually get everybody on the record. Do you agree or disagree with this legal opinion, and are you will-

ing to provide oversight documentation to both Minority and Majority Members of Congress? Dr. Pon.

Mr. PON. I will be responsive to the request both from the Majority and Minority.

Senator MCCASKILL. Thank you. Mr. Rigas.

Mr. RIGAS. Yes, Senator McCaskill. I will also be responsive to requests, both from the Majority and Minority Members.

Senator MCCASKILL. And Ms. Murphy?

Ms. MURPHY. Yes, Senator. As someone who has spent 9 years of oversight on the Hill, I will be very responsive to both Members of the Minority and the Majority.

Senator MCCASKILL. You feel our pain, don't you?

Ms. MURPHY. I do.

Senator MCCASKILL. Dr. Pon, as you and I have been very involved in the National Background Investigation Bureau (NBIB) stand-up. We had a really bad situation going on with a contractor, and we had high-profile mistakes in terms of security clearances. So we have tried to stand up this bureau to handle all of the background checks for over 100 Federal agencies.

And obviously, we still have a significant backlog.

Mr. PON. Yes.

Senator MCCASKILL. And I am worried that we have made progress and because we have not quite gotten to the Promised Land, the Department of Defense is now saying, "Well, we want ours back."

Mr. PON. Yes.

Senator MCCASKILL. Can you address this and what your view is on how we can continue to make progress in this important area in terms of the centralized, professionalized ability for the government to do reliable background checks on employees with classified and sensitive information?

Mr. PON. Senator, thank you for your question. My personal experience with many of the services, including background investigations, is that the Federal Government at times puts certain resources in many different organizations, and inconsistencies happen as a result, both from a policy standpoint and also from a service standpoint.

My experience in providing shared services such as payroll and others is making sure that there is standardization, unification, and simplification. Many of the things that we do, we overcomplicate.

In regards to the backlog, I do know that you know the history of it, coming over to OPM in 2005, and then we had the mishap of losing everybody's security background investigations. And then we had a workforce issue due to that from the contractors leaving. We never recovered that capability, but we have built it back, now that the NBIB is stood up. It has been about a year. We are evaluating their performance, and it seems as though it is stabilizing the investigations process, yet still we need to make substantial results in terms of whittling down the backlog.

Obviously, there are two parts of the backlog. One is the incoming and growing incoming and also the management and adjudication of the different types of investigation files.

Background investigations itself, we have many different methods of looking at investigations. And excuse me. When I say “we,” the OPM has many different ways of doing that, but it still does not replace the doorknockers, if you will, going to a person’s neighborhood, employer, and interviewing people. So that at times does require some work, but I do believe that I have read Acting Director McGettigan’s concerns about moving it, including DOD, and proper planning is required currently for looking at whether or not it is feasible.

Senator McCASKILL. Thank you.

Another question for you. One of the challenges with acquisition is, of course, there has to be rules, so we do not have sweetheart contracts. We do not have no-bid contracts. We do not have “It is who you know, not what you can perform.” We have to make sure we are getting value for our money.

But there is a sweet spot, and the Chairman is right. Sometimes we have made this overly complex. The same thing can be said for hiring, and as I mentioned to you, Dr. Pon, in our meeting, the best example I can give of this is the one that Heather Wilson told me when we were at the Air Force Base in Missouri. She sent over for hiring at OPM someone to do the simulator training on the F-35, and she was very upset when it came back that they would not approve this hire because the person had not had enough experience flying the F-35.

For those of you who do not realize what that means, the F-35 has not flown yet. So no one is going to have experience flying the F-35. It is a new aircraft, and so the idea that they were disqualified on that basis just shows how nonsensical the hiring process has become in terms of trying to make it more efficient.

You and I have talked about this. Do you think you can make a sizable dent? Are you willing to predict? Can you get hiring down to 3 months? Can you get it down to 30 days? What is your goal in terms of how quickly we can get hiring done?

Mr. PON. Senator, thank you for that question. Making sure that we can have efficient and effective hiring is utmost of importance. It does take a considerable amount of time.

In my experience, I have had to, quote/unquote, push the bureaucracy to get results. At the U.S. Department of Energy, we had a conference locally here having to do with nuclear engineers, and if I looked at the general schedule (GS) which I could hire for, it was a difference of \$37,000 to \$125,000 in the private sector, and they could beat us by hiring on the spot. So what we did was we literally had a bunch of our HR people look and classify the incoming resumes that they typed on USAJOBS and then classified them, interviewed them at the spot. And within 2 days, we actually offered up hiring, and we hired three people from that. That was really to demonstrate a point that we can do it if we tried and not trade the, as I say, pink rock and red rock back and forth. What are you looking for? It is not that. And it just slows things down.

Simplifying things, making sure that managers have management self-service dropdown menus for position descriptions, applicant tracking systems that are much more automated to communicate between the job seeker and also the manager, that will speed up the process quite a bit. And I would hope that we can get

hiring in a reasonable amount of time. I still think 3 months is a long time, so that would be under that.

Senator MCCASKILL. OK. Well, we will have you back in a year and look at the numbers.

I know I am over time, Mr. Chairman, but I probably will not be here for a second round. So I will just ask that I will put on the record questions about whistleblower protections. It is very important that there is no retaliation for whistleblowers in the government. They do great work. Sometimes they are wrong, but many times, they have done great service to this country by blowing the whistle. And I want to make sure that all three of you are on the record before your confirmation votes about your attitudes and programs to protect whistleblowers from retaliation.

Thank you, Mr. Chairman, for your patience.

Chairman JOHNSON. And by the way, maybe you were not following this in the House. It did pass our Dr. Chris Kirkpatrick Whistleblower Protection Act.

Senator MCCASKILL. Yes. No, I know.

Chairman JOHNSON. That was right out of this hearing with Sean Kirkpatrick.

Senator MCCASKILL. I know. I was here. Absolutely.

Chairman JOHNSON. I also want to quickly clarify the record.

Senator MCCASKILL. Sometimes the laws do not make a difference, though. I want to make sure that we recommend——

Chairman JOHNSON. I know. No, I agree.

Just to clarify, I am not opposed to employer contribution. I did it for 30-some years in my business.

What I object to is, for example, agencies not following the law as written. I object to special treatment for Members of Congress. We are the only ones that buy through these SHOP exchanges or through a——

Senator MCCASKILL. We do not——

Chairman JOHNSON. I know we should be, but again, we are the ones getting the special treatment. And I really do object to Members of Congress not being sympathetic to the forgotten men and women they are working hard. They have been priced out of the market, and we are just not doing anything to bring those premiums down.

So again, and by the way, the Republicans did not have a problem with employer contributions either. They actually voted for the Grassley Amendment. That is not what caused the defeat of that.

Senator CARPER. One last word on this. Again, Senator Alexander and Senator Murray have, I thought, shown a lot of courage, a lot of tenacity in negotiating a couple of steps that I think actually provide better health care coverage for some less money, bring down costs in the exchanges, stabilize the exchanges, which we need to do. And they are smart. They are a couple of smart cookies, very good negotiators.

We have some real smart cookies on this Committee and pretty good negotiators as well, and what we need to do is spend some more time and energy to figure out how we can make sure that we do not put Federal employees who happen to be in the legislative branch at an unfair advantage compared to the rest of the workforce and, frankly, Federal workforce compared to the rest of most

of the people who get coverage, the health care coverage in this country. So there has to be a way to work this out, and we look forward to doing that.

Dr. Pon, Mr. Rigas, Ms. Murphy, great to see you all. Thank you for your willingness to serve in these capacities. Those of you who helped raise these young people, and nurture them and give them the kind of values and belief in hard work that obviously that you have, thank you for doing that. And for those of you who are later or just friends, thank you for being here to support them.

We have been joined by Senator Portman. He and I have worked together on a number of issues that actually fall in your purview. One of the things we are working on, especially this year, is to try to make it more attractive to incent and encourage Federal employees to actually stay in the Federal Thrift Savings Plan (TSP), and there are some very thoughtful things that we have offered as legislation. I appreciate very much our partnership.

And I just flag that as something that we are working on. We are going to be looking to you for guidance from your vantage point, Dr. Pon, Mr. Rigas, and try to produce some smart things and actually encourage in ways that I would not have imagined, encourage people to stay in the Federal Thrift Savings Plan.

Dr. Pon and Mr. Rigas, speaking of smart cookies, Beth Cobert, who used to be the No. 2 person at the Office of Management and Budget (OMB) and was acting head of OPM and used to run McKinsey & Company's operation out in San Francisco, I have urged you to reach out to her. I would urge you to have an ongoing conversation. She is one of the smartest people I know. She has before us many times, and she could just be a great asset actually to the three of you. And she would be happy to do that. So if you have not taken advantage of that, please do.

And somebody mentioned the issue of real property, at least one of you mentioned that in your testimony, and one of my colleagues has as well. I have been pleased with how both the Administration of George W. Bush and the Administration of Barack Obama took a real active role in Federal real property management. I think Rob might have been the OMB Director for George Bush at the time to actually be behind some of that interest that Administration had.

Last Congress, several Members of this Committee worked to pass two pieces of property reform legislation that will codify many of those efforts and help keep the ball moving forward in this area, and I would just say, Ms. Murphy, what are your plans to ensure that the good work of now two Administrations, good work on real property reform continues in this Administration?

Ms. MURPHY. Thank you very much, Senator Carper, and thank you for taking the time to meet with me previously.

Senator CARPER. It was a pleasure.

Ms. MURPHY. Federal real property reform is the one GAO high-risk list item for GSA. Addressing it, and making sure that we look at opportunities to do a better job with our leases is a priority.

As I mentioned, we have 100 million square feet in leases at GSA that will be expiring over the next 5 years. It is an incredible opportunity to get better deals, and to look at longer-term leases. The average GSA tenancy or Federal agency tenancy in a GSA lease is

about 24 years. Our average lease is 6 years. We are leaving money on the table.

We are underutilizing our Federal buildings, and those that are underutilized or unused, thanks to you and Senator Portman, we now have a lot of authority to try and expedite the disposal of those. I am looking forward, if confirmed, to working with the Federal Real Property Board on actually expediting that reform, expediting that disposal, and trying to make sure that all the data is there as soon as that board is set.

I would also like to work, though, with this Committee on opportunities to look at public-private partnership opportunities so that we can get better deals on build-to-suit leases, such as the Department of Transportation (DOT), for example. It is my understanding that we have spent \$750 million on the Department of Transportation lease over 15 years, and at the time that that lease was negotiated, as I just learned last week, we had the opportunity to have a \$1 purchase option. But we went back and said, no, we needed to have a fair market value purchase option. So we are going to pay for that building more than once. I would really like to work with this Committee to try and address issues along those lines.

Senator CARPER. All right. Thanks.

A follow up question, if I could.

Ms. MURPHY. Yes.

Senator CARPER. Some of my colleagues have heard me talk about this before, but it bears watching. Our Committee used to be just "Governmental Affairs" for many years, and more recently "Homeland Security and Governmental Affairs." But they actually kind of meld together around one project, and the project is St. Elizabeths.

I think some of us have been out to St. Elizabeths. Some of us have actually visited the headquarters of the Department of Homeland Security (DHS) over the last dozen or so years. It is a hard agency to manage, 240,000 employees all over the world, a bunch of them in this part of the world. They are not in Delaware, but they are in Virginia. They are in Washington, D.C. They are in Maryland. They are spread all over hell's half acres, and a lot of times, the arrangements do not make much sense.

Jeh Johnson once said, "I do not know how somebody could be expected to manage an operation like this," and he said, "When I talked into it, I just said, 'You got to be kidding me.'"

And so the idea of St. Elizabeths, I used to think it was a boondoggle, and I actually went out there. I spent plenty of time with, I think, every former Secretary of Homeland Security, and they convinced me, no, it was not a boondoggle. It was actually a smart thing to do.

And the folks at GSA were smart enough to figure out how to get more money, save more money, by consolidating people rather than continue to have them spread out all over the place.

Would you just talk a little bit about this? I have become a believer. I was not initially. Jeh Johnson became a believer. He was not initially. But I think in the end, it saves money for us, and it actually gives us some hope and prayer of actually being able to better manage a huge unwieldy operation.

Please go ahead, Emily.

Ms. MURPHY. Thank you, Senator.

If confirmed, making sure the Department of Homeland Security has the headquarters they need to protect us all is going to be one of my top priorities.

I too have been out and visited the campus. I have seen the beautiful building they built for the Coast Guard. I have seen the work that is taking place in the Secretary's office. I believe that is going to be completed early next year, and so we will be able to start moving more of the DHS employees out there.

It is an ongoing process, and I know that we are working closely with DHS right now on a revised plan to provide to you and to the Committee.

Senator CARPER. Thank you, one and all. Thanks.

#### **OPENING STATEMENT OF SENATOR TESTER**

Chairman JOHNSON. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman, and I want to thank each and every one of you for your willingness to serve. And I mean that.

I am going to focus most of my questions around the Veterans Administration (VA) and the Indian Health Service (IHS), mostly the VA, and I will start with you, Ms. Murphy.

The VA has its own independent legislative authority to lease medical clinics around the country. Recently, Congress authorized 28 leases, one in Montana, and quite frankly, the process for leasing is incredibly slow. In other words, we got it through Congress finally, and we have a line of veterans in a facility that is way too small.

And I talked to my folks that are in the State to find out how things are moving along, and they are saying it is going to be a minimum of a year and probably longer before they get moved into a new space. That is incredibly disheartening for me when we know that there is a problem that needs to be dealt with.

So I would ask this. Do you have any ideas on how to speed that process up, how to make—I mean, I know you have responsibility here, and so does the VA. But at some point in time, both agencies need to work together and get this going. It should be done by the first of the year, in my opinion, but I may be unreasonable in that request.

Do you have some ideas on how we can speed this process up of leasing between agencies?

Ms. MURPHY. Thank you very much for the question, Senator.

I agree we need to do a better job making sure that our veterans have the medical facilities they need.

Senator TESTER. Yes.

Ms. MURPHY. In my role as a Senior Advisor at GSA right now, I am aware that we are actually working with VA—

Senator TESTER. Yes.

Ms. MURPHY [continuing]. To see if we can help them with their leasing. We have some contracts in place that can help speed up the leasing authorities, and we have a national broker contract and also something called the Automated Advanced Acquisition Pro-

gram (AAAP) process. We are trying to do anything we can to help them with that process.

Senator TESTER. OK. So we have a new Administration that has come on board, and you have an opportunity here to really make a difference.

I can tell you, as I go around Montana, there is a lot of frustration with GSA, and for the last 10 years, there has been frustration with GSA, to the point where I had one person tell me they are not happy until I am unhappy.

And so there is some opportunity for success here, and I can tell you that the little bit of common sense, looking at things, cutting the red tape, I think you can do this. And I just want you to know that. You have support on this Committee to do that, and so we will be pushing you to do that. I will be pushing you to do that at least.

I want to talk a little bit about qualified medical professionals, and I want to go back to you, Mr. Rigas. And I am going to preface this by saying that the President has talked about giving all the veterans a card and say go wherever you want. That is what he said during the campaign.

In your previous work with the Heritage Foundation, at least in my bio of you—and you can correct if this is wrong—it says you worked to advance free market and limited government policy solutions, which is—I am OK with that, but when it comes to the VA, that sounds like you want to privatize the VA. Could you give me some sort of assurance that that is either what you want to do or what you do not want to do?

And why I say this, because you are going to be in a position of hiring people, and I am going to get to another question with Jeff and you on this, that if you do not hire people, you are going to, in fact, be privatizing the VA.

Go ahead.

Mr. RIGAS. Thank you, Senator Tester.

In my role at the Office of Personnel Management, if confirmed, would be to assist agencies meeting their strategic needs, working with the heads of agencies and their chief human capital officers to ensure that their needs are being met.

I have had my most recent experience at the Massachusetts Department of Veterans' Services. It was a great opportunity for me to work directly with providing benefits to veterans, and I would look forward to finding, helping the VA get the resources it needs and the flexibilities it needs in terms of hiring to be able to adequately meet needs for our veteran population.

Senator TESTER. I appreciate that. Thank you for that answer.

The VA and IHS are incredibly understaffed. If I was going to say we have one problem, it is staffing and then it is facilities. And VA has many problems, by the way, but those are the two biggies.

And in Montana, I can tell you unequivocally, there are tons of positions that are not being filled, and these are doctors, these are nurses, these are medical professionals. And I got it. There is a lot of competition in the marketplace.

But, Jeff—and you can jump in on this too, Michael, if you like. But, Jeff, can you tell me what we can do to make this hiring—because, quite frankly, what happens is we get a doctor on the



hook, and by the time the gavel drops, they have been working for a private hospital 60 days or 90 days quicker. Can you tell me how we can speed this process up and make it a priority?

Mr. PON. Absolutely. So making sure that we have the right people is OPM's mission—right people, right place, right time—making sure that we can have a world-class work environment for our workers. And doctors at the VA, they are just in the front lines of taking care of our veterans. That is a personal passion of mine to make sure that our veteran population has the care it needs.

In terms of hiring, we need to speed things up. We need to make sure that everyone all the way down the line actually understands the authorities that they have, and if they do not have those authorities, I will talk to you and your constituents and make sure that we can discuss the issues, the challenges of hiring and retaining the talent that you have and making sure that we can take a look at what we need to get to get the right talent on board.

Senator TESTER. Perfect.

And if they are not utilizing those authorities, can you be proactive about telling us about that?

Mr. PON. Absolutely. I will be happy to brief everybody about that.

Senator TESTER. One of the other things you are responsible for, Ms. Murphy, is the fact that you can get rid of underutilized property. There is a proposal. It is mainly at the House at this moment. By the way, I do not have a problem with this, getting rid of underutilized property.

Here is where I have the problem. I just talked about the staffing. There is several clinics in Montana, community-based outpatient clinics that have not had a doctor in years, not because they do not need a doctor. It is because the VA or OPM or maybe both have dillydallied around about filling those positions. So if we did a Base Realignment and Closure (BRAC), it would make it look like those clinics are underutilized.

How would you deal with that situation where the underutilization is really caused by the agency more than it is caused by the need on the ground?

Ms. MURPHY. Thank you, Senator.

If confirmed, I would really want to work with VA and with this Committee to make sure we understood all the potential ramifications of disposal before we would move forward.

Senator TESTER. OK. Thank you very much.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Heitkamp.

#### **OPENING STATEMENT OF SENATOR HEITKAMP**

Senator HEITKAMP. Thank you, Mr. Chairman.

First off, along with all of my other colleagues, I want to thank you so much for your willingness to serve our country and in roles that are not always the most glamorous but are absolutely critically important to making sure that government functions and that we spend every dime of Federal taxpayer dollars effectively and efficiently.

And so I am going to leave Emily alone because she warned me that her niece, Jane, would come at me if I was mean to her aunt. [Laughter.]

So, Jane, you are pretty fierce, and so we are going to just thank your aunty for all the great ideas she expressed to me.

And Senator Lankford is not here right now, but I invited all of you, the two that I was able to meet with, to always work with our Subcommittee. We are very interested in what you find once you are there, very interested in working with you to remove congressional barriers to efficiency changes that you would recommend and modernization, I would say, and improvements.

And so I have just a couple targeted questions for you, Jeff.

Mr. PON. Yes.

Senator HEITKAMP. In August, GAO released a report that examined OPM's efforts since the 2015 data breaches to prevent, mitigate, and respond to future breaches. The report concluded that OPM has made progress in implementing the 19 recommendations that were made in the aftermath of the breaches, but some of the recommendations still need to be implemented.

If confirmed, what steps would you take to ensure that OPM fully implements these recommendations, and more broadly, what steps would you take to ensure OPM remains compliant with the Federal Information Processing Standards (FIPS) and the National Institute of Standards and Technology (NIST) standards and guidelines and others' ordinary security practices?

Mr. PON. Thank you, Senator.

I think information security is something that we all need to work on, on a daily basis. My experience in the Federal Government, we ran eGovernment initiatives, five eGovernment initiatives that had large-scale implications such as USAJOBS, the e-Payroll initiative, 22 payroll systems going into four shared service centers. Many of those systems have to be certified and accredited. I think they call it now "license to operate," and that is having to deal with the Federal Information Security Management Act (FISMA), requirements. At the time, it was 853. I believe it is at 871. That is the guidance that people take to ensure that the latest protections are instituted, and I think that is very important for us to make sure that we have professionals that understand that and do it for a living and we have the necessary personnel to do that.

I believe OPM had a target 2 years ago of hiring 6,500 cybersecurity professionals. I think to date, it is at 8,000-plus. So it exceeded its original goal, but I think not just getting the people on board to do that, but going through what we are required to do and what people have recommended us to do, we needed to be hawkish on those management requirements.

I have worked well with the IG in my previous past as well as GAO in looking at their recommendations and taking them under advisement and having project plans to close on those things. So my priority would be to look at the recommendations that are left and act on them.

Senator HEITKAMP. Dr. Pon, OMB has mandated an evaluation of agencies come back with streamlining or come back with perhaps reorganization plans.

One of the concerns that I have has been this idea that across-the-board cuts is the way to do this or you manage to attrition because what you could see is exactly a poaching of those high-profile, high-demand positions, which we then would be starving in exchange for probably overstaffing in other areas.

Mr. PON. Yes.

Senator HEITKAMP. So our expectation is that you will be heavily involved with OMB, that you will be working hand-in-glove to try and help them evaluate personnel needs within agencies. Can you commit to us that your work will be seamless with OMB and that you will be a fierce advocate for appropriate staffing, not just easy staffing?

Mr. PON. In my previous experience, Senator, with OMB, we had no daylight between us—try consolidating 22 payroll systems into 4 and telling people they are out of the payroll business and going to a shared service center.

OMB played the role of enforcing the laws that Congress gave us, such as the Economy Act, Clinger-Cohen Act, the PIA, and Antideficiency Act. So they, in essence, had to play the heavy, if you will. OPM wanted to make sure that they provided those services to the organization—

Senator HEITKAMP. But I also believe, Dr. Pon, that you are the first line of defense when agencies say we need this quality of person.

Mr. PON. Yes.

Senator HEITKAMP. So you need to be there saying, it may not make sense in North Dakota to eliminate positions for Bureau of Land Management (BLM) while the industry is looking for an appropriate timeframe for permitting. And so we need an advocate for common sense, not just what seems to be easy.

Finally, I think one of the frustrations that we have had, Senator Lankford and I have had, is OMB and the IG reports not being listened to, that we not see an appropriate response and, in fact, a defensive posture as opposed to “Wow, that is a really good idea. I think I will do that.”

And I want a commitment from all of you that you will listen to what the IGs say, you will listen to what GAO says, and that you will come back even stronger with even more suggestions for efficiency.

I want to start with you, Dr. Pon.

Mr. PON. Absolutely. So again, my leadership style is to be responsive and follow the advice of people that recommend those things, but also it is not to just manage the things that we get confronted of. To use your language, we need to be an advocate for leadership and having suggestions become more recommendations and ideation so that we can actually be creative about managing things.

Senator HEITKAMP. We will just skip to Emily.

Ms. MURPHY. Yes, Senator. I have always had an excellent relationship with our IG, and I look forward to working with them and the GAO.

Senator HEITKAMP. And I was really impressed that you were well aware of the high-risk concerns that we have and that very willing to address those on the front end.

This is our first conversation. It will not be our last in this room, and so I pledge to you to be a forceful advocate for your agencies that you look at reforming and doing the work that you need to do. We are all in this together.

So thank you, Mr. Chairman.

Chairman JOHNSON. Senator Lankford.

#### **OPENING STATEMENT OF SENATOR LANKFORD**

Senator LANKFORD. Thank you, Mr. Chairman.

Senator Heitkamp and I work on these issues a lot. So when you see the two of us on this dais, get used to that because we are going to spend a lot of quality time together walking through these issues.

Let me make the request of you now that she and I will make the request of you every time we get together. When we talk about a problem and an issue, whether it is in personnel issues or whether it is GSA or OPM, whatever it may be, we are going to ask you a simple question: Where is the problem? Draw a line down the middle. Tell us where you already have authorities to fix this. Tell us what authorities you need from Congress to fix this. I do not want to have 2 years from now us all pointing to each other and saying you have authority to do it and you are saying I need three words added different in one law or I am stuck. We need to be able to find a way to collaborate and work together.

So I will assure you that we will work together on these issues. We want to have a collaborative relationship because at the end of the day, the American people do not need to hear it is somebody else's fault. They just want it fixed. So we want to make sure that we have an ongoing dialogue in the days ahead.

We have all visited in my office and had the opportunity to be able to talk through some of these issues already, but I just want you to be able to hear publicly, we want to solve these things. We do not want to have a combative relationship. That does not help anybody. It helps us if we solve it.

So it is now 400-plus days to hiring for some agencies. We have 120 different hiring authorities out there that almost no one uses. They all ask for just direct-hire authority, though there is 120 other authorities that are there.

We have Federal properties that we have had empty for more than a decade in trying to figure out what to do with them and how to be able to dispose of them. We all see the issue. We have just got to find a way to be able to work together to be able to work it out and to be able to actually get this done. So that is what we look forward to actually doing.

Let me make just a couple of direct questions to each of you.

Dr. Pon, thanks for your commitment, what you have already done, for our visits already. You and I talked about the retirement system for Federal employees. This is something only Federal employees would think about, but for Federal employees that actually go to retirement and get there, they assume their benefits kick in, and they find out it is actually maybe 6 or 9 months later, their benefits kick in because of the bureaucracy in the process, because of literally tens of thousands of file cabinets and pieces of paper and someone is trying to track down that piece of paper.

Now, if I go into a normal workplace now, they have an electronic system. For some of them, that begins all the way in the hiring process, maintains that file. Even if they move to different departments, it remains consistently. They do their yearly evaluation in that system, and when they do a retirement, it also kicks into that system.

We have nine different processes—half of them paper, half of them electronic, some of them in cobalt in that process. We desperately need someone to be able to help us work that process out.

What can you tell me about your plans on dealing with that process, just to be able to streamline it?

Mr. PON. I can imagine a future where we have electronic recruitment all the way to retirement and death benefits.

Senator LANKFORD. That exists. That is not some myth.

Mr. PON. That is right.

Senator LANKFORD. That actually exists in the commercial marketplace.

Mr. PON. That is right. So the technology is not the problem. It is actually making sure that we execute on putting things together and simplifying things and making sure that the transactional data—not just paper, but transactional data that you need can actually be transacted in an efficient and effective manner.

I would prioritize the things that we need to process things, to keep things moving, and then worry about the paper a little bit longer in dual process.

Senator LANKFORD. Does that start with a single agency as an experiment, or does that start governmentwide? Where does that begin?

Mr. PON. I think there are pockets of the government that actually do this well, and there needs to be some sharing of best practices there, but making sure that we can demonstrate the principle of having a digital record be transferred from agency to agency and also start accepting digital files for the processing of retirement systems.

Senator LANKFORD. OK. I would only tell you that United States Customs and Immigration Service started 10 years ago to be able to update their system for visas, and it is still not done. Fifteen years ago, DHS started the process of trying to combine all their HR systems into one place, and it is still not done.

So while I say there are obvious solutions that are out there, we have had a lot of folks sit in that same chair and say, yes, this needs to be done, but we have big areas that are unresolved that are incredibly significant and slow the process down.

Mr. PON. Sure.

Senator LANKFORD. So we look forward to working together.

Let me just ask a blunt question: Do we need 120 different hiring authorities in the Federal Government?

Mr. PON. I believe that if we are not using them, we do not.

Senator LANKFORD. Yes. I do not think we do, and it is one area that we want to be able to work together to say what do we really need, what is the best way to accomplish this, how do we set standards for agencies on how they should accomplish hiring and allow them to be able to do that hiring. So let us work together to be able to resolve that.

Mr. PON. Looking forward to it.

Senator LANKFORD. Ms. Murphy, you have a big job. You have millions of acres of property inside. Some of them are empty currently, but for most any entity in most any city, they say the Federal Government is a great landlord because they always pay the rent that is out there on it, but it does not mean it is actually occupied. And they do not want it disposed of, and some communities actually fight us from disposing a property because they like just the anchor of that being there.

But we have a lot of unused space. How do we fix this problem? Because for years, there has been this conversation about fixing it. We have done some bills of late to try to resolve this. How do we fix it long term?

Ms. MURPHY. Thank you, Senator.

When I talked about reducing duplication, I really do mean we need to look at the duplication we have in Federal space, and better utilize the space we have, and dispose of the space that is either underutilized or unused.

Since I have been back at GSA since January in my role as a Senior Advisor, I have been monitoring the collection of data we are putting into the Federal Real Property Profile Database, which is going to go in and list out all those properties and the utilization rates. For the first time, I think this December, we will have the information from other agencies in there as well. So that when we have that board in place and the new expedited disposal authorities, we will be able to give them some real data to go in and crunch and analyze, and then GSA is ready to implement the disposal as soon as we get the sign-off from that board.

Senator LANKFORD. So with that utilization—which by the way, that is a tremendous asset, and I am glad to see that is on track to be able to get to that because the basic transparency to be able to see it—

Ms. MURPHY. Yes.

Senator LANKFORD [continuing]. Is what every American assumes we have and we have never had.

With the utilization, does it actually include utilization of the space or just GSA saying this space is rented, some Federal agency has rented it, or some Federal agency actually using that space? And you know what I mean. There are some spaces that are out there—

Ms. MURPHY. Right.

Senator LANKFORD [continuing]. That are rented by an agency, but they have been empty for decades. But we are still paying the rent.

Ms. MURPHY. So we have to work with our tenant agencies to get that information, and we are trying to get that information. In some cases, we have better information than others. I would love to partner with OPM on getting more information on where people are.

Senator LANKFORD. Yes. That would be a terrific asset for all of us because we have to make decisions. You have to make decisions on managing property.

Ms. MURPHY. Right.

Senator LANKFORD. We have to make decisions in oversight on whether the property that is being rented is actually being used, and if not, we may need to combine some folks and to be able to find good space that is actually less expensive or that they do not need to rent at all.

So I appreciate the cooperation on this, and we will be able to work together on it.

So thank you, Mr. Chairman.

Chairman JOHNSON. Senator Hassan.

#### **OPENING STATEMENT OF SENATOR HASSAN**

Senator HASSAN. Thank you, Mr. Chairman, and thank you to the nominees for being here today and your willingness to serve, and a special thank-you to your families because know this is a family affair when people step up to take these jobs. So I am very grateful to all of you.

Mr. Pon, I wanted to start with a couple of questions for you. I was grateful for the meeting we had a few weeks ago, and during the meeting, we discussed the issue of workforce training.

Mr. PON. Yes.

Senator HASSAN. As you know, funding for workforce training is an easy target when agencies are looking at ways to save money. Too often, Federal workforce is viewed as a cost, not as an asset, and training dollars are among the first to go. And here we are in this quickly evolving knowledge-based digital economy where in order for our workers to be effective, but also to be retainable in that role, they need to make sure that they can be trained in this changing technology and economy.

So what will you do to ensure there are adequate resources across the Federal Government and within OPM to train and prepare a knowledge workforce to meet challenges today and in the future?

Mr. PON. So it is interesting, that question, Senator, because we tend to manage money much better than people. We have a process, a rigorous process. You have your cost accounting managers and your financial planning and analysis. Where is the counterpart in the planning of your people?

In many organizations, whether public or private sector, I wanted to make sure that each and every one of the organizations that I work with had a human capital plan or a resource plan for their people.

Understanding what knowledge, skills, abilities, and experiences you need for executing the mission is very vital, but having each and every manager understand who is working with them and actually identifying where they are and where they need to be and how do we close the gap training, identifying that type of need across an agency is fundamental for us planning and resourcing them adequately.

I do believe, and I agree, that the first thing usually to go in public sector and private sector is the training budget, but I do also believe that people are our number one asset. And if you do not invest in their development, you are going to have a stagnant workforce.

We talk about the modernization of the workforce, having to focus in on digitization, segmentation, and personalization. Well, not many of our workers have actually lived that type of experience. So how do we acquire that? How do we train people up?

So that is the type of rigor that I would suggest for agencies.

Senator HASSAN. So I have your commitment to really elevate the importance of appropriate workforce training across agencies?

Mr. PON. You do.

Senator HASSAN. Thank you.

I want to follow up to Mr. Pon on Senator Lankford's questions. Another issue we discussed during our meeting was the long case review periods at OPM.

Mr. PON. Yes.

Senator HASSAN. And my office in State has received just a number of requests for help from Granite Staters whose cases with OPM, which are often related to really important timely issues, such as health insurance coverage, disability, retirement, have taken really many months to resolve.

I really appreciate how hard people are working at OPM and how hard our civil servants work when they are processing these cases, but I am sure you can understand the frustration our constituents feel when they cannot get a human on the phone—

Mr. PON. Yes.

Senator HASSAN [continuing]. Or a specific update on their status of their inquiry.

So I know that you expressed willingness in our meeting to address this issue, but what steps will you take to ensure that OPM cases are treated in a timely way? And at a staffing level, how can you guarantee that you have adequate personnel and resources in your casework division?

Mr. PON. Thank you, Senator, for that question.

I think the frustration of processing benefits or background investigations or even retirement is unacceptable. We do need to do a better job in doing that.

I think digging out of the paper and getting to a digital environment where you can have a lot of self-service and tiered services, where you can go and seek out the information and understand where your status is, is the first step.

The second step is to make sure that you have tiered services that are adequately resourced with the capability and capacity to respond to the need and service level.

If we were to establish service levels for getting back to people and resolving issues, that would be a big first step in making sure that we are customer driven.

Senator HASSAN. That would be very helpful. I think that focus on what you can do now to make sure that you are getting back to people, whether it is staff in a congressperson's office calling you or whether it is the constituent themselves, and then working on the long-term strategies.

Mr. Rigas, I wanted to touch base with you because in your testimony, you reference some of the challenges OPM has faced in recent years.

As you know, in June 2015, OPM announced several security breaches that had occurred regarding Federal employees' personal



data. Just 2 months ago in August 2017, GAO issues a report that found that OPM continues to lag in fully implementing recommended data security practices that could help secure Federal employee information from those kinds of crippling cyber-attacks.

Responding to this ever-evolving issue of cyber threats is a constant challenge, and it requires the Federal Government to act with the same degree of flexibility and adaptability as those who are launching the attacks to.

Two years of inaction on this front is not going to get the job done. In your testimony, you state that if you are confirmed, you hope to focus on building on the work already undertaken to improve IT at OPM and restore the confidence of the public in the agency's ability to safeguard critical data. I would like you to just expand on that by describing in more detail what steps you plan to take to improve data security practices at OPM.

Mr. RIGAS. Thank you, Senator.

As you mentioned, information technology was one of the items referenced in GAO's high-risk report. One of the first things I would do, if confirmed, would be to work with the internal and external stakeholders involved in the information technology area for OPM, and that would include both the Chief Information Officer (CIO) and the Chief Information Security Officer (CISO) to assess what progress has been made to date, what their plans are for ongoing progress, and assess if we need to change course, if we are on target, to meet the security and data protection needs that I think the Federal Government demands and that the public would demand for Federal employee data.

Senator HASSAN. Well, thank you for that.

And I am out of time. Mr. Murphy, I just wanted to thank you for meeting with me in my office, and I do not have any questions for you at this time. But congratulations on your nomination again.

Chairman JOHNSON. Senator Hoeven.

#### **OPENING STATEMENT OF SENATOR HOEVEN**

Senator HOEVEN. Thank you, Mr. Chairman.

Mr. Pon, the Office of Personnel Management both writes policies but also sells software to the other agencies. So does that create conflicts of interest, and how do you handle those conflicts of interest?

Mr. PON. Yes. There are certain services that OPM provides, and primarily, many of them are Human Resources Information Technology (HRIT)-related. So the subject-matter expertise that the fine men and women in OPM has, has a particular technical skill. Working with the contracting office as well as the customer requirements on certain things like USA staffing is an example of providing services for the Federal Government.

I do believe that agencies do have a choice with different types of contracting vehicles. With OPM, in particular, I think the big differentiator is the technical experience that the Office of Personnel Management has.

Senator HOEVEN. So you think that agencies have enough discretion so that there is not a conflict there? They can make a decision as to which software product they want to use?

Mr. PON. That is correct.

Senator HOEVEN. All right.

Mr. Rigas, this question goes to competition as well, and your largest customer is the Department of Defense, provides over half of OPM software, solutions, revenue. I guess the question, is this a situation where you have kind of a captive market, and if so, does that make you truly competitive and innovative in the products that you provide to the DOD?

Mr. RIGAS. Thank you, Senator.

I believe it is important for OPM to have a fair, open, and transparent competitive bidding process. If confirmed, I would certainly like to work with you and other Members of this Committee to address any concerns you might have with regard to the primary care that the agency has undertaken.

One of the first things I would do is, as I sit down with each of the program managers to assess where we are and what progress needs to be made, figure out what is going on with these individual procurements, if there are other competitively available providers for these services, and have they submitted bids or what led to the situation that you currently described, and if there is any action we can take to remediate that.

Senator HOEVEN. I think that is a good answer. I think that is important. Outside vendors have to feel like they have a fair and competitive shot so that the customer, be it DOD or whomever, gets the best product, and that you have to be willing to compete in the same way.

Mr. RIGAS. Yes.

Senator HOEVEN. Your background lends itself to the answer you just gave and making sure that happens, so I am encouraged to hear that.

Mr. RIGAS. Thank you, Senator.

Senator HOEVEN. Ms. Murphy, what challenges do you see with GSA from the standpoint of concerns about wasteful spending, some outdated practices, backlog of empty real estate? What are some of the things that you are going to bring in terms of innovation, transparency, accountability, and I guess build confidence in GSA and the job that they are doing?

Ms. MURPHY. Thank you very much for the question, Senator.

Competition in reducing waste and increasing transparency are two of the four things I am really hoping to work on at GSA.

Within the Federal Acquisition Service (FAS), which does over \$50 billion in contracts on behalf of other agencies each year, I would like to work to make sure that the ceiling prices that are being set for agencies are just the beginning. So we set a price on our GSA Schedule contracts. It is, more or less, like the rack rate on the back of the hotel room door. It is the most you are ever going to pay. We want to make sure that GSA's contracting officers and our policies support really vigorous competition at the task order level, because that is the amount we are actually going to spend, and so we get the best deal there, that we get the most competition we can there.

Part of that also, though, means reducing barriers to entry for other companies that want to do business with the Federal Government, so we have as many companies and approaches as possible as part of that solution.

It is the same thing on the Federal building side, making sure that we are working to identify the best vendors of leased space, that we are really competing the contract vehicles when we are doing construction. GSA has recently implemented a new construction manager-at-risk process to try and reduce the cost overruns in those construction contracts. We are working to make sure we dispose of property as we identify it in a timely fashion, that we streamline the process for disposing of those properties.

Senator HOEVEN. Going in there as a manager, how do you do that? I mean, do you go out in the field and look at these properties and look at the services? I mean, how do you bring that kind of innovation to the agency?

Ms. MURPHY. Senator, I think the first thing you do is talk to people. You talk to the GSA employees, and we have great people at GSA. I have been fortunate enough to spend the last 9 months there working with a lot of these folks.

A lot of it also is setting clear direction that we are going to put the taxpayer first in every deal. We have a goal of reducing the footprint, but if the better deal is to have more space, then we go for more space if that truly is a better deal.

That we have clear enforceable goals and that we use performance measures and we hold people accountable for meeting them, that we look at ways to modernize those schedule contracts I was talking about so that the GSA contracting professionals are not spending all of their time setting that ceiling price but are able to devote more of their time to going after that task order pricing.

Senator HOEVEN. In your 9 months that you have been there, what has the reaction been, and how do you feel about the progress you are making?

Ms. MURPHY. Well, so I have been there as an advisor in the last 9 months, but I would say that I have gotten a warm reception from GSA. And I think that the new commissioners of the Public Building Service and the Federal Acquisition Service are very excited about going forward with similar missions.

Senator HOEVEN. Do we have a big issue with the backlog of GSA facilities, or do you see that a lot of these or the vast majority of these properties are marketable, and that you can either rent or fill them or sell them or whatever is required?

Ms. MURPHY. So within GSA's inventory, once a Federal agency determines it does not need space anymore, they excess it to GSA. GSA then does an assessment of whether another Federal agency can use it and, if not a Federal agency, then we look at charitable institutions, nonprofits, or State and local governments. If not, then and only then, do we actually put it up for sale.

GSA, I think—and I could be wrong on this number—I think we have disposed of 37 properties this year. GSA does a pretty good job of moving those out, but with the new authorities that Congress granted last December, I think we will be able to do an even better job.

Senator HOEVEN. OK. Thank you.

Chairman JOHNSON. Senator Harris.

### OPENING STATEMENT OF SENATOR HARRIS

Senator HARRIS. Thank you.

Mr. Pon, so as you know, the Federal Government represents the people of the country, and in order to be most effective, the workforce of the Federal Government should reflect the look of the people that we represent. So I want to ask you a few questions about what you have planned, if confirmed, in terms of your role to help agencies strengthen diversity among the employees in the Federal Government.

So Executive Order 13583 is called Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Government Workforce. It was issued under the previous Administration. Are you familiar with that?

Mr. PON. I have not read the specific text, Senator, but I have, in my experience, worked with a lot of diversity and inclusion programs.

Senator HARRIS. OK. Will you be familiar with it, please, and then submit your thoughts about what you can do to pursue and continue that policy and what your plans are to strengthen diversity among the workforce, and if you can submit that information to me, I would appreciate that.

And when we look at then these numbers, I will tell you that while minority groups are underrepresented in the Federal workforce, this is especially true of the Senior Executive Service. And when we look at the number of Latinos, African Americans, Asian, and Native Americans, they make up only 19 percent of the SES combined. Are you familiar with those numbers?

Mr. PON. I am, Senator.

Senator HARRIS. And what are your thoughts about that?

Mr. PON. I think it takes time to make sure that we are doing the right practices so that there is a level of an inclusion not only from selection standpoint but also the candidate pools that we have.

I understand, if confirmed, studying up on the current initiatives that OPM has in promoting women in Science Technology Engineering Mathematics (STEM) and making sure that those programs are featured, so that we are recruiting proper numbers in our source pool, so that managers do not have an excuse for saying there is not a qualified candidate of a diverse background.

Senator HARRIS. And I am glad you mentioned women, which are only 33 percent of the SES positions in the Federal Government.

Mr. PON. Right.

Senator HARRIS. So what are your plans specifically for addressing this issue and changing these numbers?

Mr. PON. Yes. I think, again, it is the candidate pool that you can start with. We oftentimes just take for granted—we open something up on USAJOBS, an SES position, and just take for granted whatever comes in is the pool that you have. It is everybody's job to actually recruit. Every manager has to sell the mission of the organizations, and if you go into schools and places where you can source qualified candidates, that makes the government much stronger so that you are getting a better pool of candidates, a diverse pool of candidates, and the managers eventually will have an

opportunity to get the best and brightest based upon their qualifications and merit.

Senator HARRIS. Thank you.

And the OPM issued a strategic plan. Are you familiar with that, around diversity and inclusion?

Mr. PON. I am.

Senator HARRIS. And do you commit to reviewing the outline and recommendations in full and enforcing and implementing the recommendations?

Mr. PON. I will.

Senator HARRIS. Thank you.

Then on the issue of Calexico, I would like to speak with Ms. Murphy. Calexico, California, which is on the border with Mexico—in fact, the other side of that is Mexicali. That is an interesting play on the words. The current Calexico West Port of Entry (POE) was constructed in 1974. It is outdated and badly in need of repair. Wait times for passenger vehicles and pedestrians who cross at the Calexico West Port of Entry costs the Imperial County, which is the county right there on the border—but it costs us as a State and that county, in particular, jobs and economic activity and tax revenue. Are you aware of this project, the Point of Entry Project there?

Ms. MURPHY. Yes, Senator, I am.

Senator HARRIS. And can you tell me what you plan to do about addressing the needs of that area and understand, of course, the impact as it relates to the people who live in that community?

Ms. MURPHY. Yes, Senator. If confirmed, I would like to work with you and with the Department of Homeland Security, to make sure that we are fully committed to modernizing the border crossing station.

Senator HARRIS. And do you have some thoughts about how we can do that?

Ms. MURPHY. With land ports of entry GSA usually defers first to the Department of Homeland Security on what the requirements are for the expansion. We work with them to then implement the plans that they have. So it is our job to, once they have the requirements, go in and implement it quickly and efficiently.

Senator HARRIS. OK. Thank you.

So I look forward to working with you, if confirmed, on that issue. It is a big priority for my State.

And then back to you, Mr. Pon. On October 4, the Attorney General (AG) Jeff Sessions issued a memo stating that Title VII's prohibition on sex discrimination encompasses discrimination—which includes discrimination between men and women but does not encompass discrimination based on gender identity, per se—this is what he said—including transgender status. This was followed by an amicus brief filed by the Department of Justice under Sessions on July 27, which said that Title VII does not reach discrimination based on sexual orientation.

Notwithstanding these pronouncements, the LGBT Federal employees, in fact, have a right to bring claims under sexual orientation and gender identity discrimination through the Federal Equal Employment Opportunity (EEO).

My question for you is that previously OPM provided training and resources to agencies and employees on how to prevent and detect and respond to discrimination based on sexual orientation and gender identity. Do you commit to continuing doing that work?

Mr. PON. If confirmed, I would take a look at what the current practices are and enforce the law as it stands right now. My job is to make sure that we implement and surround implementation with training and development, so agencies can uphold the law.

Senator HARRIS. Do you understand you would not be in violation of the law to continue the practice of ensuring that Federal employees are trained to avoid, to detect, and to report discrimination based on gender identity or sexual orientation?

Mr. PON. Senator, if confirmed, I would make sure that I understand the law and enforce the law.

Senator HARRIS. What do you believe the law to be right now as it relates to discrimination against people based on gender identity or sexual orientation?

Mr. PON. So, as you have indicated, training and development for making sure that we do not discriminate based on sexual orientation or gender identity is the current law.

Senator HARRIS. Thank you.

Chairman JOHNSON. Thank you, Senator Harris.

I want to go back to a question that Senator Hassan asked of Mr. Rigas and direct this at Dr. Pon. After the OPM breach, hack, we held a hearing, and I held a stack of about seven or eight of these that the entire Federal Information Security Modernization Act audit, it was the one from November 2016.

Mr. PON. Yes.

Chairman JOHNSON. They almost could have cut-and-paste the summary, but let me just read some of the conclusions: "This audit report again communicates a material weakness related to OPM's Security Assessment and Authorization Program. The audit report also reissues a significant deficiency related to OPM's information security management structure. There has been a significant regression in OPM's compliance with FISMA requirements as the agency failed to meet requirements that it had successfully met in prior years."

They do acknowledge that OPM has played a significant effort toward filling these positions that you talked about, the number of people who have been hired in cybersecurity, but simply having the staff does not guarantee that the team can effectively manage information security.

This has been a big problem. It has been a big problem for years. It has not been adequately addressed. So I just wanted to give you the opportunity to kind of lay out what your game plan is going to be to finally fix this after literally more than a decade of these warnings, with very little being done, and of course, then we saw the massive loss of information.

Mr. PON. Thank you, Senator, for your question. This is my number one priority to make sure that we have security, not only information security, but personal security, making sure that we have a safe workplace.

In regards to the report, I will tell you that on my watch, we will make sure that we not only have the qualified people, but we have

a plan to execute and deter the risks that we have. We have a designed threat analysis. I want to make sure that those are robust so we can prioritize and alert people on what those risks are, so we have a game plan for closing those gaps.

It is unacceptable to me to have people that are not trained in the current ways in which we protect our data, offensive and defensively. These things are moving. The bad actors are getting worse, and the level of skill trying to defend our systems against those things, we need to up our game and make sure that we have the right people, but also we have the right plans and mitigation mechanisms for doing that. And I plan to share that with the Committee, IG, and GAO with those practices that emerge.

Chairman JOHNSON. We will get into a report within the month. I will ask once you are in the position and have time to review that, I want to get your response to the Committee in terms of how you are going to address the most recent report.

The Office of the Inspector General (OIG), the GAO, these are important organizations to this Committee. They oftentimes are frustrated in their ability to get the proper documentation to do their work. So I am going to ask each of you just a simple response, yes or no. Will you promise and commit to work with the Office of Inspectors General and GAO to ensure access to the documents they are going to need to perform their functions?

Mr. PON. I will.

Mr. RIGAS. I will.

Ms. MURPHY. Yes, I will.

Chairman JOHNSON. OK. Thank you.

I want to reinforce, I want to underscore what Senator Lankford was talking about. We really do have a Committee that operates in a very bipartisan fashion, trying to solve problems, maybe not massive ones, but kind of how do you eat an elephant, one bite at a time. So we have a pretty good track record of identifying a particular problem, defining it properly, and then coming up with bipartisan solutions for that. But we need your help.

And so what Senator Lankford talked about is there are certain things you can do within your authority, certain things you need legislative changes to do. We are going to want to help you do that.

So what I am asking you to do is help us help you. Do not hesitate to contact this Committee for those types of legislative solutions. We can react very quickly, I think very effectively, to get those things passed. So I just want to underscore that.

And really to kind of close out the hearing, I want to thank you and again your families. These are important positions. You are going to be very busy people, and so I appreciate your willingness to serve this Nation, to sacrifice, and your families' willingness to probably see a little bit less of you as you undertake this serious responsibility.

The nominees have made financial disclosures<sup>1</sup> and provided responses to biographical and prehearing questions submitted by the Committee.<sup>2</sup> Without objection, this information will be made part

<sup>1</sup> The information of Mr. Pon appears in the Appendix on page 42.

<sup>2</sup> The information of Mr. Rigas appears in the Appendix on page 115.

of the hearing record,<sup>1</sup> with the exception of financial data, which are on file and available for public inspection in the Committee offices.

Chairman JOHNSON. The hearing record will remain open until noon tomorrow, October 19, for the submission of statements and questions for the record.

This hearing is adjourned.

[Whereupon, at 11:40 a.m., the Committee was adjourned.]

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<sup>1</sup>The information of Ms. Murphy appears in the Appendix on page 169.



## A P P E N D I X

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**Opening Statement of Chairman Ron Johnson  
Nomination Hearing to Consider Jeff T.H. Pon to be Director, Office of Personnel  
Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and  
Emily W. Murphy to be Administrator, General Services Administration  
October 18, 2017**

Today the Committee will consider three nominations that are crucial to ensure efficient operations across the federal government:

Director and Deputy Director, Office of Personnel Management

The Director of the Office of Personnel Management is the human resources and personnel policy manager for the federal government and oversees a workforce of over 5,800 employees and a budget of about \$280 million. The Director is responsible for issuing government-wide policies and guidance for recruiting, hiring, developing, and retaining individuals for federal employment. The Director is also responsible for the administration of federal employee benefits programs, including retirement, health insurance, life insurance, and long term care insurance. The Director will also play a role in agency reorganizations under the President's Executive Order by assisting agencies with authorizations for personnel pay and hiring flexibilities. Given these important responsibilities, a strong Deputy Director is critical to supporting the Director and ensuring the success of the organization.

The Office of Personnel Management faces many challenges. The agency has been without a confirmed Director for more than two years—and without a Deputy Director for more than five years—at a time when it is still recovering from the unprecedented breach of data of 22.1 million current and retired federal employees by foreign operatives. The Civil Service Reform Act is approaching its 40<sup>th</sup> anniversary and there are concerns about whether the personnel systems established to protect merit-based employment are adapting to today's workforce needs. The Office of Personnel Management also must stabilize and reduce backlogs in the processing of retirement claims and security clearance background investigations.

Administrator, General Services Administration

The Administrator of the General Services Administration is responsible for implementing shared services government-wide, constructing and managing government properties and leases, and assisting agencies in procuring goods and services in a cost-effective manner. This role requires oversight of roughly \$53 billion in annual procurement and 371 million rentable square feet, including 8,300 buildings, and a fleet of 210,000 vehicles. In addition, the Administrator oversees a workforce of around 11,500 employees and a \$24 billion budget.

The Administrator plays a central role in two government operations that have long been plagued with operational challenges: information technology acquisitions and operations and real property management. While Congress has recently enacted legislation to assist the agency with real property management, there are millions of square feet in property leases soon to expire, and major construction projects that are behind schedule and over budget. Meanwhile, the Federal government spends more than \$80 billion annually on information technology, with a large portion going to operation and maintenance of dangerously old systems. Contributing to the problem is a complex and inflexible acquisition process. With the Federal Acquisition Regulation nearing 2,000

pages, it is clear we have become penny-wise but pound foolish when it comes to overseeing how the government buys goods and services.

Jeff T.H. Pon (nominated to be Director of the Office of Personnel Management)

Jeff Pon has dedicated his career to human capital management and organizational development. He is currently the Chief Human Resources and Strategy Officer at the Society for Human Capital Management. Prior to that, Dr. Pon worked in the private sector, served as the Chief Human Capital Officer at the Department of Energy and as Deputy Director of eGov at the Office of Personnel Management. During his service in the federal government, Dr. Pon received the Grace Hopper Award, the Federal 100 Award, and Distinguished Service Awards from the Secretary of Energy and the Director of National Intelligence. Dr. Pon earned a Ph.D. and a Master of Sciences degree from the California School of Professional Psychology, and a Bachelor of Arts degree from the University of Southern California.

Michael Rigas (nominated to be Deputy Director of the Office of Personnel Management)

Michael Rigas has significant experience in improving and streamlining organizational operations in the private, public, and non-profit sectors. Mr. Rigas is currently serving as Senior Advisor at the General Services Administration Office of Small Business Utilization. He previously served as Chief of Staff at the Massachusetts Department of Veterans' Services and as an Associate Administrator at GSA. Mr. Rigas has also worked for the Heritage Foundation, the Republican Party of Massachusetts, Mellon Financial Corporation, and Brown Brothers Harriman and Company. Mr. Rigas earned a Master of Public Administration degree from Harvard University and both a Masters of Arts degree and a Bachelor of Arts degree from Boston University.

Emily Murphy (nominated to be Administrator of the General Services Administration)

Emily Murphy has over a decade of experience in acquisitions, program management, and oversight in the federal government, the private sector, and as a congressional staffer. Ms. Murphy is currently serving as a Senior Advisor at the General Services Administration. Prior to that, she served on the House Armed Services and Small Business committees. Ms. Murphy worked as General Counsel and Vice President for Operations at TerreStar National Services and set up her own business in government procurement services. Ms. Murphy also served as Chief Acquisition Officer at General Services Administration and as Senior Advisor for Government Contracts and Business Development and as Associate Director for Government Contracts at the Small Business Administration. Ms. Murphy received a law degree from the University of Virginia School of Law and a Bachelor of Arts degree from Smith College.

I'd like to thank the nominees for agreeing to serve in these important positions, and I look forward to hearing their testimony.

**STATEMENT OF DR. JEFF T. H. PON**

**Nominee to Serve As  
Director  
U.S. Office of Personnel Management**

**before the**

**UNITED STATES SENATE COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

**---  
October 18, 2017**

Thank you Chairman Johnson, Ranking Member McCaskill, and Members of the Committee for the honor to appear before you today to discuss my nomination to be the Director of the U.S. Office of Personnel Management.

I would like to thank my family, Gillian, my wife, and my two daughters, Cordelia and Charlotte for supporting me through this process and transition to serve if confirmed as the Director of the U.S. Office of Personnel Management.

I would like to thank President Trump for the trust he has put in me to lead and manage the Office of Personnel Management (OPM), which as you know is a vital agency to ensuring the proper functioning of the Federal government. I would also like to thank the Senators whom I've had a chance to visit with prior to today's hearing and their staff. I felt we had very honest and straightforward discussions about the obstacles we face and I was inspired by their commitment to working together to solve the big problems with big ideas. I would also like to thank the staff of the Committee that have taken the time to speak with me during this process. If confirmed, I am looking forward to leading the hard-working Federal employees of OPM who serve the American people. And I would like to thank my friend, Acting Director Kathy McGettigan who is here today, for her friendship from our time together when I previously served at OPM and her support through this process.

My prior professional experience includes working in both the public and private sectors, including time at OPM, where I led multiple eGovernment initiatives, and at the Department of Energy, where I served as the Chief Human Capital Officer. In the private sector, I have gained experience working with companies and organizations of all sizes, and have seen the technological advancements they have been able to make to better serve their employees. Through this public and private sector experience, I developed a keen understanding of the role human resources plays in the success of an organization. Furthermore, I gained first-hand knowledge of the challenges Federal managers encounter while accomplishing the mission of their organization. I have continually focused on mission driven efforts, and along with the knowledge of developing and implementing large scale change, I stand ready to both confront the challenges and appreciate the successes of leading a Federal agency. This understanding of how to develop and implement successful large scale change will be important in my role, if I am confirmed as Director.

OPM, and our Federal government, face many challenges, but I believe we can overcome those obstacles. In my lifetime, which I mean as during my service as OPM Director if I am confirmed, I want to work with this Committee to tackle the big problems. We have not taken a hard look at our civil service laws in decades, we are still relying on paper processes, and in too many areas the Federal Government is not a workplace that is keeping up with the demands of the next generation of public servants or serving our current Federal employees. We can do better, and working together I believe we can implement many of the ideas I have already had the opportunity to speak with some of you about in our meetings prior to today.

If confirmed, I plan to also concentrate on the most important resource at OPM and in the Federal government, its people. My imperatives, or non-negotiables, for both myself and for my teams are the following: 1) always tell the truth; 2) work together as a team; 3) make the tough choices; 4) treat everyone with dignity and respect (and demand it back); 5) enhance the reputation and accomplishments of those around you (success is defined through the success and

accomplishments of others); 6) value differences and 7) create an environment that energizes you and the team around you. If we integrate these principles into our daily work, I believe we can be successful in overcoming the obstacles before us today.

I would like to include in my testimony today a favorite quote of mine from Thomas Jefferson, “As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times.” In my lifetime, I have been fortunate enough to see technological advances in the public and private sector, and if confirmed, I look forward to leading OPM as it continues to advance to better serve the Federal workforce and as a result, better serve the American people.

Thank you for your consideration and I am happy to answer any questions that you may have.

**HSGAC BIOGRAPHICAL QUESTIONS FOR  
EXECUTIVE NOMINEES**

**REDACTED****1. Basic Biographical Information**

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
Name of Position	Date of Nomination
Director, Office of Personnel Management (OPM)	

<i>Current Legal Name</i>			
First Name	Middle Name	Last Name	Suffix
Jeff	Tien Han	Pon	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: Society for Human Resource Management 1800 Duke Street		
City: Ashburn	State: VA	Zip: 20147	City: Alexandria	State: VA	Zip: 22314

<i>Other Names Used</i>						
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1970	San Francisco, California

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Gillian	Ann Cordelia	Pon	

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Maiden Name</u>	<u>Name Used From (Month/Year) (Check box if estimate)</u>	<u>Name Used To (Month/Year) (Check box if estimate)</u>
Gillian	Ann Cordelia	Glovsky		X	10/71 <input type="checkbox"/>	7/02 <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix

## 2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/ online school)	<u>Date Began</u> <u>School</u> (month/year) (check box if estimate)	<u>Date Ended</u> <u>School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date</u> <u>Awarded</u>
California School of Professional Psychology	College	08/93	12/97	Ph.D.	12/97
				M.S.	06/95
University of Southern California	University	09/89	06/92	B.A.	06/92



### 3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Non-Government	Society for Human Resource Management	Chief Human Resources and Strategy Officer	Alexandria, VA	03/12	Present
Non-Government	Futures Inc.	Chief Operating Officer	Durham, NC	09/11	02/12
Federal Contractor	Booz Allen Hamilton Inc.	Principal	McLean, VA	09/08	08/11
Other Government Employment	United States Department of Energy	Chief Human Capital Officer	Washington, DC	01/06	09/08
Other Government Employment	United States Office of Personnel Management	Deputy Director, cGov	Washington, DC	06/03	12/05
Non-Government	Brandsoft	Director, Client Services	Los Gatos, CA	08/02	05/03
Self-Employed & Unemployed	Self-Employed	Organization Development Consultant	San Francisco, CA	09/01	07/02
Non-Government	Seagate Technology	Senior Organization Development Consultant	Scotts Valley, CA	08/00	08/01
Non-Government	Grand Battery Technology – Grandcell USA	President & COO	San Francisco, CA	01/99	07/00
Non-Government	OPG Consulting	Organizational Development Consultant	San Diego, CA	2/98	12/98

Non-Government	Success Profiles	Organizational Analyst	San Diego, CA	6/96	12/96
City Government	Centre for Organizational Effectiveness, City of San Diego	Intern	San Diego, CA	6/94	4/96
Other Government Employment	White House Office of Public Liaison	Intern (Unpaid)	Washington, DC	6/92	12/92
Other Government Employment	US Senate Office of Pete Wilson, CA	Intern (Unpaid)	Los Angeles, CA	5/90	08/90

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)

#### 4. Potential Conflict of Interest

(A) 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. NONE

(B) 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. NONE

#### 5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Department of Energy, HR Career Achievement Award, Secretary of Energy Distinguished Service Award, Director of National Intelligence Distinguished Service Award, Fed100, Excellence.gov Award, ACT Intergovernmental Award, Grace Hopper Award, eGov Explorers Award

#### 6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
Partnership for Public Service	2010-Present	Strategic Advisor to Government Executives (SAGE Program)
Human Resource Policy Institute	2012-Present	Member
Annenberg Leadership Program	2008-2010	Mentor
National Academy of Public Administration	2007-2008	Panel Member
Society for Industrial Organizational Psychology	2016-Present	Member

#### 7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?  
NO

<u>Name of Office</u>		<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
United States Department of Energy	Chief Human Capital Officer - Title	Presidential Political Appointment	01/06	09/08 End
United States Office of Personnel Management	Deputy Director, eGov Title	Presidential Political Appointment	06/03	12/05 End

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere. NONE

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Jeb Bush	1000	2015

### **8. Publications and Speeches**

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format. None

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
A Model and Process for the Certified Assessment of Human Resources Systems : A Pathway to Assurance. July 2007  www.napawash.org/component/tags/tag/cahrs-model.html	National Academy of Public Administration (Panel Member)	July, 2007

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been

[illegible]

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(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>

#### 9. Criminal History

Since (and including) your 18<sup>th</sup> birthday, has any of the following happened?



- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)  
NO
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?  
NO
- Have you been charged, convicted, or sentenced of a crime in any court? NO
- Have you been or are you currently on probation or parole? NO
- Are you currently on trial or awaiting a trial on criminal charges? NO
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?  
NO

**If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).**

- A) Date of offense:
- a. Is this an estimate (Yes/No):
- B) Description of the specific nature of the offense:
- C) Did the offense involve any of the following?
- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: Yes / No
  - 2) Firearms or explosives: Yes / No
  - 3) Alcohol or drugs: Yes / No
- D) Location where the offense occurred (city, county, state, zip code, country):
- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: Yes / No
- 1) Name of the law enforcement agency that arrested/cited/summoned you:
  - 2) Location of the law enforcement agency (city, county, state, zip code, country):
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: Yes / No
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

3) If no, provide explanation:

G) Were you sentenced as a result of this offense: Yes / No

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: Yes / No

J) Were you incarcerated as a result of that sentence for not less than one year: Yes / No

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: Yes / No

N) Provide explanation:

### 10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings. NO

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? 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. NO

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(C) For responses to the previous question, 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.

### 11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed. NO

<u>Name of Agency/Association/ Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy? NO

### 12. Tax Compliance

(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

**REDACTED**

### 13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). NO

### 14. Outside Positions

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

**15. Agreements or Arrangements**

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

**16. Additional Financial Data**

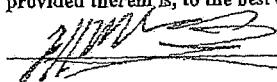
All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

**REDACTED**

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

  
\_\_\_\_\_

This 2nd day of October, 2017

10/2/17

59

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REDACTED



1 September 2017

Theodore M. Cooperstein  
General Counsel and  
Designated Agency Ethics Official  
Office of Personnel Management  
1900 E St., NW  
Washington, DC 20415

Dear Mr. Cooperstein:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Director.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, 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). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position with the Society for Human Resources Management. For a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the Society for Human Resources Management is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Two family members and I own Goodland Central Corp. Upon confirmation, I will resign from my position as Vice President of Goodland Central Corp. I will continue to have a financial interest in this entity, but I will not provide services material to the production of income. Instead, I will receive only passive investment income from it. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Goodland Central Corp., unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

I will divest my interests in Booz Allen Hamilton within 90 days of my confirmation. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this entity until I have divested it, 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).



My spouse is an executive at Oath Inc., a subsidiary of Verizon that holds business operations that were formerly AOL and Yahoo!. She participates in profit-sharing and has Verizon restricted stock units, Verizon Performance Share Units, AOL Synthetic Stock Units, and an investment in the Verizon Stock Fund. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Verizon unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order no. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I will meet in person with you during the first week of my service in the position of Director in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

  
Jeff Tien Han Pon 9/1/17



**U.S. Senate Committee on Homeland Security and Governmental Affairs  
Pre-hearing Questionnaire  
For the Nomination of Jeff Tien Han Pon to be  
Director, Office of Personnel Management**

**I. Nomination Process and Conflicts of Interest**

1. Did the President give you specific reasons why you were nominated to be the next Director of the Office of Personnel Management (OPM), and if so, what were they?

No.

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

No.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Director? If so, what are they, and to whom were the commitments made?

No.

4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

No.

**II. Background of the Nominee**

5. What specific background, experience, and attributes qualify you to be Director?

**As a professional HR practitioner for over 20+ years both in public and private sectors, I have an in depth understanding of the role an HR office plays in any organization. In my roles I have developed an understanding about the Federal leadership and management challenges. In previous roles at OPM and as the head of HR for the Department of Energy I helped lead and standup contracts, contracting vehicles, service providers for shared services and policy changes, which will help me serve as Director if I am confirmed. Additionally, I have previous experience and relationships with Federal leaders in HR, Acquisition, Finance, IT, Unions, IGs, GAO, GSA and OMB which can be leveraged in carrying out the OPM mission. I have focused on mission driven efforts such as helping to hire transition military to civilian life and jobs and first-hand knowledge of how things work and don't work. This understanding of**

how to develop and implement successful large scale change will be important in my role, if I am confirmed as Director.

6. Please describe:

a. Your leadership and management style.

My management style is highly collaborative. My imperatives for organization and teams: 1) always tell the truth; 2) work together as a team; 3) make the tough choices; 4) treat everyone with dignity and respect (and demand it back); 5) enhance the reputation and accomplishments of those around you (success is defined through the success and accomplishments of others); 6) value differences and 7) create an environment that energizes you and the team around you.

b. Your experience managing personnel.

I have managed both Federal and private sector teams for the most part having goals that were ambitious, time limited, and successful. I have built teams, revamped teams, and developed teams. Managing people and developing them is a key strength of mine. I understand the management of people includes: sourcing, recruiting, selecting, on-boarding, developing, managing performance, evaluating and sustaining total rewards, managing employee and labor relations, and separation management. I have deep knowledge of managing personnel from my experiences in helping to lead the HR Line of Business, my time as the Chief Human Capital Officer at Department of Energy, and consulting for many organizations in change management and HR as a team leader in consulting engagements for many Federal agencies and departments. Overwhelmingly, people on my teams have performed at high levels, and have enjoyed working on my teams. There are a few exceptions, where demands from dissatisfied employees were unreasonable, and I always ensured an amicable separation. Managing out is at times not done very well. I always practice how you manage people out speaks to your brand and whether they would want to work for you and your organization again. Where it looks as if removal may be necessary, either through a performance based action or an adverse action, I have honored the rules and proffered charges or made decisions (depending upon my role in the process) fairly and in consideration of the full record. I believe in treating people with respect throughout the process. Leading and managing personnel requires experience, patience, and judgment. I have been fortunate to have great managers, and experiences have lent opportunities for me to develop as a leader and manager.

c. What is the largest number of people that have worked under you?

The largest teams that worked under me ranged from 5 to 200. Those teams have impacted hundreds of thousands to millions of people.

7. In your past federal employment, how have you managed underperforming employees?

I have been fortunate to have had great teams in OPM eGOV, and HR at Department of Energy. There were no underperformers in our group of Project Managers for the six government-wide initiatives. My direct reports at the Department of Energy were some of the most experienced and seasoned leaders and managers in the Federal Government. Together we complemented each other's experiences and worked great as high performing teams. I have had underperformers in the private sector and I always ensured that there are clear roles, understandable goals, and resources and reasonable timeframes to complete the work. When work is not performed at an acceptable level, I give feedback as close as possible to the underperformance. If the performance does not change, then I have had a development meeting and an exchange so there is an opportunity to discuss what is expected and what is not currently being met. If it continues and affects productivity, teamwork, or accomplishment of goals, very rarely have I needed to write a formal performance improvement plan. When I have, most of the time, the team member has progressed to perform at an acceptable level. In HR, our function is to assist managers to manage performance and manage performance improvement, and at last resort separation.

8. Please describe any experience you have related to cybersecurity or information security management.

The eGov initiatives all had to have certifications and accreditations, now called authorizations to operate. While at OPM, I was a government-wide project manager, certified by OMB thru the CIO of OPM (ensuring required course work as well as experience). I had to manage and provide oversight for our teams that managed Enterprise Human Resource Integration (eOPF), USAJobs, ePayroll, eTraining and eClearance (eQIP, CVS). On our teams I implemented FISMA requirements and related NIST and OMB guidance, including NIST Special Publication 800-53, at that time and had CISSP and CISM (cybersecurity professionals) in the teams and on the audit teams, working with PA&E function, CIO, GAO, IG, and Hill staff.

9. Please describe any experience you have related to acquisitions, contract management, and the development of requirements.

For Federal experience, we at eTraining managed shared services for learning systems and content with such providers as GoLearn, NTIS, FedSource/FastTrack, DAU, and the Foreign Service Institute. At OPM, GoLearn was managed by my team and we let our IDIQs (with the attendant work on components of this process such as Requirements, RFI, RFP, Award, contract administration, user groups, dispute resolution, and feature development). All the initiatives had contracts and contractors working with our Federal project teams and their customers/stakeholders. We partnered with the contracting office and GC to help us operate and make available vital services for our Federal workforce. For the HRLOB our eGov team ran an A76 competition for Payroll and other transactional functions. I have been on both sides (the Federal side of contracting, and on the contractor (Booz Allen) side) and I have a good understanding of contracts, contracting vehicles, POPs, modifications, FFP, and

**T&M contracts. I have experience with selection committees, developing requirements, awards, and bid protests.**

### **III. Role of the Director of OPM**

10. What do you consider to be the mission of OPM, and what would you consider to be your role and responsibilities, if confirmed as the Director?

**The expiring strategic plan indicates that OPM's mission is to recruit, retain and honor a world-class workforce for the American people. I understand a new strategic plan is in the works, and I look forward to weighing in on it before it is adopted, if I have the opportunity. If confirmed as Director, my role will be to carry out the OPM mission for the administration as the Chief Human Capital Officer for agencies, Federal employees, and, ultimately, the general public, as a beneficiary of these efforts. This would mean consulting with each Federal agency on their needs and implementing the intent of Congress when relevant legislation is signed into law in accordance within the existing legal and regulatory framework.**

11. Are there any activities currently in OPM's mission that you think would be appropriately located elsewhere in the federal government? Please explain.

**No.**

12. What do you anticipate will be your greatest challenges as OPM Director, and what will be your top priorities? What do you hope to accomplish during your tenure?

**I believe my potential greatest challenge also provides an opportunity for great accomplishment, if I am confirmed as Director, in the area of IT modernization. Outside of work, Federal employees are able to access nearly any piece of information they need, from their bank accounts to student loans to car insurance, all on their phone. We need to work toward providing the employees of the Federal government with the same conveniences with regards to their employment within the Federal Government, with appropriate attention to information security, of course, and I would look forward to helping move our services to employees and retirees in that direction.**

### **IV. Policy Questions**

#### *Management*

13. What do you believe are the greatest personnel management challenges in the federal government, and as OPM director, what would you do to address them?

**I believe there are two major challenges we face. First, not changing with the times. As the world has become more mobile, digital, and focused on team oriented performance, we have not adjusted people management to accommodate these critical changes in how the members of our Federal workforce work, live and play. Second is managing the**

personnel system as it stands. We have not taken a thorough look for 39 years at the design of our Federal personnel system. There have been many changes to the workplace: teams, technology, the way people learn and work to perform tasks and activities. We must strive to achieve the right talent to meet the expectations and work performance levels that deliver the right services to our citizens. One example of how we can begin to solve both these challenges is through a mobile first strategy.

14. What role do you believe the Director should play in addressing the High Risk management weaknesses that have been identified by the Government Accountability Office (GAO) in its annual High-Risk report?

**I believe the GAO high risk report is a useful tool to assist agencies with identifying programs that create a challenge to the Federal Government. I believe the Director of OPM plays a key role in assisting the Federal Government in addressing those areas that are in need of reform.**

- a. What do you believe is the biggest impediment to addressing strategic human capital and ensuring it is removed from the GAO high-risk list?

**The GAO noted in its report that OPM, the CHCO Council, and individual agencies, have strengthened their leadership in this area. However, the GAO indicated that more work needs to be done. I believe the biggest challenge is to obtain a consensus from agencies, with varied missions.**

- b. What, if anything, would you do differently to address GAO's recommendations in the 2017 high-risk report?

**If confirmed as Director, I will request a full briefing on the GAO's recommendations and the current status of actions being taken to address the recommendations. With a full understanding of the current plan I would set forth a strategy, with new ideas and directions as needed, to further progress in addressing the GAO's recommendations.**

15. The Federal Employee Viewpoint Survey (FEVS) is conducted on an annual basis and has become a regular tool for agencies and employees in identifying and addressing workplace issues. What is your opinion of the FEVS, and what, if any, changes do you think are needed to improve its effectiveness?

**I believe the FEVS is an important tool for agency leadership to gain an understanding and better identify the challenges and strengths of the workplace. To maximize employee performance, agency leaders need to provide supervisors improved tools and conditions for success.**

16. What is your opinion of the current state of labor relations in the federal government and how would you approach labor relations issues, both government-wide and within OPM, as Director?

**I believe in cultivating a collaborative relationship with employee representatives and look forward to working with them, and others, in hearing their ideas, and welcome their input in advancing civil service reform.**

17. OPM has management responsibility for several employee benefits programs, such as the Federal Employees Health Benefits Program. Are there any particular areas of concern or changes you would advocate for, if confirmed as Director?

**FEHB is the largest employer-sponsored group health insurance program in the world, covering over 8 million lives. To maintain high-quality, comprehensive benefits at an affordable cost, OPM will need to continue its efforts in building OPM's capacity to measure health plan performance, and focusing on affordability, benefit design and quality.**

18. The Inspector General has identified serious deficiencies in OPM's contract oversight, and in the 2016 Management Challenges report identified that work was still needed to improve internal controls through corrective actions plans. If confirmed, what would you do to ensure that forward progress is made in this area?

**I am aware of the Inspector General's recommendations to OPM and will take them very seriously if I am confirmed. Effective contract oversight and internal controls are important to agency efficiency of operations. I understand OPM is making significant efforts to correct these issues, including training and development of staff, initiating contract file reviews, and initiating contract close out efforts. I support these efforts and, if confirmed as Director, will work with the Office of Procurement Operations to achieve their success.**

19. As of August 2017, OPM had not met its strategic plan goal of adjudicating 90 percent of retirement cases within 60 days. If confirmed, how would you address claim processing delays?



OPM Retirement Services (RS) should continue to review its processes and evaluate whether it is working as fast as possible to service its customers while maintaining accuracy and quality. As of August 2017, RS processed 70% of new retirement claims in 60 days or less. This is the highest monthly percentage since March 2017. RS is preparing for the busy season to provide the best service possible for the tens of thousands of customers that send OPM their retirement applications in January and February. I understand OPM also continues to provide agency training so cases, as received from employing agencies, are more likely to be complete and ready to be processed when they arrive at RS. If I am confirmed as Director, I will continue making efforts to provide timely and quality service to retirees a priority.

*Strategic Human Capital Planning*

20. What do you believe is the role of OPM for government-wide strategic human capital management and policymaking?

I believe OPM's role for government-wide strategic human capital management and policymaking is to lead and assist agencies in adopting more strategic, data-driven approaches to enable them to meet their agencies' missions. Our work with agencies should include engaging and partnering with stakeholders to identify, develop, and share best practices across the government to assist with the development of analytical skills and technological infrastructure to help make fact-based decisions. Additionally, OPM should be engaged in aiding the President in recommending policy proposals, including legislative agenda items and executive actions, to further these goals.

21. What role do you believe OPM plays in helping agencies identify and address critical skills gaps, and if confirmed, how would you approach this issue?

OPM is the Human Resources agency for the Federal Government. As such, if confirmed, I will lead and support OPM engagement with agencies across the Government and other stakeholders to identify best practices to address critical skills gaps. Also, designing systems to assess the management of human capital (which would include how skill gaps are addressed) is a specific area where Congress has directed OPM to take the lead.

22. What do you believe is the appropriate role for service contracts in helping agencies meet their missions and what criteria do you believe federal agencies should use in evaluating the appropriate mix of contractors and federal employees?

I believe service contracts can help agencies meet their missions, when used appropriately. In some cases, contractors can provide services at a reduced cost or in a faster timeframe, especially if there is a short-term need or a specialized skill set required.

23. Do you believe the Senior Executive Service (SES) as currently structured is sufficient to meet the management needs of the federal government? If confirmed, are there any changes or specific reforms you would propose?

**Agencies must be creative in their outreach when seeking executive talent. Agencies must make sure they are developing talent presently within their ranks as well as reaching out across various forums to find talent. This requires engagement and support by senior leadership at each agency. Agencies must see their senior cadre as an ongoing investment and recognize opportunities for senior executives to keep their skills up-to-date and continuing to grow. This can be accomplished through executive mentoring, training, and rotational opportunities. Finally, accountability must always be a focus for agencies. Performance standards for senior executives must be clearly aligned with each agency's mission and, ideally, should provide a basis for making meaningful distinctions in pay and awards based upon relative performance.**

- a. If confirmed, how would you improve the oversight of SES bonuses and standardize the metrics used in determining which employees deserve such bonuses?

**An agency must determine the content of SES performance plans, appraise and rate executives annually, and use the results as a basis for pay, awards, development, retention, removal and other personnel decisions. OPM must continue to assert the important oversight role OPM has been given by Congress to promote responsible and reasonable compensation.**

24. A 2016 GAO report found that, in fiscal year 2013, roughly 99 percent of federal employees received performance appraisal ratings at or above "fully successful", with about 61 percent of employees receiving ratings of "outstanding" or "exceeds fully successful."

- a. Do you believe that OPM has provided sufficient guidance on performance evaluation to agencies?

**OPM has put out extensive guidance on performance management, including performance evaluations and addressing poor performance. Sometimes there are challenges in effectively implementing policies and guidance from OPM. I look forward to working with agencies and the Chief Human Capital Officers Council in order to assess their performance management needs and how OPM can assist them, should I be confirmed. Managers have a responsibility to effectively communicate the standards each employee is expected to meet and to base evaluations on actual job performance for the designated period. I believe a supervisor should consistently communicate to the employee whether they are meeting these standards. A conversation about success or shortcomings in performance that happens only in an annual evaluation happens too infrequently. The communication and dialog should be an ongoing, continual process. OPM has the necessary expertise, tools, and guidance to help agencies in these areas, and I look forward to supporting the efforts to increase our effectiveness in performance management.**

- b. As OPM Director, how would you assist agency managers in conducting purposeful performance evaluations of their employees?

**Accountability measures should foster an environment where supervisors promptly pursue adverse or performance-based actions, when warranted and do so in a manner consistent with procedural rights conferred by Congress. If performance evaluations do not accurately address shortcomings, it does a disservice to the employee by inhibiting their professional growth, prevents managers from increasing the effectiveness of their employees, and creates a burden on the American taxpayer by concealing poor performance. If confirmed, I will leverage both my private and Federal experiences to employ effective performance management policies.**

25. In the 2017 duplication report, GAO found that there were 105 different authorities that could be used by an agency to hire a person into the federal civil service, yet only 20 were commonly used.

- a. What experience do you have with the use of federal hiring authorities?

**While serving at the Department of Energy, my IIR team used Federal hiring authorities where we managed approximately 13,000 government employees. DOE had employees in multiple categories, including ES, SES, GS, EK, EJ, ST, SL, and ALJ.**

- b. If confirmed, what specific improvements or innovations to the federal hiring process would you propose?

**If confirmed, I will work closely with experts in OPM and agencies to identify current needs and ways to improve the Federal hiring process consistent with merit systems principles and applicable law, to meet their needs in an efficient, and proactive manner that is also fair to applicants.**

- c. As OPM Director, how would you encourage agencies with staffing shortages to better use flexible hiring authorities?

**If agencies have a genuine staffing shortage, agencies can consider asking for or using additional authorities, some of which can be used without OPM approval. These include the use of certain salary offset waivers (for a limited period of time), recruitment, retention, and relocation incentives, student loan repayment assistance, workplace flexibilities like telework, alternative work schedules, and leave flexibilities available to assist working families. I look forward to working with agencies to assist with meeting their staffing needs if I am confirmed.**

26. Last year, Congress passed legislation that would reform the federal government's abuse of administrative leave (Pub. L. No. 114-328, Sec. 1138).

- a. What are your thoughts on this legislation to curb the abuse of administrative leave?

**If confirmed, I look forward to studying this issue and the impacts of recent legislation. If there have been abuses, it is important to address them. I understand that OPM is developing regulations to ensure that agencies are in compliance with the new requirements under the law.**

- b. What role does OPM play in ensuring each agency is complying with the recordkeeping requirements of the legislation?

**OPM is currently developing regulations to implement the new categories of leave created by the statute.**

27. A 2015 GAO report entitled *Improved Supervision and Better Use of Probationary Periods are Needed to Address Substandard Employee Performance* found that agencies are not properly utilizing the probationary period to make performance-related decisions about the employee.

- a. Do you believe the probationary period for new employees and new management/supervisors should be extended? Please explain.

**Some agencies have longer probationary periods regardless of the position. For example, a two-year probationary period applies to new Department of Defense employees who are appointed to permanent positions in the competitive service. I understand that, pursuant to operative law, OPM, through presidential delegation, may issue rules concerning the length of probation. If confirmed, I look forward to considering this question further. However, it should be noted that 5 U.S.C. 7511(a)(1)(A) provides that full civil service protections apply to Federal employees (outside the Department of Defense) after one year of service, irrespective of the length of the probationary period set by OPM. OPM regulations extending the probationary period would thus have little practical effect on agency operations.**

- b. Do you believe OPM could do more to ensure all agencies use computerized notice to remind them when an employee's probationary period is ending?

**Yes.**

- c. Do you think managers should be required to determine whether an employee has demonstrated successful performance and conduct prior to the end of the probationary period?

**Yes, and I believe existing OPM regulation already requires agencies to determine fitness for the position throughout the period and to terminate employment if the agency determines that qualifications have not been fully demonstrated. I agree with that requirement.**

- d. Do you have ideas for how the federal government could more effectively use the probationary period in federal employment?

**Agencies can do a better job of training managers of how to use the probationary period to review employee performance.**

*Personnel Systems*

28. Do you believe there needs to be additional Department-specific or government-wide personnel system reforms? If so, what reforms do you believe are necessary and why?

**We need to re-examine our practices to make sure we are doing all that we can to attract, develop, and retain a workforce that is ready for the challenges this government currently faces. Hiring authorities, training, performance management systems, and total rewards should all be looked at government-wide. Department-specific reforms may make sense for certain situations, however we are still one single government and managing the government as effectively and efficiently as possible requires standardization, simplification, and unification. Separating out infrastructure and policy should be managed effectively by providers and a managing agency in conjunction with OPM, OMB and GSA.**

29. What is your opinion about pay-for-performance systems in the federal government?

**It is critical that any pay-for-performance system be supported by a performance measurement system that is trusted by managers and employees, recognizes top performers, and promotes accountability. The budget implications of any new system will have to be carefully examined and any system of compensation must be transparent and provide good value to the American taxpayer.**

*Security Clearance Investigations*

30. The National Bureau of Background Investigations (NBIB) began operations less than a year ago as the central entity for conducting background investigations for the Federal government. What do you see as your role in ensuring that NBIB does not suffer the same security lapses as experienced over several years by OPM's Federal Investigative Services?

**I understand that OPM, working with the Department of Homeland Security and other agency partners, has already taken a number of actions to enhance its cyber security posture agency-wide. I also understand that, pursuant to an Executive Order issued in 2016, and a bilateral agreement between OPM and DoD, DoD is building a new National Background Investigative System (NBIS), on behalf of OPM, that will eventually replace OPM's legacy system, support more efficient operations, and further enhance system security. My role, if confirmed as the Director, would be to promote all of these activities and work toward the expeditious completion of the design and implementation of NBIS.**

31. Security clearance investigations are currently done on a fee-for-service basis. Do you believe that appropriations are necessary to address the existing backlog?

**The value in fee-for-service is that it allows agencies to purchase security clearance investigations based on their needs. This forces agencies to be prudent about the number of positions designated as requiring a security clearance, while also preserving the greatest value for the American taxpayer by encouraging a more transparent accounting of how money is being spent on security clearance investigations. NBIB publishes its prices in advance of every Fiscal Year, so agencies are aware of the costs of security clearance investigations and are able to plan their workforce costs.**

**My understanding is that NBIB has not asked for additional appropriations to reduce the existing backlog. Presently, I believe NBIB is best situated to advise on that point. Should I be confirmed, I look forward to discussing resource needs with NBIB.**

32. On August 22, 2017, the DoD issued an implementation plan for the potential transfer of security clearance background investigations back to DoD. What is your view of this plan?

**With Section 951, Congress directed the Department of Defense (DoD) to draft an implementation plan for the potential shift of security clearance investigations for DoD entities back to DoD. I concur with the letter from OPM's Acting Director Kathleen M. McGettigan that was transmitted to Congress on September 6, 2017. This letter raises a number of important matters that should be considered before any transition plan is implemented.**

33. OPM is currently working with DoD to develop a new system to serve as an end-to-end system for security clearance investigations. What do you see as the key considerations for OPM as this system is developed?

**Key considerations going forward will be (1) protecting the security of OPM's legacy systems in any kind of data transfer; (2) containing costs in order to deliver the best value to the American taxpayer; and (3) fostering fair, open competition and transparency in the competition of any contracts entered into as a result of the development of the new system.**

*Information Technology & Cybersecurity*

34. According to the FY16 Federal Information Security Modernization Act (FISMA) Report to Congress, only 13 of the 23 civilian CFO Act agencies have met government-wide performance goals. Overall, the Median Government-wide Maturity Model Rating is Level 2 (Level 5 is the highest). If confirmed, how would you assist agency Chief Information Officers in meeting their performance goals and raising their Maturity Model Rating?

**I agree that the rating level should be higher. If confirmed, I will work with the OCIO to determine ways to assist in meeting their performance goals. I will work with the**

**OPM CIO, OPM CISO and the Federal CIO Council to explore ways to help agencies meet their performance goals within the FISMA guidelines.**

35. There has been a high turnover rate of critical cybersecurity-related positions at OPM and significant regression in OPM's compliance with FISMA requirements.

- a. If confirmed, what would you do to attract and retain cybersecurity talent to OPM?

**If confirmed, I am committed to working with OPM's OCIO, agency hiring managers and human resources staff to help them identify skills gaps, if they exist, and find and recruit the best professionals to fill these positions.**

- b. If confirmed, how would you work to assist other federal agencies attract and retain cybersecurity talent?

**If confirmed, I am committed to working with agency hiring managers and human resources staff to help them identify skills gaps and find and recruit the best professionals to fill these positions, consistent with applicable law and merit system principles.**

- c. What would be your strategy to first establish a culture of compliance and then transition to a culture of integrated security?

**To complete the transition to a culture of integrated security additional efforts to increase employee awareness of threats and vulnerabilities will need to be expanded. Also, cybersecurity efforts need to continue to evolve from meeting a requirement at a point in time for compliance, to fully achieving real-time dynamic and continuous monitoring with continual, agile innovation in the technology supporting cybersecurity.**

36. The OPM Office of Inspector General (OIG) has repeatedly warned about challenges that OPM faces regarding information security, including its most recent audit of OPM's compliance with the FISMA. The serious data breaches that affected OPM demonstrated the consequences of poor information security management—including the theft of personal information of millions of people. As Director, how would you improve the agency's cybersecurity and information security?

**The security of OPM's systems is of the utmost importance, especially given the sensitivity of the data contained on those systems. OPM has made significant strides in safeguarding its systems and data. These steps include, centralizing the operations and budgeting for OPM enterprise Cybersecurity capability under the CISO, creating and implementing new and enhanced security policies, processes and procedures, taking proactive measures to educate OPM users about ways to reduce cybersecurity risk, and deploying modern security tools to protect the OPM environment. If confirmed as Director, I will work with the OCIO so that OPM continues to work to secure its systems.**

37. What do you believe are the drivers of the current and historical challenges in the information technology (IT) programs at OPM and what would be your approach to improving its IT systems?

**Upgrading OPM's IT infrastructure is a central component of OPM's risk mitigation strategy, to mitigate both cybersecurity risks and the operational risk posed by outdated and underperforming equipment.**

38. Many of OPM's systems are still heavily paper-based and lead to backlogs and delays in processing. How would you address this issue?

**Improving the reporting of Federal employee work records generated by employing organizations will improve the speed and accuracy of retirement calculations and better support background investigations. Collaboration between OPM business functions and the OCIO is ongoing in order to develop new and innovative solutions needed to better serve the American citizens.**

*Accountability and oversight*

39. At any point during your career, has your conduct as a federal employee or federal contractor ever been the subject of an OIG, Government Accountability Office (GAO), or federal law enforcement investigation? Please explain.

**No.**

40. At any point during your career as a federal contractor, has your conduct ever led to you or your employer being subject to suspension or debarment proceedings by the federal government? Please explain.

**No.**

41. What role do you think the OPM Director should play in identifying, preventing and recovering improper payments in OPM's programs?

**Notwithstanding OPM's low improper payment rates, I believe that more can always be done in this area and if I am confirmed I will work closely with the program offices as well as the Chief Financial Officer to continue to develop mechanisms that will enhance OPM's ability to prevent improper payments.**

42. In its latest Management Challenges report, the OPM Inspector General has identified OPM's failure to use data mining to identify improper payments. Do you have experience with the use of data analytics? How can this tool be effectively used to curb improper payments?



**I am aware of the importance of data analytics and its potential application to OPM programs generally. I understand that some data mining already occurs in some areas, such as the Federal Employees Health Benefits Program. If confirmed, I intend to assess OPM analytical capabilities and options for their use in areas such as this.**

43. What is your view of the role of the OPM OIG? If confirmed, what steps would you take as Director to establish a working relationship with the OPM Inspector General?

**I am aware of the important role of the OPM Office of Inspector General and was most impressed by a general briefing provided to me by that office regarding its roles and responsibilities. Combatting fraud, waste and abuse will be core objectives for OPM should I be confirmed. I look forward to working closely with that office to enhance OPM's efficiency in its operations and its accountability for achieving good results. My first order of business will be to review OIG findings and, as appropriate, assess the agency's progress in addressing identified challenges and priorities.**

44. If confirmed, do you commit to ensuring that all recommendations made by the OPM OIG are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

**Yes.**

45. Protecting whistleblower confidentiality is of the utmost importance to this Committee.

- a. How do you plan to implement policies within the agency to encourage employees to bring constructive suggestions forward without the fear of reprisal?

**If confirmed, I will review OPM training and communications practices and look for opportunities to implement them in a way that clearly communicates to employees how to constructively voice concerns and identify resolutions through appropriate channels or a specific internal mechanism, such as a human resource professional.**

- b. If confirmed, what avenues will be available to employees to report waste, fraud, or abuse within OPM?

**If confirmed, my intent is to sustain and develop further employee understanding of the importance to combat fraud, waste and abuse, and the available avenues for reporting such concerns, including within the agency and to the Inspector General and the Congress. In line with this intent, I will support OPM's continued compliance with statutory provisions requiring training about prohibited personnel practices and the rights available to employees.**

- c. Do you commit without reservation to work to ensure that any whistleblower within OPM does not face retaliation?

**Yes, if confirmed, I will emphasize to all managers and supervisors the importance of preventing retaliation against individuals who make protected communications and reiterate that such retaliation, if proven, will constitute a prohibited personnel practice, as prescribed within Federal Law.**

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

**Yes, if confirmed, one of my statutory duties would be to help uphold all civil service laws, including whistleblower protections, on a government-wide basis. As the agency head, I intend to promote the same climate internally so that managers adhere to the statutory process governing disciplinary actions against employees who engage in misconduct in violation of civil service laws, such as retaliation.**

46. Please describe specific examples regarding how you have worked to implement OIG and/or GAO recommendations during your tenure in government.

#### **I. ELECTRONIC GOVERNMENT:**

##### **A. Potential Exists for Enhancing Collaboration on Four Initiatives**

##### **i. GAO-04-6: Published: Oct 10, 2003. Publicly Released: Nov 10, 2003.**

ePayroll was identified as one of four initiatives that could benefit by addressing the policy effects of implementing ePayroll. eGov in partnership with OPM Policy developed the Requirements group that addressed potential impact of policy and systems implementation.

At the Department of Energy, the IG office identified the management of Human Capital as a risk. This helped the HR shop focus efforts in improving the management of people with each component through enhanced strategic human capital planning, budgeting, and evaluation of human capital programs. At times the Department of Energy IG office celebrated our accomplishments when our mission efforts led to positive outcomes while still guarding against waste, fraud, and abuse.

#### **V. Relations with Congress**

47. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

**Yes, I do.**

48. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

**Yes, I do.**

49. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

**Yes, I do.**

**VI. Assistance**

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

**While I consulted with OPM staff on background material to use in responding to these questions, the final answers are my own.**

**Chairman Ron Johnson  
Supplemental Pre-hearing Questionnaire  
For the Nomination of Jeff Tien Han Pon to be  
Director, Office of Personnel Management**

1. In a letter dated August 16, 2017, I requested information and materials from OPM regarding its 2013 regulation that enabled Members of Congress and their staff to purchase health insurance offered by a District of Columbia Small Business Health Options Plan (SHOP) exchange and receive an employer contribution. OPM responded to this letter in a letter dated September 1, 2017, but provided an incomplete document production to the Committee. I understand OPM continues to identify responsive material. If confirmed, will you commit without reservation to producing expeditiously all of the information and materials that I requested on August 16, 2017, as well as any other material concerning the 2013 regulation?

**Yes Mr. Chairman, if confirmed, I look forward to working with you regarding the 2013 OPM regulation regarding Members of Congress and Congressional staff healthcare, which I understand is a top priority of yours. If confirmed, I would welcome meeting with you to gain a full understanding of your concerns on this issue, and the actions and responses that have been taken to date. If confirmed, I will give serious attention to this issue and will work closely with you to provide responses to your inquiries, as I plan to do with all inquiries from the Committee.**

**Minority  
Supplemental Pre-hearing Questionnaire  
For the Nomination of Jeff Tien Han Pon to be  
Director, Office of Personnel Management**

**I. Nomination Process and Conflicts of Interest**

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

No

2. Has the President or his staff asked you to pledge loyalty to the President or the Administration?

No

3. Have you asked any federal employee or potential hire to pledge loyalty to the President, Administration or any other government official?

No

**II. Background of Nominee**

4. Do you seek out dissenting views and how do you encourage constructive critical dialogue with subordinates?

**Always. I believe in asking the wise and the people. "A fool despises good counsel, but a wise man takes it to heart." I intend to do that. I learn and my team learns from different perspectives.**

5. Please give examples of times in your career when you disagreed with your superiors and aggressively advocated your position. Were you ever successful?

**After a couple of months, I observed the treatment and conduct of my co-worker as unacceptable in the treatment of people in our organization. I recommended removal but my boss disagreed since this co-worker was on an important special project. This was an example of a co-worker that performed high but left a wake of people issues to address. After some time, my boss finally had no choice but to separate this individual out. Although it took much longer, my boss realized keeping my co-worker on board created risk. I remained objective throughout this process by including other investigators (fresh set of eyes) to evaluate claims brought by several employees against this co-worker. I was not afraid to continue to press my boss on fighting for acceptable treatment by a co-worker to other staff. As**

an executive and also as a human resources professional, it is your duty to ensure the ethical and moral treatment of yourself and others.

A technology company that I worked for had a tall organization, 13 layers. (CEO, COO, EVP, SVP, VP1, VP2, Exec Director, Senior Director, Director, Senior Manager, Manager, Lead, Line.) The management wanted to retain this tall structure. I felt it impeded speed, communication, and lateralization (collaboration across business units). Management had me conduct a benchmarking study with competition and others in the market space. Similar observations, recommendations and conclusions were drawn. This evidence-based approach enabled management to move quickly to a decision to delayer the organization while rearranging cost accounting and budget units in order to create P&Ls verses dozens of GLs, thus streamlining.

6. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.

One example is eTraining content providers. Implementing a plan I supported, we went from \$150 per course per three month period for one person, to \$37 for 3500 courses for a year for one person, leveraging the size of the Federal Government to get volume pricing. This enabled us to save money, increase content and service, and reduce costs for the tax payers. Additionally, we changed ePayroll - going from 27 to 4 payroll systems. Many government stakeholders at first were very reluctant to "give up" their payroll functions and be serviced by NFC, NBC, GSA, and DFAS. Although at times unpopular to the people affected by this migration, it freed up resources and had considerable cost avoidance to the tax payer.

7. What would you consider your greatest successes as a leader?

The evidence of other leaders that I have enabled to be great servant principled-based leaders that serve others.

8. What would you consider your greatest career success overall?

Helping others to create environments that breed significant accomplishments and positive movement towards mission goals. Also shaping the future of HR, getting leaders together to work towards better outcomes for organizations through evolving practices of HR.

9. How has your previous work for the federal government, Booz Allen Hamilton, and the Society for Human Resource Management prepared you to serve as Director of OPM?

I have learned what it is to be a Federal manager of people and programs. I have learned how to manage large scale Federal change. I have learned how to have contractor teams tackle challenges with Federal teams and get results. I have learned from my colleagues across the profession of HR, what works, what doesn't,

what should we try, and what are we ready to do in our lifetime. I have learned to include many to be active participants in efforts, in particular, customers/end users/citizens, IGs, Unions, Congress, WHO, rural, urban, large and small.

I have a deeper appreciation of what an honor and humbling privilege it is to have a chance once again to serve this nation in the capacity of the Director of OPM. I appreciate the responsibility and expectations for the next Director of OPM.

### III. Policy Questions

10. OPM has had serious challenges in administering its major contracts, to include its infrastructure modernization plan where the contractor walked away in the middle of performance and the FSAFEDS contract, where OPM extended the contract for 13 years without recompeting. What would you do to address these contract management performance issues?

OPO is actively working with the Office of the Chief Financial Officer (OCFO) to consider necessary improvements associated with both the contract writing and financial systems. This may include at a minimum increased functionality and synchronicity of existing systems, securing cross-agency support, or even on a much larger scale the replacement of the existing systems with a newer, more efficient and effective solution. Improvements in the agencies end to end systems will improve pre-award, award, and award administration efforts, data integrity, and impart greater efficiency and effectiveness into the procurement process. If confirmed, I will continue pursuing these initiatives.

11. One of the roles of OPM is to assist other Departments and agencies with their strategic human capital planning. What do you see as the greatest challenges facing federal agencies in their planning efforts and as Director how would you assist them in addressing those challenges?

One of the greatest risks is just to manage the system as it stands. We have not thoroughly taken a look for 39 years at the design of our Federal Personnel System. There have been many changes to the workplace: teams, technology, the way people learn and work to perform tasks and activities. We must strive to achieve the right talent to meet the expectations and work performance levels that ensure and deliver the right services to our citizens. One example of how we can begin to solve this challenges is through a mobile first strategy. If confirmed, I would pursue implementing a mobile first strategy to meet these challenges.

12. The Director of the Office of Management and Budget (OMB) recently issued a memorandum to the heads of executive branch departments and agencies asking for agencies to submit plans for reorganizing their agencies and reducing the size of the federal workforce. What human capital challenges do you foresee with the development

and implementation of these plans and how, as OPM Director, would you work with agencies to address them?

**Like any good HR function, OPM needs to assist agencies in their reorganizations and what form the reorganization takes. It affects reporting structures, capability, capacity, efficiency, effectiveness. For employees, this may affect their employment status. Rolling out reorganization requires clear purpose, a transition plan, and a methodology for implementing that change. Most of all, it requires leadership to move towards a better organization for better outcomes.**

13. What role should OPM play in assisting agencies that are looking at contracting out work that is currently performed by federal employees and insourcing work to federal employees that is currently performed by contractors?

**I believe each agency should be responsible for determining its own workforce needs and the appropriate balance between Federal employees and contractor support.**

14. One of the important roles of OPM is working with agencies to make sure that the federal workforce represents the diversity of the American people and agencies have inclusive policies to strengthen agencies' ability to meet their mission and ensure retention of employees.

- a. What do you believe is the role of the OPM Director in assisting agencies with their diversity and inclusion efforts?

**As the agency that enforces civil service law and champions the merit system principles, we exhort agencies to draw from all segments of society through a comprehensive approach to recruitment. We draw on the wisdom of a workforce that is diverse on a variety of dimensions, so we are able to better understand and meet the needs of our customers and serve the public interest. Government-wide, we have achieved a highly diverse Federal workforce and we will continue efforts to sustain and build upon that accomplishment. Aside from hiring a diverse workforce, OPM must set an example in valuing inclusion to gain the maximum benefit from the diverse workforce.**

- b. What role do you think OPM should play in specifically addressing employment of individuals with disabilities?

**As the Nation's largest employer, the Federal Government has a special responsibility to lead by example in including people with disabilities in the workforce, consistent with the missions of the respective agencies and the directives Congress sets forth in law.**



15. What is your opinion of the state of veterans' employment, including use of statutory and discretionary hiring authorities, in the federal government? If confirmed as Director, what would be your priorities in the area of veterans' employment?

**OPM's prominent role in hiring Veterans in Federal employment has been extremely effective. With participation on the Interagency Council's Steering Committee, OPM can continue to utilize that leadership platform to perpetuate the return on the investment America makes in its armed forces. The Steering Commitment has enhanced employment opportunities for Veterans and helped agencies align our Veteran's skills, training, and leadership to meet critical staffing needs. If confirmed, I look forward to working with the other members of the Steering Committee to further the intent of the Veterans Employment Initiative.**

16. What are your views with respect to the current hiring process within the Federal Government, and what improvements would you recommend?

**I believe the hiring process can be improved. If confirmed, I will work closely with agencies and other stakeholders to identify their current needs and the best ways to improve the Federal hiring process to deliver an effective workforce on behalf of U.S. citizens.**

17. How do you think the federal government, and OPM in particular, can better enhance employee morale within the construct of being a steward of taxpayer dollars? Are there any programs that you would consider instituting to enhance morale?

**If confirmed, I look forward to working with OPM leadership to examine programs that enhance employee morale.**

18. Over the years, various Departments and agencies have sought and received authorities to establish personnel systems outside of government-wide provisions and independent of OPM policies and oversight. What is your opinion about the patchwork of personnel systems and authorities that exist throughout the federal government?

**We need to examine the "patchwork quilt" from the last 39 years and evaluate what is working and what is not. We may need to design our personnel systems so that we can update our policies and practices for today and tomorrow. In addition to serving as a policy maker and overseer, OPM seeks opportunities to work as a strategic partner with each agency, providing solutions, tools, best practices, and innovation. OPM has to lead as the President's agent and lead advisor on Federal Human Capital matters. People are the most important asset to running an effective government.**

19. What is your opinion about the current state of workplace flexibilities in the federal government and the ability of agencies to use existing flexibilities to meet their missions?

There are over a hundred workplace flexibilities. Less than 25% are routinely used. In some cases the flexibility may not be utilized because it is not understood, it is too hard to use, or the effort to use versus the outcome is not advantageous. These flexibilities are at times "fixes" and set up exceptions to the rule. There should be an evaluation of the value obtained through flexibilities taking into account the purposes of the merit systems principles.

20. OPM, in coordination with OMB, sets government-wide personnel policies and priorities, and also operates a fee-for-service division that provides a range of human resources support through service contracts. What is your opinion of OPM's role as a policy-making organization as well as operating as a service contract vehicle?

**The scheme that Congress created contemplates that OPM achieves its mission through a policy, service, and oversight framework. Through regulations and policy, our HR Policy organization creates governance for organizations to administer their HR programs, consistent with Congressional laws and intent.**

21. President Trump has repeatedly expressed a desire to reduce the size of the federal workforce. What role do you see OPM having in accomplishing the President's stated objective while also ensuring that the federal government can operate in an effective and efficient manner?

**Among the roles of OPM is to assist agencies to develop, and retain a workforce that is ready for the challenges this government faces. If confirmed, I look forward to working with each agency to ensure their needs are met.**

22. What impact do you anticipate the President's proposed changes to federal employees' retirement benefits will have on recruitment and retention of federal employees as well as the delivery of services by the federal government?

**I am unaware of any proposed changes, but if confirmed as Director I will work closely with each agency and this committee to discuss any potential changes.**

### III. Relations with Congress and the Public

23. If confirmed, how would you make certain that you respond in a timely manner to Member requests for information?

**If confirmed, I will communicate my desire to respond in a timely manner to Congressional inquiries, and provide oversight of OPM staff to follow through on this commitment.**

24. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?

**Yes, I do.**

25. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress?

**Yes, I do.**

26. If confirmed, do you commit to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?

**Yes, I do.**

27. On May 1, 2017, the Department of Justice Office of Legal Counsel (OLC) issued an opinion regarding how executive branch agencies should respond to requests from ranking members of congressional committees. The OLC opinion states that agencies have the “discretion” to respond to oversight requests from ranking members or individual members of Congress. The OLC opinion identifies that “the Executive Branch has historically exercised its discretion in determining whether and how to respond.” Do you believe this opinion to control the Office of Personnel Management in its communication with Congress? If so, please describe the factors you would weigh in evaluating the circumstances that warrant a response to a request by the Ranking Member of any duly constituted committee of Congress.

**I believe it is important for OPM to be responsive and communicate with Congressional Committees. If confirmed, I will work to the fullest extent possible to respond to requests from Congress.**

28. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

**Yes, I do.**

29. If confirmed, will you ensure that your staff fully and promptly provides information and access to appropriate documents and officials in response to requests made by the Government Accountability Office (GAO) and the Congressional Research Service?

**Yes, I will, so long as they are made in the context of specific audits or engagements and production is compliant with applicable law.**

30. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving OPM’s operations and effectiveness?

**If confirmed, I will take seriously all GAO recommendations and work toward resolving any problems that are identified, including adopting those recommendations as appropriate.**

31. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

**Yes, I will, subject to appropriate consideration of burden and relevant exemptions under the law.**

32. If confirmed, will you ensure that political appointees are not inappropriately involved in the review and release of Freedom of Information Act requests?


**Yes, I will.**

#### IV. Assistance

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

**While I consulted with OPM staff on background material to use in responding to these questions, the final answers are my own.**

I, Jeff T. H. Pon, hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaires and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

  
(Signature)

This 3rd day of October, 2017

Senator James Lankford  
Post-Hearing Questions for the Record  
Submitted to Dr. Jeff Pon

Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017

- 1) Regarding the security breaches to Federal employees' personal data that OPM announced in June 2015, and the August 2017 GAO report that found that OPM continues to lag in implementing recommended data security practices –commercial companies that provide cloud-based applications to Government agencies are required to meet FedRAMP and DoD security impact audits. What are your thoughts on holding OPM's cloud-based solutions, including USA Staffing to same security standards as commercial offerings, given the breach that OPM experienced?

Dr. Pon: USA Staffing is an OPM provided shared service product to assist Federal agencies with the hiring process. OPM strives for all its information technology platforms, including internally and externally hosted platforms, to meet the appropriate and applicable cybersecurity standards.

- 2) The Economy Act of 1932, as amended, permits Government agencies to purchase services from other Federal Agencies only if the ordered goods or services cannot be provided by contract from a commercial enterprise, as conveniently or cheaply as could be by the Government. As multiple fully federalized staffing and related commercial products are available from commercial companies then why does OPM offer internal software tools when fully federalized, commercial products are available on GSA Schedules for easy agency acquisition?

Dr. Pon: The Economy Act of 1932, as amended, has been an extremely beneficial authority in the accomplishment of agency missions. However, in 1952 Congress provided OPM revolving fund authority and later expanded, in 1996, the scope of OPM's revolving fund authority to include reimbursable services for a wide range of human capital management services. Moreover, operative law governing OPM's activities contemplates that OPM should recover the costs of performing functions, like staffing, that are now largely delegated to agencies. OPM leverages its revolving fund authority to provide services both directly and through contractual arrangements. By doing so, it can enhance service offerings and technology solutions for government agencies. In some cases, such as a hiring process, OPM can itself provide the work needed to support an agency selection process, if the agency does not wish to perform, or lacks the resources to perform the function itself. In other areas, OPM provides a blended solution. The process is straightforward. OPM, when invited to do so by agencies, validates major human capital needs and challenges facing agencies. OPM next engages with industry to evaluate private sector solutions and innovations to enhance existing solutions or to provide new capabilities to the Federal human capital community. OPM then institutes "best-in-class" contractual relationships with private sector partners or an agreement between Federal

organizations if necessary. OPM's offerings are not mandatory-use offerings, so agency decision makers conduct best interest of the Government evaluations by scrutinizing OPM blended private sector offerings and independently presented competitive private sector offerings.

**3) The administration recognizes and promotes the value of innovation that comes from competition in the commercial marketplace. With OPM having a non-competitive, non-expiring interagency agreement with the Department of Defense to use OPM's USA Staffing and related products exclusively, what incentive does OPM have to continually innovate with these products as its largest customer, providing over half of OPM's software solutions revenue, is not open to competition?**

Dr. Pon: I believe OPM understands that innovation is critical to perpetuating its partnership with DoD, a major USA Staffing customer. DoD innovation and enhancement priorities are channeled through the USA Staffing Advisory Board which has representation from each DoD component. The USA Staffing Advisory Board drives the development of USA Staffing's expanded capabilities like onboarding and workload/time-to-hire analytics allowing DoD and other agencies to consolidate HR systems. OPM, through USA Staffing, looks to drive long-term, systemic HR improvements leveraging agile software development in delivering continuous software improvements with releases of new functionality every few weeks.

**4) In the ongoing OMB-led government-wide reorganization, OPM will play a leading role in helping agencies restructure their organizations and workforces to improve mission delivery, customer service, and efficiency. What role should OPM play alongside OMB in the reorganization? How will OPM work with OMB to measure progress toward workforce reshaping and the impact of workforce changes on mission?**

Dr. Pon: As a thought leader in the area of human resources, the President's chief advisor with respect to the needs of the civil service, and the agency charged with the effectuation of the rules governing the civil service, as well as accountability systems for measuring agency performance with respect to human resource functions, OPM should assist agencies in their reorganization efforts and in determining what forms the reorganizations should take. Reorganization affects reporting structures, capability, capacity, efficiency, and effectiveness. For employees, this may affect their employment status. Rolling out a reorganization requires clear purpose, a transition plan, and a methodology for implementing that change. Most of all, it requires leadership to move towards a better organization for better outcomes. If confirmed, I will partner with OMB and other agencies to work to achieve success in reorganization efforts.

**Senator Steve Daines  
Post-Hearing Questions for the Record  
Submitted to Dr. Jeff Pon**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017**

1. **In April 2014, OPM finalized regulations that changed the fee structure for the Combined Federal Campaign (CFC) from “pay-as-you-go” to fixed. The minimum fee for small nonprofits is now \$275 annually, which is prohibitive to many of Montana’s small nonprofits. Based on feedback I have received from the Montana Nonprofit Association, 100% of nonprofits that participated last season won’t participate this coming season. Do you see the concerns of small nonprofits that may only receive \$300 to \$500 each year through the CFC? If confirmed, will you commit to working on legislation with my staff ensure CFC fees don’t keep small rural nonprofits from participating?**

Dr. Pon: I understand and appreciate that some have concerns, due to the new fee structure. I understand that the new fee structure is based on recommendations from the CFC-50 Commission, an advisory committee composed of Federal employees, private campaign administrators, charitable organizations and “watchdog” groups. If confirmed, I commit to working with all of the Combined Federal Campaign (CFC) stakeholders, including Congress and small nonprofits, toward the end of having CFC remain a robust platform for Federal employees across the country to donate to charities.

**Ranking Member Claire McCaskill  
Post-Hearing Questions for the Record  
Submitted to Dr. Jeff Pon**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017**

**COOPERATION WITH CONGRESS**

**Q: Do you agree that FOIA exemptions do not apply to congressional oversight requests?**

Dr. Pon: I agree that FOIA exemptions do not apply to congressional requests emanating from a chamber or Committee of Congress, acting in its oversight role.

**Q: Will you pledge to copy the Ranking Member and/or staff on all official correspondence with the Committee and ensure that such correspondence is transmitted to the Ranking Member's office contemporaneous with transmittal to the Committee?**

Dr. Pon: Yes.

**Q: Will you pledge to ensure that all meetings, briefings, and other official engagements with the Committee staff include both the majority and minority?**

Dr. Pon: I pledge to work with Congress, and specifically this Committee in its role as an overseer, as appropriate.

**BACKGROUND INVESTIGATIONS**

**Despite the ongoing reforms, the National Background Investigations Bureau is still in the process of addressing the backlog of more than 700,000 cases.**

**Q: If confirmed, what additional reforms will you prioritize to ensure that NBIB can make a real dent in alleviating this backlog?**

Dr. Pon: If confirmed, I will support the ongoing efforts of the National Background Investigations Bureau's (NBIB) to grow capacity in its Federal and contractor workforce. I will also support NBIB's initiatives to reduce the level of effort required by investigators to work on each case through streamlining processes, reallocating resources, and updating internal policies to permit greater efficiencies and effectiveness while simultaneously maintaining quality and reciprocity for all of Government. I am also committed to working through the Performance Accountability Council (PAC) on process reform efforts that will benefit the entire Government.



In February of this year, I wrote a letter to the Government Accountability Office requesting a comprehensive review and report regarding the transfer of background investigation functions to identify lessons learned and to develop a comprehensive strategy for a government-wide security clearance background investigation program. GAO's work remains ongoing.

**Q: If confirmed, will you commit to implementing all of GAO's recommendations to improve the security clearance background investigation program?**

Dr. Pon: If confirmed, I will support any efforts undertaken by GAO to engage with OPM on this topic and will support resolution of any resulting audit findings.

#### **WHISTLEBLOWER PROTECTION**

**Q: What steps can federal agencies take to ensure that employees feel comfortable reporting misconduct to their management without fear of retaliation?**

Dr. Pon: It is important for Federal agencies to create an environment where employees feel comfortable reporting misconduct to management without fear of retaliation. By communicating, listening, and leading by example, agency leaders can show their workforce that reports of misconduct will be taken seriously. It is important for agencies to protect whistleblowers and to inform employees of the various methods for reporting misconduct and other waste, fraud and abuse within the Federal Government.

**Q: How will you work to promote a culture where employees can raise concerns to senior management, including directly to you?**

Dr. Pon: If confirmed, I will communicate my expectations to both management and employees that employees should be able to raise any work-related concerns to senior management. In addition, I will stress to management the importance of listening and taking appropriate action when an employee discloses an issue of wrongdoing.

#### **SUPPORTING DISASTER RELIEF**

In August, OPM announced that it approved a special solicitation of federal employees at the workplace to support the victims of Hurricane Harvey.

**Q: If confirmed, what other steps should OPM take to support the federal government's disaster relief and recovery efforts?**

Dr. Pon: OPM has already taken steps to establish three emergency leave transfer programs to allow Federal employees to donate unused annual leave to those impacted in recent natural disasters (Harvey, Irma and Maria). OPM is also supporting DHS FEMA Surge Capacity Force and Small Business Administration in their efforts to solicit volunteers for the emergency response and recovery missions. Additionally, OPM is sending its own employee volunteers to

support FEMA Surge Capacity with other Federal agencies to work in areas hardest hit in order to provide necessary on-the-ground support. If confirmed, I would continue these efforts and work with Federal agencies to understand areas of continued need.

**Numerous reports indicate that federal disaster mitigation, relief, and recovery efforts have been hindered by understaffing at agencies including the National Weather Service, and the Federal Emergency Management Agency.**

**Q: How can OPM work with other federal agencies to ensure that these types of staffing shortfalls do not persist and undermine service delivery to Americans devastated by natural disasters?**

Dr. Pon: OPM seeks opportunities to work as a strategic partner with each agency, providing solutions, tools, best practices, and innovation. OPM has to lead as the President's agent and lead advisor on Federal Human Capital matters. If confirmed, I will work closely with agencies and other stakeholders to identify their current needs and the best ways to meet mission needs. To the extent some aspect of the hiring process is a concern, I would consider ways the hiring process can be improved. We may need to design our personnel systems so that we can update our policies and practices for today and tomorrow.

#### **BOLSTERING INFORMATION TECHNOLOGY AND CYBER SECURITY**

**Following the 2014 data breach at OPM, the agency dedicated significant resources toward re-authorizing the IT and cyber security systems that were neglected. Despite these efforts, in June 2017, the OPM Inspector General found that OPM's management of system authorizations continues to represent a material weakness in the agency's IT security program.**

**Q: If confirmed, will you ensure that OPM implements all of the Inspector General's recommendations?**

Dr. Pon: If confirmed, I will work with OPM's Office of the Chief Information Officer and Office of the Inspector General to implement recommendations and resolve audit findings to the greatest extent possible.

**Q: What additional actions will you take to address the deficiencies in OPM's IT infrastructure and ensure that a similar breach does not occur going forward?**

Dr. Pon: If confirmed, the security of OPM's systems and data will continue to be an OPM priority, an important aspect of agency culture from the top down, and an area of continual enhancement. Upgrading OPM's IT infrastructure is a central component of OPM's risk mitigation strategy, to address both cybersecurity risks and the operational risk posed by outdated and underperforming equipment. In addition, OPM has centralized its cybersecurity resources and efforts under the Chief Information Security Officer, published policies so that proactive steps can be taken to secure and control access to sensitive information, and continues to engage regularly with the Office of the Inspector General to collaborate and remediate audit

findings. OPM has implemented critical enhancements to strengthen the security of OPM's networks and has improved its security and assessment authorization process. OPM has also taken a leadership role in its support for Federal initiatives such as the OMB cyber sprint and the DHS Continuous Diagnostic and Mitigation program. If confirmed, I will work with the Office of the Chief Information Officer to support these important activities along with continuing to train and educate end users on cyber risk avoidance and supporting implementation of new and enhanced security policies, processes and procedures.

#### **ACCOUNTABILITY FOR FEDERAL WORKERS**

**One of the persistent challenges facing the federal workforce is that the misconduct of a few can cast a shadow over the millions of diligent federal employees working on behalf of the American people every day. Moreover, if confirmed, you will be entering these roles at a time when employee morale is significantly low due to threats of government shutdowns and proposed budget cuts in pay, retirement and health care for federal employees.**

**Q: Do you support the President's proposed cuts, and why? If these cuts are adopted, what are your plans to empower federal employees and to improve employee morale government-wide?**

Dr. Pon: Retirement benefit is an important component of the Federal compensation package. As the retirement benefit landscape changes, many private companies (both for profit and non-profit) are reducing or eliminating their defined benefit plans; many are opting for a greater focus on defined contribution plans. The shift away from defined benefits programs and cost of living adjustments for annuitants is part of that evolution and trend. The proposals maintain a Federal defined benefit program, but will help bring the Federal retirement benefits more in line with the private sector while reducing costs. In the context of the broader labor environment, I believe the implementation of retirement benefit changes will not significantly impact the Federal Government's recruiting and retention efforts. If confirmed, I look forward to working with OPM leadership to examine programs that enhance employee morale.

#### **VETERANS PREFERENCE**

**Since Veterans Hiring Initiative was launched by Executive Order 13518, *Employment of Veterans in the Federal Government*, the percentage of veterans represented in the federal workforce has increased from 25.8% in fiscal year 2009 to 31.1% in fiscal year 2016, according to recently reported data by OPM. This marks tremendous progress in the hiring of veterans across the federal government. Hiring reform was also discussed during your confirmation process.**

**Q: If confirmed, will you commit to continue the work of the Veterans Hiring Initiative and Executive Order 13518?**

Dr. Pon: OPM's prominent role in hiring Veterans in Federal employment has been extremely effective. With participation on the Interagency Council's Steering Committee, OPM can continue to utilize that leadership platform to perpetuate the return on the investment America

makes in its armed forces. The Steering Commitment has enhanced employment opportunities for Veterans and helped agencies align our Veteran's skills, training, and leadership to meet critical staffing needs. If confirmed, I look forward to working with the other members of the Steering Committee to further the intent of the Veterans Employment Initiative.

**Q: What, if any, changes do you believe are necessary to veterans preference in the hiring process and do you commit to preserving veterans preference in any hiring reform initiative?**

Dr. Pon: Our Veterans have made tremendous sacrifices for our country, and it is only right that we assist them in making the transition back to civilian life. Veterans currently represent approximately one-third of the total U.S. Federal workforce and statutory tools like Veterans' preference have been effective, while discretionary hiring authorities provide agencies reasonable hiring flexibility. Efforts like the Veterans Employment Initiative and the work of the Interagency Council on Veterans Employment has also helped Veterans find positions across agencies and not just in those agencies you would expect a large Veterans population. I look forward to sustaining the great strides we have made.

**Senator Thomas R. Carper  
Post-Hearing Questions for the Record  
Submitted to Dr. Jeff Pon**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017**

**Federal Employee Morale**

- 1. The latest Federal Employee Viewpoint Survey found some improvement in overall employee engagement and satisfaction in the federal government. However, the President's FY18 budget request proposes changes to the federal employee retirement programs that would result in significant cuts to employees' pay and benefits.**

**What are your views on the impacts of these proposals to employee morale, and what effect do you believe these proposals will have on the ability of agencies to successfully recruit and retain a first class workforce?**

Dr. Pon: Retirement benefit is an important component of the Federal compensation package. As the retirement benefit landscape changes, many private companies (both for profit and non-profit) are reducing or eliminating their defined benefit plans; many are opting for a greater focus on defined contribution plans. The shift away from defined benefits programs and cost of living adjustments for annuitants is part of that evolution and trend. The proposals maintain a Federal defined benefit program, but will help bring the Federal retirement benefits more in line with the private sector while reducing costs. In the context of the broader labor environment, I believe the implementation of retirement benefit changes will not significantly impact the Federal Government's recruiting and retention efforts.

**Senator Heidi Heitkamp  
Post-Hearing Questions for the Record  
Submitted to Dr. Jeff Pon**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017**

- 1. As you know, in 2015, OPM suffered a breach of its network, specifically a personnel records database and its security clearance information. Information technology management has been a significant issue for OPM over the years – dating back to Retire EZ-- and the recent departure of its new CIO only raises additional concerns.**
  - a. What experience do you have in IT management and what do you believe is needed to ensure that OPM can meet its mission in the digital age while protecting individuals' personal information?**

Dr. Pon: While previously at OPM, I was a government-wide project manager. I managed and provided oversight for OPM's teams that managed several OPM IT systems, including Enterprise Human Resource Integration (eOPF ), USAJOBS, ePayroll, eTraining and eClearance. On these teams, I oversaw implementation of Federal Information Security Management Act (FISMA) requirements and related National Institute of Standards and Technology (NIST) and Office of Management and Budget (OMB) guidance. I also supervised certified cybersecurity professionals who worked on the teams and audit teams for the systems. In this capacity, I established cross-functional relationships within the OPM programs and developed interagency and inter-branch partnerships with, among others, the Government Accountability Office and Congressional staff. Enhancing cybersecurity and safeguarding of OPM information is a critical priority. I believe OPM has made progress in strengthening the safeguards of its systems by, among other things, centralizing the cybersecurity program under the Chief Information Security Officer, creating and implementing new and enhanced security policies, processes and procedures, taking proactive measures to educate OPM users about ways to reduce cybersecurity risk, and deploying modern security tools to protect the OPM environment. If confirmed as Director, I will work with the OCIO so that OPM continues its work to improve and further secure its systems.

- b. If confirmed, do you support continuation of the law providing 10 years of credit monitoring and identity restoration services?**

Dr. Pon: I am open to this possibility and, if confirmed, would be happy to discuss it with you and your staff.

- c. OPM has long struggled with how to modernize its retirement processing and other data element exchanges with agencies, and how to pay for such activities. What are your thoughts on how you will oversee actual**

**improvements to retirement processing, both for current employees about to retire and for those long retired?**

Dr. Pon: Improving the reporting of Federal employee work records generated by employing organizations will improve the speed and accuracy of retirement calculations. Collaboration between OPM business functions and the OCIO is ongoing in order to develop new and innovative solutions needed to better serve the American citizens. I understand Retirement Services (RS) developed and is in the process of implementing its Strategic IT Vision, which is to transition the Retirement Program from a paper-based to a paperless system by authorizing accurate retirement benefit payments on the day they are due, answering customers' questions in the time and manner they expect, and promoting self-service account maintenance via PC, tablet or other mobile device. In 2017, RS expects to configure much of the base of the RS case management system and implement it, and we expect to build the online retirement application. If confirmed, I will support these efforts and work toward their timely completion.

**d. USAJOBS is the federal government's main hiring portal, and despite recent upgrades, continues to be criticized by some agencies and applicants. As OPM Director, what strategic plans do you have for USAJOBS and USA Staffing?**

Dr. Pon: OPM must continually look to improve USAJOBS and USA Staffing. With around 20 million Federal job applications processed annually, it's critical that OPM provide innovative assessment tools to help agencies sort through large applicant pools effectively and efficiently to identify top talent and enable selection in accordance with applicable law. This includes finding new ways to help applicants identify and apply for jobs that are a best fit, while also connecting agencies with communities of interest encompassing individuals who may not immediately think to pursue Federal employment. This requires USAJOBS and USA Staffing to align agencies with search tools and functions that allow those seeking applicants to find resumes and invite job seekers to apply, consistent with applicable law. It also means making sure that USAJOBS is user-friendly for applicants to conduct searches in a way that makes information easily accessible and presents it in plain language. Understanding the scope of the Federal Government, OPM should collaborate with our Federal partners to create a unified and consistent applicant experience regardless of the agency or position for which the applicant is applying to the extent possible. This can be achieved by listening to the Federal Government's diverse applicants and creating software that is responsive to their unique needs while still fulfilling the system's statutory purposes.

**e. In light of the recent cyber incidents, OPM began an expensive upgrade of its IT system using a significant amount of money from FIS/NBIB. If OPM were to lose security clearance and other investigative functions, what would be your plan for addressing subsequent funding losses or large agency investments?**

Dr. Pon: If confirmed as the OPM Director, I would work with OPM's Chief Financial Officer and Chief Information Officer to fully understand the agency's current fiscal posture and any future hypotheticals.

**2. If confirmed as the Director of OPM, you will be coming into the position at a time when employee morale is low due to threats of government shutdowns and rumors of reductions in force.**

**a. What steps do you plan to take to improve employee morale government-wide during this difficult time?**

Dr. Pon: On the most recent Federal Employee Viewpoint Survey (FEVS), the results indicate that government-wide employee engagement has increased for the last several years. It is important for senior leaders and managers to sustain this outcome and continue making progress in this area. The FEVS is a valuable tool that can assist Federal agencies with identifying strengths as well as areas in need of improvement that can have a direct impact on employee morale. If confirmed, I look forward to working with OPM leadership and the Chief Human Capital Officers Council to further examine programs and best practices that enhance employee morale.

**b. The Administration has highlighted OPM's standing up a streamlined process to handle an increased volume of agency requests for early-outs. What details can you provide about what actions OPM has already taken, and what plans do you have in this area if confirmed as OPM Director?**

Dr. Pon: Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments (VERA/VSIP) can be important to agencies in their long-term planning efforts. I am happy to see OPM and OMB worked closely in recent months to collaborate on developing a streamlined process and simpler templates for agencies to use in submitting their requests. If I am confirmed as the Director of OPM, I will prioritize consideration of feedback and improvements to customer service, consistent with applicable legal standards, concerning the status of VERA/VSIP requests so agencies can conduct their planning operations as smoothly as possible.

**3. In 2009, President Obama issued Executive Order 13522, Creating Labor-Management Forums to Improve Delivery of Government Services. As E.O. 13522 makes clear, pre-decisional involvement (PDI) is an important component of the implementation of labor management forums, and therefore calls for agencies to involve employees and their union representatives in pre-decisional discussions concerning all workplace matters to the fullest extent practicable. Front-line employees and their union representatives have essential ideas and information about delivering quality government services to the public and the PDI process allows employees, through their labor representatives, to have meaningful input resulting in better quality decision-making, more support for decisions, timelier implementation, and better results for the American people. According to the October 2014 Labor-Management Relations in the Executive Branch report issued**



by OPM, there are numerous instances where PDI and employee engagement efforts have been successful and increased agency productivity and employee morale.

- a. **Recently President Trump rescinded the Obama EO creating labor management partnerships. What is your view on the state of labor relations in the federal government and what would your approach be to working with federal employee unions? What is your view of PDI?**

Dr. Pon: I look forward to working with employee representatives in accordance with Federal sector labor law on issues of importance to the civil service. I will negotiate with OPM's local unions consistent with the law.

- 4. **There have been various calls over the past few years to reform the civil service in the areas of hiring, pay, performance management, employee protections, and removals. Defenders of the current system note that while there may be some issues in implementation, the current process ensures fairness through transparency and by providing employees with protections from unfair labor practices, discrimination, and retaliation.**

- a. **Do you believe civil service reforms are needed, and if so, what steps do you believe should be taken to ensure that the changes are fair, transparent, and protect employees?**

Dr. Pon: We need to re-examine our practices to make sure we are doing all that we can to attract, develop, and retain a workforce that is ready for the challenges this government currently faces. Hiring authorities, training, performance management systems, and total rewards should all be looked at government-wide. Department-specific reforms may make sense for certain situations; however, we are still one single government and I believe that managing the government as effectively and efficiently as possible benefits from standardization, simplification, and unification. I believe in cultivating collaboration and, if confirmed, I look forward to working with others, in hearing ideas to promote fairness, transparency, and the protection of Federal employees as well as merit principles such as hiring individuals with the highest relative levels of knowledge, skill, and ability.

- 5. **The President's FY18 budget request proposes changes to the federal employee retirement programs that would result in significant cuts to employees' pay and benefits. This has resulted in morale issues across the federal government and concerns over the proposal's impact on recruitment and retention.**

- a. **What are your views on the impacts of these proposals, and what value do you believe the federal community places on retirement and health care benefits, particularly given its pay challenges?**

Dr. Pon: Retirement benefit is an important component of the Federal compensation package. As the retirement benefit landscape changes, many private companies (both for profit and non-

profit) are reducing or eliminating their defined benefit plans; many are opting for a greater focus on defined contribution plans. The shift away from defined benefits programs and cost of living adjustments for annuitants is part of that evolution and trend. The proposals maintain a Federal defined benefit program, but will help bring the Federal retirement benefits more in line with the private sector while reducing costs. In the context of the broader labor environment, I believe the implementation of retirement benefit changes will not significantly impact the Federal government's recruiting and retention efforts. Finally, I believe the health care plans OPM oversees through the FEHBP – which number in the hundreds – should be reviewed to ensure Federal health benefits are administered efficiently and effectively.

**6. Earlier this year, OMB issued agencies guidance on how to implement the President's EO on reorganizing the federal government. While agencies were to provide their plans to OMB at the end of September, I'm interested in your views on reorganizing the federal government, and what role you envision OPM would play with the EO.**

**a. What changes do you believe need to be made? What are your views on outsourcing federal jobs to the private sector?**

Dr. Pon: As a thought leader in the area of human resources, the President's chief advisor with respect to the needs of the civil service, and the agency charged with the effectuation of the rules governing the civil service, as well as accountability systems for measuring agency performance with respect to human resource functions, OPM should assist agencies in their reorganization efforts and in determining what forms the reorganizations should take. Reorganization affects reporting structures, capability, capacity, efficiency, and effectiveness. For employees, this may affect their employment status. Rolling out a reorganization requires clear purpose, a transition plan, and a methodology for implementing that change. Most of all, it requires leadership to move towards a better organization for better outcomes.

With respect to the latter question, I believe contractors can help agencies meet their missions, when used appropriately for activities that are not inherently governmental. In some cases, contractors can provide services that support agency missions at a reduced cost or in a faster timeframe, especially if there is a short-term need or a specialized skill set required. Further, I believe each agency should be responsible for determining its own workforce needs and the appropriate balance between Federal employees and contractor support, consistent with applicable law.

**7. OPM plays an important role in providing HR and policy guidance to employing agencies, often times for complex and obscure personnel rules, and ensuring that the merit systems principles are followed. Many agencies complain that OPM's regulations are problematic or that OPM stands as a roadblock to their efforts to improve agency performance. Others see OPM becoming a mere extension of OMB when it comes to matters of federal personnel policy.**

- a. **What do you see as the appropriate role of OPM and its relationship with OMB? If confirmed, what operations model do you plan to establish in terms of responding to agency HR requirements and needs, and in terms of dealing with agency heads and OMB?**

Dr. Pon: OPM and the Office of Management and Budget (OMB) are two separate independent agencies. While the two agencies' missions complement one another in their focus on good government in the best interests of the American public, the agencies also have distinct equities. If confirmed, I am committed to working with OMB, agency heads, hiring managers and human resources staff to help them fulfill their human resources needs, consistent with applicable law and merit system principles.

- 8. **Program Managers play an important function in making sure government programs run efficiently and effectively. Last Congress, I cosponsored the Program Management Improvement and Accountability Act, which, among other things, instructs OPM to create a formal job series and career path for program managers in the federal government.**

- a. **I want to make sure you are aware of the importance of the program management workforce and will make sure it is a priority if you are confirmed.**

Dr. Pon: OPM is already working closely with OMB on this effort. I understand the importance of the program management workforce.

- 9. **It is important that we make sure agency supervisors have the tools and skills needed to effectively guide their teams and create the effective and efficient federal workforce our nation needs. That is one of the reasons I introduced my supervisor training legislation at the end of last Congress.**

- a. **How can OPM play a role in improving this process?**

Dr. Pon: As a setter of policy, OPM can work with agencies to identify their training needs and work toward policies that enhance workforce readiness. As an entity charged with the separate mission of providing reimbursable services for Federal agencies, OPM can develop both government-wide and agency-specific training opportunities. OPM can also lead and assist government-wide efforts in a way that is more strategic and data-driven to enable agencies to meet their missions by equipping supervisors with the tools they need.

- 10. **I find it astounding that nearly a third of the federal workforce will be eligible to retire in 2019. It is essential that the federal government be prepared to recruit and retain the top talent from this generation of workers as effectively as possible, and as soon as possible.**

**a. What are the primary barriers to attracting and retaining qualified individuals—particularly younger generations—to the federal workforce?**

Dr. Pon: If confirmed, I am committed to working with agency hiring managers and human resources staff to help them identify their needs and challenges they may face in finding and recruiting the best professionals to fill their positions, consistent with applicable law and merit system principles.

**11. The Economy Act of 1932, as amended, (31 U.S.C. § 1535), permits Government agencies to purchase services from other Federal Agencies only if the ordered goods or services cannot be provided as conveniently or cheaply by contract from a commercial enterprise. Currently, OPM's HR Solutions division provides online human resources management services through USA Staffing, USA Hire, and USA Performanc, while a variety of commercial providers provide similar and competitive products.**

**a. Could you briefly elaborate on the process you will use to determine how OPM will manage and leverage software development solutions and capabilities within the department and in the private sector?**

Dr. Pon: The Economy Act of 1932, as amended, has been an extremely beneficial authority in the accomplishment of agency missions. However, in 1952 Congress provided OPM revolving fund authority and later expanded, in 1996, the scope of OPM's revolving fund authority to include reimbursable services for a wide range of human capital management services. Moreover, operative law governing OPM's activities contemplates that OPM should recover the costs of performing functions, like staffing, that are now largely delegated to agencies. OPM leverages its revolving fund authority to provide services both directly and through contractual arrangements. By doing so, it can enhance service offerings and technology solutions for government agencies. In some cases, such as a hiring process, OPM can itself provide the work needed to support an agency selection process, if the agency does not wish to perform, or lacks the resources to perform the function itself. In other areas, OPM provides a blended solution. The process is straightforward. OPM, when invited to do so by agencies, validates major human capital needs and challenges facing agencies. OPM next engages with industry to evaluate private sector solutions and innovations to enhance existing solutions or to provide new capabilities to the Federal human capital community. OPM then institutes "best-in-class" contractual relationships with private sector partners or an agreement between Federal organizations if necessary. OPM's offerings are not mandatory-use offerings, so agency decision makers conduct best interest of the Government evaluations by scrutinizing OPM blended private sector offerings and independently presented competitive private sector offerings.

**b. Will you commit to ensuring that OPM gives fair consideration to products and services provided by the private sector?**

Dr. Pon: Yes, I do.

**12. I would like to follow-up on a question asked during the hearing regarding OPM having a non-competitive, non-expiring interagency agreement with the Department of Defense (DOD) to use OPM's USA Staffing and related products exclusively.**

**a. If confirmed, how will you make sure OPM has sufficient incentive to continually innovate its products with DOD?**

Dr. Pon: I believe OPM understands that innovation is critical to perpetuating its partnership with DOD, a major USA Staffing customer. DOD innovation and enhancement priorities are channeled through the USA Staffing Advisory Board which has representation from each DoD component. The USA Staffing Advisory Board drives the development of USA Staffing's expanded capabilities like onboarding and workload/time-to-hire analytics allowing DOD and other agencies to consolidate human resources systems. OPM, through USA Staffing, looks to drive long-term, systemic human resources improvements leveraging agile software development in delivering continuous software improvements with releases of new functionality every few weeks.

**b. What role, if any, do you see the private sector playing in this regard?**

Dr. Pon: First, because OPM has no ability to "corner" the market, companies in the private sector are always potential competitors, which means that OPM must make sure its own offerings are competitive in the relevant market. Second, the private sector plays a major strategic partnership role in providing state of the art capabilities, top talent, and industry leading practices which are blended together in the delivery of USA Staffing. For example, OPM has partnered with the private sector for USA Hire, which is an extension of the USA Staffing program and provides computer adaptive testing to evaluate applicant qualifications. USA Hire is hosted and maintained by OPM private sector partners. USA Staffing also has a blanket purchase agreement with several recruitment and branding private sector partners to increase outreach efforts. With private sector partnerships like these, USA Staffing is able to leverage private sector tools and incorporate them, at scale, into the Federal hiring process. As one of several OPM private sector partnerships, USA Hire exemplifies a blended private sector partnership which delivers high-quality solutions, addressing a significant gap in the Federal hiring process and providing agencies with the opportunity to make better hires.

Senator Kamala Harris  
Post-Hearing Questions for the Record  
Submitted to Dr. Jeff Pon

Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017

**Federal Workforce Diversity and Inclusion**

**During your nomination hearing, you committed to reading Executive Order 13583, “Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce.”**

- 1. What specifically will you do to pursue and continue the policies in Executive Order 13583 and strengthen diversity in the federal workforce?**

Dr. Pon: I believe in adherence to the merit system principles, which counsel, among other things, that recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society. A broad range of perspectives, experiences, skills, approaches and methods are helpful in addressing the problems facing the Federal Government. Therefore, as agencies work to solve these problems, they should actively recruit from all segments of society and provide broad leadership development opportunities to build their pipelines for future leaders. In this effort, I understand that OPM has developed multiple tools, guidance, programs and courses for agencies and these efforts should continue to be supported. I have reviewed Executive Order 13583 and related materials, and, if confirmed, I will continue to build upon the goals identified in Governmentwide Inclusive Diversity Strategic Plan issued by OPM in 2016, which outlines the second phase of implementation of Executive Order 13583, in compliance with all applicable authorities.

**While minority groups are under-represented across the federal workforce, this is especially true of the Senior Executive Service (SES).**

- 1. What specifically will you do to ensure that agencies are sourcing a more diverse applicant pool for SES positions?**

Dr. Pon: It is my understanding, based on the last data OPM posted to its website, that minorities as a whole are no longer under-represented across the Federal workforce, although their representation lags somewhat in SES positions. I expect that the workforce in SES positions will become more diverse over time, in light of the fact that the Federal workforce in General Schedule positions is now quite diverse. As agencies continue to pursue recruitment in a manner that values diversity and inclusion within the SES, I will encourage agencies to recruit from a broad array of sources, drawing from all segments of society and to provide leadership development opportunities to all in order to build their applicant pools for future leaders. As I

noted above, OPM has developed multiple tools, guidance, programs and courses for agencies and these efforts should continue to be supported.

**2. How will you help agencies better use data to strengthen diversity among the SES and what tools will you provide to help agencies ensure a more diverse SES?**

Dr. Pon: I will continue to help agencies translate demographic data into more meaningful guidance that can help drive improvements to recruitment. Designing a robust recruitment program that reaches out to a broad spectrum of candidates can help enhance the diversity of applicant pools for SES positions. OPM has quantitative tools for agencies to use to drive quality decision making. The tools allow agencies to establish metrics, monitor trends, disseminate reports and educate Senior Leaders on diversity of applicants, hires, separations, promotions, and awards by variables such as race, ethnicity, sex, and disability and veteran status. OPM will continue to provide government-wide data, guidance, and best practices to help agencies enhance and/or sustain the diversity of their workforce, consistent with the merit system principles and applicable law.

**3. What metrics will you use to measure success on diversity and inclusion efforts?**

Dr. Pon: By law, OPM is responsible for preparing the Federal Equal Opportunity Recruitment Program Report to Congress, which provides a great deal of helpful data. The success of diversity and inclusion efforts can be measured quantitatively using metrics across the employment life cycle: the onboard workforce, the applicant pool, the demographics of those hired or placed, rates of participation in training/development, rates of participation in advancement/promotions and retention. Beyond numbers, an important measure is the perception of employees about their workplace. Annually, OPM issues the Federal Employee Viewpoint Survey. The findings continue to provide employee feedback to support agency improvement efforts, consistent with applicable law.

**4. OPM issued the second part of a strategic plan around diversity and inclusion in 2016. Do you commit to reviewing this in full and providing me with your analysis of this work as well as how you plan to address diversity and inclusion within 120 days of being confirmed?**

Dr. Pon: Yes.

**Protections for LGBTQ Federal Employees**

**1. In 2015, OPM joined the Equal Employment Opportunity Commission, the U.S. Office of Special Counsel and the U.S. Merit System Protection Board to issue a guide on LGBT discrimination protections for federal workers. Do you commit to maintaining this guide? How will you ensure that it is made available to agencies and employees?**

Dr. Pon: Yes. The guide is made available on OPM's website at

<https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reference-materials/addressing-sexual-orientation-and-gender-identity-discrimination-in-federal-civilian-employment.pdf>

**Federal Management Labor Relations**

On September 29, President Trump rescinded an Executive Order that established labor management forums across the federal government. These forums were designed to allow labor and management to better communicate and ensure that the voices of employees were represented in decision-making that affects the workplace.

1. In light of this rescission, how do you plan to work with labor to ensure the views of front-line employees are at the decision-making table?
2. This January, the President issued a hiring freeze and directed the Office of Management and Budget, in consultation with OPM, to reduce the size of the federal workforce. Do you believe that labor should be included in this restructuring of the federal government? If so, how do you intend to ensure their participation in this process?

Dr. Pon (questions 1-2): I look forward to working with employee representatives in accordance with Federal sector labor law on issues of importance to the civil service. I will negotiate with OPM's local unions consistent with the law.



## GOVERNMENT MANAGERS COALITION

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• FAAMA • FMA • NCSSMA • PMA • SEA •

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September 22, 2017

The Honorable Ron Johnson, Chairman  
 The Honorable Claire McCaskill, Ranking Member  
 United States Senate  
 Homeland Security and Governmental Affairs Committee  
 340 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

On behalf of the five major federal sector executive and management professional associations comprising the Government Managers Coalition (GMC), we write to express our support for Jeff Tien Han Pon, President Trump's nominee to be Director of the Office of Personnel Management (OPM).

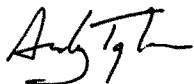
The GMC collectively represents the interests of over 200,000 supervisors, managers, and executives throughout the federal government. Our mission is to promote good government initiatives that foster effectiveness and efficiency throughout the federal government. Certainly, a key component to good governance is ensuring key leadership roles are filled by skilled candidates.

To that end, OPM, the agency tasked with overseeing the federal civil service, has been without a Senate-confirmed Director for more than two years. While the agency has certainly undertaken good work in the interim, operating without a clearly established direction should not become the standard state of affairs, particularly for such an integral component of the federal workforce.

Mr. Pon has the background necessary to step in and provide crucial guidance to the agency and to federal workers. Mr. Pon's federal government experience, background as a human resources expert, tenure as Chief Human Capital Officer at the Department of Energy and the Deputy Director of eGovernment at OPM, promise a broad and relevant skill-set ideal for filling this crucial government role.

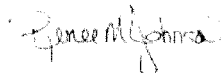
If you have any questions, please feel free to contact Ben Carnes with the Professional Managers Association at [bcarnes@shawbransford.com](mailto:bcarnes@shawbransford.com) or (202) 463-8400.

Sincerely,




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ANDY TAYLOR  
 President  
 FAA Managers Association




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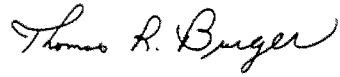
RENEE M. JOHNSON  
 President  
 Federal Managers Association

GOVERNMENT MANAGERS COALITION

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THOMAS R. BURGER  
Executive Director  
Professional Managers Association



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CHRISTOPHER DETZLER  
President  
National Council of Social Security  
Management Associations



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BILL VALDEZ  
President  
Senior Executives Association



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September 18, 2017

The Honorable Ron Johnson, Chairman  
The Honorable Claire McCaskill, Ranking Member  
Committee on Homeland Security and Governmental Affairs  
Washington, D.C. 20510

Dear Chairman Johnson, Ranking Member McCaskill, and Members of the Committee:

On behalf of the Senior Executives Association (SEA) – which represents the interests of career federal executives in the Senior Executive Service (SES), and those in Senior Level (SL), Scientific and Professional (ST), and equivalent positions – I write to convey our strong support for the nomination of Dr. Jeff Tien Han Pon to be the Director of the Office of Personnel Management (OPM).

While serving at the Department of Energy, I had the privilege of working with Jeff on a project he initiated to improve human capital processes at DOE. The thought leadership he brought to that project is indicative of the skills and experience he will bring to his new role at OPM. Jeff's expertise in human capital management has only grown since I worked with him in government, as evidenced by senior roles with the Society for Human Resource Management (SHRM), Futures Inc., and Booz Allen Hamilton.

OPM has not had a Senate-confirmed Director since July 10, 2015. I am confident that Jeff will bring the necessary real-world and agency experience to OPM that will help transform Federal government human capital practices and processes, and I urge the Committee and the Senate to quickly act upon his nomination.

Thank you for your consideration of SEA's perspective. Please have your staff contact SEA Executive Director Jason Briefel ([briefel@seniorexecs.org](mailto:briefel@seniorexecs.org); 202-971-3300) for further information.

Sincerely,

Bill Valdez  
President  
Senior Executives Association

CC: Members of the U.S. Senate Committee on Homeland Security and Governmental Affairs

**STATEMENT OF MICHAEL RIGAS**

**Nominee to Serve As  
Deputy Director  
U.S. Office of Personnel Management**

**before the**

**UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS**

**October 18, 2017**

Thank you Chairman Johnson, Ranking Member McCaskill, and Members of the committee for the opportunity to appear before you here today. It is an honor to be nominated to be Deputy Director of the United States Office of Personnel Management (OPM) and I would like to thank President Trump for the opportunity to serve.

I would also like to take a moment to thank my wife Laura, my parents John and Zoe Rigas, my siblings and other family and friends who have supported me throughout my life. It is from my parents that my siblings and I were taught the importance of public service as a way to give back to this great country to which they immigrated. My father spent over twenty-five years as a public school teacher, and among the seven children in our family; five are in public service today.

I would also like to thank the Chairman, and Committee staff, who took the time to meet with me during this process and I look forward to working with you, and with the Members of this Committee, if confirmed. I would also like to thank Acting Director McGettigan for being here today and for her support during this process.

I am grateful to be before you today to be considered for a position where I would have the opportunity to serve Federal employees and the American public. I know from my own experience at the state and Federal government levels, the commitment and dedication of those that serve their country.

I hope to bring my over twenty years of management and leadership experience to bear on the challenges facing OPM today. If confirmed, I will work with agency leadership and staff to further OPM's ability to execute its mission of recruiting, retaining and supporting the Federal workforce in the most efficient and effective way possible.

OPM has faced a number of challenges over recent years. If confirmed, I look forward to rolling up my sleeves and working to address the pressing issues the agency faces. In particular, if confirmed, I hope to focus on building on the work already undertaken to improve the information technology (IT) posture of the agency and restore the confidence of the public in the agency's ability to safeguard federal employee data.

There are also opportunities at OPM to modernize how the agency's work is carried out, and how it can support federal employees, retirees, and those seeking federal employment. In my previous experiences in the public and private sectors I have implemented reforms, streamlined operations, and reduced the amount of time it takes to process benefits. These are the types of experiences I would like to bring to the role of Deputy Director, if confirmed.

In each of my previous professional leadership roles, I believe I left those organizations in a better position than I found them. I have endeavored to make a positive and meaningful impact, both in the public and private sectors, from improving customer service to saving taxpayer dollars.

Each of these successes was possible because of the dedicated men and women I have had the privilege of serving with, who worked together as a team, to achieve a shared vision of a better workplace for our organization and better service for our customers and taxpayers.

It would be an honor to serve at the Office of Personnel Management, if confirmed, and to serve those who seek a career in public service, those currently serving, and those who have retired from federal service.

I want to thank the Committee for considering my nomination and I look forward to answering any questions you may have.

**HSGAC BIOGRAPHICAL QUESTIONS FOR  
EXECUTIVE NOMINEES**

**REDACTED****1. Basic Biographical Information**

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Deputy Director, Office of Personnel Management	June 26, 2017

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Michael	John	Rigas	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 600 Washington Street, 7 <sup>th</sup> Floor		
City: Revere	State: MA	Zip: 02151	City: Boston	State: MA	Zip: 02111

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Middle Name</u>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Mike		Rigas			July 1972    Est <input type="checkbox"/>	Present       Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1972	Boston, Massachusetts

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married <input type="checkbox"/>	Married <input checked="" type="checkbox"/>	Separated <input type="checkbox"/>	Annulled <input type="checkbox"/>	Divorced <input type="checkbox"/>	Widowed <input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Laura	Christine Kechner	Rigas	

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Maiden Name</u>	<u>Name Used From (Month/Year) (Check box if estimate)</u>	<u>Name Used To (Month/Year) (Check box if estimate)</u>
Laura	Christine	Kechner			April 1979 <span style="float: right;">Est <input type="checkbox"/></span>	May 2009 <span style="float: right;">Est <input type="checkbox"/></span>
					<span style="float: right;">Est <input type="checkbox"/></span>	<span style="float: right;">Est <input type="checkbox"/></span>



Children's Names (if over 18)			
First Name	Middle Name	Last Name	Suffix
N/A			

## 2. Education

List all post-secondary schools attended.

Name of School	Type of School (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	Date Began School (month/year) (check box if estimate)	Date Ended School (month/year) (check box if estimate) (check "present" box if still in school)	Degree	Date Awarded
Boston University	University	Sept 1990 <input type="checkbox"/> Est <input type="checkbox"/>	May 1994 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	BA	May 1994
Boston University	University	Sept 1990 <input type="checkbox"/> Est <input type="checkbox"/>	Sept 1994 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	MA	Sept 1994
Harvard University	University	Aug 2004 <input type="checkbox"/> Est <input type="checkbox"/>	May 2005 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	MPA	May 2005
		<input type="checkbox"/> Est <input type="checkbox"/>	<input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>		

### 3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non- Federal Employment), Self- employment, Unemployment, Federal Contractor, Non- Government Employment, (excluding self-employment), Other	<u>Name of Your Employer/ Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State; only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
State Government	Massachusetts Department of Veterans' Services	Chief of Staff	Boston, MA	Apr 2015 Est <input type="checkbox"/>	Present Est <input type="checkbox"/>
Non-Government Employment	The Heritage Foundation	Deputy Director, Coalition Relations	Washingt on, D.C.	Mar 2011 Est <input type="checkbox"/>	Apr 2015 Est <input type="checkbox"/>
Non-Government Employment	Republican Party of Massachusetts	Political Director	Boston, MA	April 2010 Est <input type="checkbox"/>	Jan 2011 Est <input type="checkbox"/>
Self Employment	Federal Procurement Advisors, LLC	President & CEO	Washingt on D.C. and Boston, MA	Apr 2009 Est <input type="checkbox"/>	April 2010 Est <input type="checkbox"/>
Unemployment			Washingt on D.C.	Jan 2009 Est <input type="checkbox"/>	Apr 2009 Est <input type="checkbox"/>
Federal Employment	General Services Administration	Associate Administrator	Washingt on D.C.	Dec 2006 Est <input type="checkbox"/>	Jan 2009 Est <input type="checkbox"/>
Unemployment			Washingt on D.C.	July 2004 Est <input type="checkbox"/>	Dec 2006 Est <input type="checkbox"/>
Non-Government Employment	Mellon Financial Corporation		Everett, MA	May 2000 Est <input type="checkbox"/>	June 2004 Est <input type="checkbox"/>
Non Government Employment	Brown Brothers Harriman & Co.		Boston, MA	May 1997 Est <input type="checkbox"/>	May 2000 Est <input type="checkbox"/>
Non-Government Employment	OCS of America		Boston, MA	Jan 1996 Est <input type="checkbox"/>	Apr 1997 Est <input type="checkbox"/>

Non-Government Employment	United Asset Management		Boston, MA	June 1993	Est <input type="checkbox"/>	Jan 1996	Est <input type="checkbox"/>
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(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
N/A		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>

#### 4. Potential Conflict of Interest

(A) 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. N/A

(B) 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.

Between 2011 and 2015 I worked for the Heritage Foundation, a non-profit research institution, a think tank, which publishes research on public policy and legislation.

#### 5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

N/A

#### 6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.  
N/A

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
Point of Pines Yacht Club	2015-present	member
Harvard Club of Boston	2008-2010 (est)	member

#### 7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?  
YES

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
Deputy Associate Administrator, General Services Administration	Appointed	Dec 2006 – Sept 2008	
Associate Administrator, General Services Administration	Appointed	Sept 2008 – Jan 2009	
Chief of Staff, Massachusetts Department of Veterans' Services	Appointed	Apr 2015 - present	

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Trump for President	Volunteer	Phone banking, advance	October 2016
Romney for President	Volunteer	Advance	October, November 2012
Scott Brown for US Senate	Volunteer	Phone Banking	July-October 2012
Massachusetts Republican Party	Political Director	Responsible for political operations and strategy of the state party. Advised candidates on strategy, fundraising, budgeting, voter targeting, communications, messaging, and campaign operations	March 2010 – Jan 2011
McCain for President	Volunteer	Advance	October 2008

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Charles D. Baker	\$500	2016
Karyn E. Polito	\$250	2016
Charles D. Baker	\$250	2016
Republican Party of Massachusetts	\$500	2016
Karyn E. Polito	\$500	2014
Charles D. Baker	\$500	2014

Charles D. Baker	\$500	2013
Mitt Romney	\$1000	2012

### 8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
N/A		

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
N/A		

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
Testimony by Michael Rigas, GSA Deputy Associate Administrator of Small Business Utilization at hearing "Access To Federal	US Senate Committee on Small Business and Entrepreneurship	October 29, 2007

Contracts: How To Level The Playing Field"		
Testimony by Michael Rigas, GSA Deputy Associate Administrator of Small Business Utilization at hearing: "Doing Business with the Government: The Record and Goals for Small, Minority, and Disadvantaged Businesses"	The Subcommittee On Economic Development, Public Buildings And Emergency, U.S. House Of Representatives	March 6, 2008

### 9. Criminal History

Since (and including) your 18<sup>th</sup> birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.) **YES**
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official? **NO**
- Have you been charged, convicted, or sentenced of a crime in any court? I received a ticket in the mail, appeared in court on the date specified, where the charges were dismissed.
- Have you been or are you currently on probation or parole? **NO**
- Are you currently on trial or awaiting a trial on criminal charges? **NO**
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation? **NO**

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense: Dec 28, 2000

a. Is this an estimate (Yes/No): **NO**

B) Description of the specific nature of the offense:

I received a citation in the mail for having an unregistered and uninsured motor vehicle parked on the street, for a vehicle with an invalid registration, and for not submitting identification. I appeared in court on the date specified, where the charges were dismissed.

C) Did the offense involve any of the following?

- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: No
  - 2) Firearms or explosives: No
  - 3) Alcohol or drugs: No
- D) Location where the offense occurred (city, county, state, zip code, country):  
Boston, Suffolk County, MA 02130, USA
- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: Yes - I received a ticket in the mail, appeared in court on the date specified, where the charges were dismissed.
- 1) Name of the law enforcement agency that arrested/cited/summoned you:  
Boston Police
  - 2) Location of the law enforcement agency (city, county, state, zip code, country):  
Boston, Suffolk County, MA 02130, USA
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: Yes - I received a ticket in the mail, appeared in court on the date specified, where the charges were dismissed.
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country): West Roxbury District Court, Boston, Suffolk County, MA 02130
  - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle prosequi" etc). If you were found guilty or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:  
  
I received a citation in the mail for having an unregistered and uninsured motor vehicle parked on the street, for a vehicle with an invalid registration, and for not submitting identification. I appeared in court on the date specified, where all charges were dismissed.
  - 3) If no, provide explanation:.
- G) Were you sentenced as a result of this offense: No
- H) Provide a description of the sentence: N/A
- I) Were you sentenced to imprisonment for a term exceeding one year: No
- J) Were you incarcerated as a result of that sentence for not less than one year: No
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated: N/A
- L) If conviction resulted in probation or parole, provide the dates of probation or parole: N/A
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: No
- N) Provide explanation: N/A



### 10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
N/A				

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? 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.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
N/A				

(C) For responses to the previous question, 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.  
N/A

### 11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed. NO

Name of Agency/Association/Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint
N/A			

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?  
NO

## 12. Tax Compliance

(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

**REDACTED**

### 13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). NO

### 14. Outside Positions

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature. N/A

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)
N/A					

### 15. Agreements or Arrangements

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date (month/year)</u>

#### **16. Additional 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**

**REDACTED**

**SIGNATURE AND DATE**

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Michael Rigney 7/6/17

This 30th day of June, 2017.

**REDACTED**

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS

---

June 29, 2017

The Honorable Ron Johnson  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Michael John Rigas, who has been nominated by President Trump for the position of Deputy Director, Office of Personnel Management.

We have reviewed the report and have 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,

**DAVID APOL**

Digitally signed by DAVID APOL  
DN: c=US, o=U.S. Government, ou=Office of  
Government Ethics, cn=DAVID APOL,  
615.2342.1920x3000, 100.1, 1.3.6.1.4.1.3190220.1.2.1  
Date: 2017.06.29 16:44:31 -0400

David J. Apol  
General Counsel

Enclosures

**REDACTED**

★ ★ ★ ★

1201 NEW YORK AVE NW-SUITE 500-WASHINGTON DC-20005

JUN 27 2017

Theodore M. Cooperstein  
General Counsel and  
Designated Agency Ethics Official  
Office of Personnel Management  
1900 E St., NW  
Washington, DC 20415

Dear Mr. Cooperstein:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Director of the Office of Personnel Management.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, 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). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position with the Massachusetts Department of Veterans' Services. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Commonwealth of Massachusetts is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I will meet in person with you during the first week of my service in the position of Deputy Director in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics

agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Rigas". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael John Rigas



**U.S. Senate Committee on Homeland Security and Governmental Affairs  
Pre-hearing Questionnaire  
For the Nomination of Michael Rigas to be  
Deputy Director, Office of Personnel Management**

**I. Nomination Process and Conflicts of Interest**

1. Did the President give you specific reasons why you were nominated to be the next Deputy Director of the Office of Personnel Management (OPM), and if so, what were they?

No.

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

No.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Deputy Director? If so, what are they, and to whom were the commitments made?

No.

4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

No.

**II. Background of the Nominee**

5. What specific background, experience, and attributes qualify you to be Deputy Director?

**I have over 20 years professional experience in the private, public and non-profit sectors. My private sector experience includes managing and turning around large organizations. I have also served as an appointee in the General Services Administration for President George W. Bush, where I helped improve the department scorecard from "red" to "green" for the Office of Small Business Utilization. Additionally, I have public policy experience working for The Heritage Foundation and an educational background in economics, international trade and public administration from The Harvard Kennedy School and Boston University.**

6. Please describe:

- a. Your leadership and management style.

**I would describe my leadership and management style as collaborative. I believe it is important for leadership within an organization to communicate the goals and priorities clearly to management and staff so they understand how they can contribute to helping the agency meet its objectives. I believe in an interactive process with management that begins with one on one meetings with your direct reports to understand what each manager's challenges and needs are, what agency leadership can do to support them, and what feedback they have and how they view their role in helping to achieve agency objectives. Once we have established a mutual understanding of our goals and objectives, I provide a fairly wide latitude to managers to achieve those objectives. I then have regular check-ins with managers to assess how we are progressing and provide additional guidance and advice as necessary to ensure we are on track to meet our objectives.**

- b. Your experience managing personnel.

**I have had experience managing personnel in my career since 1998, including managing direct line staff, supervisors and managers in the private sector, having regional directors as dotted line reports around the country, as I did in my previous Federal service at GSA, and managing senior agency managers in my most recent role at the Massachusetts Department of Veterans' Services.**

- c. What is the largest number of people that have worked under you?

**At the Massachusetts Department of Veterans' services I oversaw over 700 staff, including a senior management team of 8 senior managers. In my role as Associate Administrator at GSA, I had dotted line oversight over the regional small business directors in each of the 11 GSA regions, in addition to overseeing small business policy for the entire agency of about 12,000 personnel, and through the contract vehicles promulgated by GSA with our office's input, impacting the procurement process for all Federal agencies.**

7. In your previous roles at the General Services Administration, Massachusetts Department of Veterans' Services, and the Heritage Foundation, how have you managed underperforming employees?

**I believe it is important as a manager to clearly communicate expectations to employees and direct reports. When I have an employee that is underperforming, my first step is to have a conversation with them to see if they are having any issues, or if they don't understand what and how they should be carrying out the duties and responsibilities of their job. I would review their job description to ensure it is up to date and to make sure that is not contributing to the problem by being unclear or out of date. I would have a conversation with them about what acceptable performance looks like in their**

role and how and where their current performance falls short of that. Where appropriate, I would offer additional training. If that collaborative process is not successful, I would move to the progressive discipline process in place for our organization.

8. Please describe any experience you have related to cybersecurity, information security management, and technology modernization?

**In my most recent role as Chief of Staff at the Massachusetts Department of Veterans' Services, I supervised our Director of Operations and Director of Data Analysis and Program Integrity who also had responsibility for IT security for the agency. Each year our agency had to certify that we met IT security standards. In this role, I have also overseen the modernization and upgrade of our benefits processing system for annuities as well as the ongoing improvements to our other IT systems. In my prior role at the GSA, I worked with our acquisition centers to promote our contract vehicles such as the GSA Schedule 70 and government-wide Acquisition Contracts such as the VETS GWAC which provided our Federal partners at agencies all across the country with state of the art technology solutions.**

9. Please describe any experience you have related to acquisitions, contract management, and the development of requirements, and specifically with regards to acquiring technology and technology services.

**In my most recent role as Chief of Staff at the Massachusetts Department of Veterans' Services, I supervised the Director of Operations, who oversaw the development of requirements for our systems and technology upgrades undertaken by our agency. In my prior Federal service, I served at the General Services Administration, the premier procurement agency of the Federal Government which oversees approximately \$66 billion in federal procurements, including a substantial amount of IT services. While at GSA, I worked with the agency acquisition centers to promote our government-wide Acquisition Contracts and GSA Schedules which provided technology services for Federal agencies.**

### **III. Role of the Deputy Director of OPM**

10. What do you consider to be the mission of OPM, and what would you consider to be your role and responsibilities if confirmed as the Deputy Director?

**OPM's role is to recruit, retain and support a best in class workforce for the American people. I view its mission as supporting Federal agencies with their human capital needs as well as striving to provide Federal employees with competitive pay, benefits and retirement to attract the best talent to serve our country and carry out the people's business. My role, if confirmed, would be to support the Director in achieving his priorities for the agency.**

11. Are there any activities currently in OPM's mission that you think would be appropriately located elsewhere in the federal government? Please explain.

No.

12. What do you anticipate will be your greatest challenges as OPM Deputy Director, and what will be your top priorities? What do you hope to accomplish during your tenure?

**I believe that working to restore the confidence the public has in the agency to be able to keep Federal employee data secure and addressing the High Risk management weaknesses that have been identified by the Government Accountability Office in its annual High-Risk report would be my top priorities, if confirmed. During my tenure, I will support the agency efforts to continue making improvements in these and other areas.**

#### IV. Policy Questions

##### *Management*

13. What do you believe are the greatest personnel management challenges in the federal government, and as OPM Deputy Director, what would you do to address them?

**The biggest challenge I believe OPM has been facing is improving the Federal recruitment and hiring process. I understand OPM is making significant efforts to closing skills gaps within the Federal Government; however, I believe that continued efforts should be further developed. OPM must continue to work with agencies in order to identify challenges in the Federal hiring process and to modernize the Federal hiring experience for both applicants and hiring managers.**

14. What role do you believe the Deputy Director should play in addressing the High Risk management weaknesses that have been identified by the Government Accountability Office (GAO) in its annual High-Risk report?

**The Deputy Director of OPM should take an active role in addressing the management challenges identified by the GAO in its annual High-Risk report. If confirmed, I will work to develop a strategy to address challenges identified by GAO by engaging with the CHCO Council and other stakeholders. I am committed to continuing the progress made to date and building upon the strengths that have been achieved.**

- a. What do you believe is the biggest impediment to addressing strategic human capital and ensuring it is removed from the GAO high-risk list?

**I believe the biggest impediment is to develop government-wide policies and practices while taking into account the needs of each agency and their specific missions.**

- b. What, if anything, would you do differently to address GAO's recommendations in the 2017 high-risk report?

**If confirmed, I would work with the key internal and external stakeholders to assess what progress has been made to date and develop an action plan on the way forward to address the recommendations. This would include collaboration with other agencies to identify best practices that can be shared across government.**

15. The Federal Employee Viewpoint Survey (FEVS) is conducted on an annual basis and has become a regular tool for agencies and employees in identifying and addressing workplace issues. What is your opinion of the FEVS, and what, if any, changes do you think are needed to improve its effectiveness?

**I believe the FEVS is an important tool. The information gathered through FEVS allows management and leadership to better understand employees' perceptions of their workplace environment.**

16. What is your opinion of the current state of labor relations in the federal government and how will you approach labor relations issues, both government-wide and within OPM?

**As a leader I believe it is important to listen to and respect all points of view when formulating policy.**

17. OPM has management responsibility for several employee benefits programs, such as the Federal Employees Health Benefits Program (FEHBP). Are there any particular areas of concern or changes you would advocate for if confirmed as Deputy Director?

**FEHB is the largest employer-sponsored group health insurance program in the world, covering over 8 million lives. If confirmed, I will work with OPM's Healthcare and Insurance staff to develop policies that will help continue efforts so FEHBP will remain affordable for Federal employees and their families.**

18. The Inspector General has identified serious deficiencies in OPM's contract oversight, and in the 2016 Management Challenges report identified that work was still needed to improve internal controls through corrective actions plans. What would you do to ensure that forward progress is made in this area?

**I am aware of the Inspector General's recommendations to OPM and take them very seriously. Effective contract oversight and internal controls are important to agency efficiency of operations and am aware OPM has already begun taking action in this regard.**

19. As of August 2016, OPM had not met its strategic plan goal of adjudicating 90% of retirement cases within 60 days. How would you address claim processing delays?

Retirement Services (RS) must think of the whole customer experience, something I know they've begun to do by focusing on improving responsiveness to customers who call, email or write to OPM. As Deputy Director, I will work with RS to continue existing efforts to provide annuitants with the level of customer service they deserve.

*Strategic Human Capital Planning*

20. What do you believe is the role of OPM for government-wide strategic human capital management and policymaking?

**I believe OPM's role for government-wide strategic human capital management and policymaking is to lead and assist agencies with addressing their human capital needs. This includes engaging and partnering with stakeholders to identify, develop and share best practices across the government. OPM also has a significant role in aiding the President, and supporting his efforts to engage in legislative proposals and executive actions.**

21. What role do you believe OPM plays in helping agencies identify and address critical skills gaps, and how would you approach this issue?

**I believe that OPM should take a lead role in this effort. Through the CHCO Council, OPM can work with agencies to identify and address critical skills gaps, to include government-wide training opportunities and policies to assist with recruitment and retention.**

22. What do you believe is the appropriate role for service contracts in helping agencies meet their missions and what criteria do you believe federal agencies should use in evaluating the appropriate mix of contractors and federal employees?

**I believe service contracts can help agencies meet their missions when used appropriately. In some cases contractors can provide services at a reduced cost or in a faster timeframe, especially if there is a short-term need or a specialized skill set required.**

23. Do you believe that Temporary and Term appointments are an effective and appropriate method of addressing critical skills gaps in the federal workforce?

**Yes, I do. For both the Federal Government and the employee, temporary and term appointments can be an effective way of addressing workforce needs and provides valuable information sharing for both parties.**

24. Do you believe the Senior Executive Service (SES) as currently structured is sufficient to meet the management needs of the federal government? Are there any changes or specific reforms that you would propose?

The Senior Executive Service (SES) is on the right path with many of their efforts to attract, retain, and hold accountable our best and brightest leaders. There are, however, still areas for improvement. It's important that the Federal Government be seen as a premier employer for top talent. Agencies must have the tools and pipelines in place to ensure a diversity of thought, backgrounds, and perspectives are being brought into the SES.

- a. If confirmed, how will you improve the oversight of SES bonuses and standardize the metrics used in determining which employees deserve such bonuses?

OPM regulates SES performance appraisal requirements and procedures, approves and certifies SES appraisal systems, provides assistance to agencies on best practices, and issues rules related to use of appraisal results, e.g., governing pay, award and removal of executives. If confirmed, I will work to engage other stakeholders to provide accurate information on existing procedures and receive input on ways to improve efficiency.

- 25. A 2016 GAO report found that, in fiscal year 2013, roughly 99 percent of federal employees received performance appraisal ratings at or above "fully successful", with about 61 percent of employees receiving ratings of "outstanding" or "exceeds fully successful."

- a. Do you believe that OPM has provided sufficient guidance on performance evaluation to agencies?

By statute, OPM is responsible for reviewing and approving agency performance appraisal systems based on adherence to law and OPM regulations. With respect to senior executive and senior level employees, OPM issued a template for the Basic SES Performance Appraisal System which drew from leading practices in Federal agencies and the private sector and was further informed by input from a working group of agency representatives. This template was intended to meet the SES performance management needs of Executive Branch agencies and their SES members. For those agencies seeking access to higher level of pay for their senior executives and senior level employees, this template helps focus attention on qualities in a performance system for which OPM will look when determining whether to certify an agency's system as making meaningful distinctions based on relative performance. The system bases critical elements on the executive core qualifications (ECQs) and provides a consistent and uniform framework for agencies to communicate expectations and evaluate the performance of SES members. However, performance assessment is less effective if it only occurs on an annual basis. These conversations should occur on a frequent and continuous basis to have a maximum impact. They need not occur in a formalistic manner, but also, for example, in the daily conversational give-and-take relating to particular assignments or issues. If confirmed, I look forward to working with this appraisal system and the agencies that use it.

- b. As OPM Director, how would you assist agency managers in conducting purposeful performance evaluations of their employees?

**Performance management is specific to each agency and to each agency's mission. However, there are common themes that unite all agencies. For example, a modern performance management system should emphasize frequent and real-time feedback, and performance should be more consequential to how top performers are rewarded and compensated, and poor performers are held accountable. I look forward to working on advancing these ideas if confirmed as Deputy Director.**

26. In the 2017 duplication report, GAO found that there were 105 different authorities that could be used by an agency to hire a person into the federal civil service, yet only 20 were commonly used.

- a. What experience do you have with the use of federal hiring authorities?

**My experience in the use of Federal hiring authorities would be drawn from my previous Federal service at the General Services Administration.**

- b. What specific improvements or innovations to the federal hiring process would you propose?

**To be successful, the Federal Government needs to attract top talent. In order to attract individuals with an innovative spirit and commitment to public service, the Federal Government needs to build upon existing hiring methods and platforms (e.g., Pathways and USAJOBS). If confirmed, I will work closely with agencies to identify their current needs and ways to improve the Federal hiring process, consistent with the merit systems principles and applicable law.**

- c. As OPM Deputy Director, how would you encourage agencies with staffing shortages to better use flexible hiring authorities?

**Agencies should examine existing authorities and contact OPM with questions they may have about challenges or shortages they may be facing. Hiring flexibilities are not the only avenue available to provide relief to an agency's needs.**

27. Last year, Congress passed legislation that would reform the federal government's abuse of administrative leave (Pub. L. No. 114-328, Sec. 1138). On July 13, 2017, OPM proposed regulations to implement this legislation.

- a. What role will OPM play in ensuring each agency develops adequate policies and procedures to prevent the abuse of administrative leave and complies with the recordkeeping requirements of the legislation?



**OPM is developing regulations to address this issue. Once confirmed, I look forward to working with agencies to bring leave policies into compliance with the recordkeeping requirements of the legislation.**

28. A 2015 GAO report entitled *Improved Supervision and Better Use of Probationary Periods are Needed to Address Substandard Employee Performance* found that agencies are not properly utilizing the probationary period to make performance-related decisions about the employee.

- a. Do you believe the probationary period for new employees and new management/supervisors should be extended? Please explain.

**The probationary period is effective when action is taken to prevent less than fully successful individuals from becoming Federal employees with all the rights that such an appointment entails. A longer probationary period may be appropriate depending on the position. However, I note that 5 U.S.C. 7511(a)(1)(A) means that Federal civil service protections apply after one year of continuous service, irrespective of whether an individual is in a probationary period as defined by OPM.**

- b. Do you believe OPM could do more to ensure all agencies use computerized notice to remind them when an employee's probationary period is ending?

**I understand that the existing HR systems already contain this functionality. Each agency decides whether to use this functionality, and as Deputy Director I would encourage agencies to do so.**

- c. Do you think managers should be required to determine whether an employee has demonstrated successful performance and conduct prior to the end of the probationary period?

**Yes.**

- d. Do you have ideas for how the federal government could more effectively use the probationary period in federal employment?

**I believe managers should use the probationary period to determine whether a new employee has the appropriate skills to be successful in the position, and then to take appropriate action before the end of the probationary period.**

#### *Personnel Systems*

29. Do you believe there need to be additional Department-specific or government-wide personnel system reforms? And if so, what reforms do you believe are necessary and why?

**I believe we must always look for ways to continue attracting and retaining a Federal workforce to face the challenges of today. While there may be some instances when agency-specific reforms may be necessary, we remain a single government and can benefit from the efficiencies of government-wide standardization.**

- a. Do you believe the current General Schedule (GS) system, the pay scale which covers the majority of white-collar federal employees, needs significant reforms or comprehensive replacement? And if so, what reforms do you believe are necessary and why?

**Many features and requirements of today's Federal personnel system were designed for work and a workforce that has evolved over time, and are the legacy of a system conceived with good intention to uphold these principles. However, the standardization and rigidity of the system poses challenges for a constantly evolving workforce that increasingly demands agility, flexibility, and reform. These reforms include changes to the way the government recruits, hires, pays, classifies, and holds its employees accountable.**

30. What is your opinion about pay-for-performance systems in the federal government?

**A pay-for-performance system is one option that should be examined as OPM considers options of what systems work best to meet the growing and diverse needs of the Federal workforce. Additional factors to take into consideration would include the Federal Government's ability to recruit top talent into its workforce.**

31. On April 12, 2017, OMB Director Mulvaney published a memorandum entitled Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce." The memo states that "OMB and [OPM] will work with agencies to facilitate reductions in the size of their workforce and monitor progress." (p. 2). Further, the memo dictates that "[t]o facilitate any necessary reductions, OPM will provide streamlined templates to agencies for requesting approval to offer Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments (VERA/VSIP) and OPM will provide expedited reviews for most requests within 30 days." (p. 10). As OPM Deputy Director, how would you ensure that agencies receive prompt support for both requesting and reviewing VERA/VSIP authority?

**I am aware that OPM and OMB have worked closely in recent months to streamline the VERA/VSIP process to make it as straightforward as possible for agencies, including the issuance of simplified, form-fillable templates that agencies may use to submit requests. If I am confirmed as the Deputy Director of OPM, I will work with OPM staff to continue to give these requests prompt attention and help agencies receive the highest level of customer service.**

- a. Do you believe the current VSIP maximum lump-sum payment of \$25,000 is an effective incentive to voluntarily separate?

With respect to the VSIP maximum lump-sum payment of \$25,000, the \$25,000 cap was set in 1992. Since 1992, the purchasing power of \$25,000 has declined. VSIPs are intended as a tool to help minimize or avoid costly and disruptive reductions in force and for the tool to have its full impact, increasing the payment amount should be considered. I am aware OPM has transmitted a draft legislative proposal to the Hill that would provide an increase in the VSIP maximum lump-sum payment amount to \$40,000. This proposal mirrors a provision in the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. No. 114-328, Sec. 1107) that was applicable to DoD only. I look forward to Congress' consideration of this proposal.

*Security Clearance Investigations*

32. The National Bureau of Background Investigations (NBIB) began operations less than a year ago as the central entity for conducting background investigations for the Federal government. What do you see as your role in ensuring that NBIB does not suffer the same security lapses as experienced over several years by OPM's Federal Investigative Services?

**If confirmed, I would work to promote ongoing activities with stakeholders, and help agencies clarify their responsibility to properly secure and protect their systems from potential threats.**

33. Security clearance investigations are currently done on a fee-for-service basis. Do you believe that appropriations are necessary to address the existing backlog?

**The value in fee-for-service is that it allows agencies to purchase security clearance investigations based on their needs. This forces agencies to be prudent about the number of positions designated as requiring security clearances, while also preserving the greatest value for the American taxpayer by encouraging a more transparent accounting of how money is being spent on security clearance investigations. NBIB publishes its prices in advance of every Fiscal Year, so agencies are aware of the costs of security clearance investigations and are able to plan their workforce costs.**

**My understanding is that NBIB has not asked for additional appropriations to reduce the existing backlog. Presently, I believe NBIB is best situated to advise on that point. Should I be confirmed, I look forward to discussing resource needs with NBIB.**

34. In the 2017 National Defense Authorization Act a provision (Sec. 951) was included that required DoD to draft a plan for the potential shift of security clearance investigations back to DoD. What is your view of this provision?

**With Section 951, Congress directed the Department of Defense (DoD) to draft an implementation plan for the potential shift of security clearance investigations for DoD entities back to DoD. I concur with the letter from OPM's Acting Director Kathleen M. McGettigan that was transmitted to Congress on September 6, 2017. This letter raises a**

**number of important matters that should be considered before any transition plan is implemented.**

35. OPM is currently working with DoD to develop a new system to serve as an end-to-end system for security clearance investigations. What do you see as the key considerations for OPM as this system is developed?

**Key considerations going forward will be (1) protecting the security of OPM's legacy systems in any kind of data transfer; (2) containing costs in order to deliver the best value to the American taxpayer; and (3) fostering fair, open competition and transparency in the competition of any contracts entered into as a result of the development of the new system.**

*Information Technology & Cybersecurity*

36. According to the FY16 Federal Information Security Modernization Act (FISMA) Report to Congress only 13 of the 23 civilian CFO Act agencies have met government-wide performance goals. Overall, the Median Government-wide Maturity Model Rating is Level 2 (Level 5 is the highest). How would you assist agency CIOs in meeting their performance goals and raising their Maturity Model Rating?

**I agree that the median government-wide Maturity Model Rating should be higher. All Federal agencies must continue to advance their efforts to enhance their cybersecurity. If confirmed as Deputy Director of OPM, I will work with the OPM CIO, OPM CISO and the Federal CIO Council to explore ways to help agencies meet their performance goals within the FISMA guidelines.**

37. There has been a high turnover rate of critical cybersecurity-related positions at OPM and significant regression in OPM's compliance with FISMA requirements.

- a. If confirmed, what would you do to attract and retain cybersecurity talent?

**OPM has and continues to take action to address the growing need of cybersecurity professionals. OPM is committed to meeting this need as it is critical that the agency has the talent to face sophisticated and persistent cyber threats that pose strategic, economic, and security challenges to our Nation. If confirmed, I look forward to continuing to advance these critical initiatives.**

- b. What would be your strategy to first establish a culture of compliance and then transition to a culture of integrated security?

**Consistent with the current culture of compliance, all OPM employees must complete training so they understand their responsibility for protecting sensitive information with regard to cybersecurity rules and procedures, as do all Federal employees. In addition, the OPM CIO has worked diligently to establish policies,**

**processes, procedures and technological solutions to further the cybersecurity compliance efforts.**

38. The OPM OIG has repeatedly warned about challenges that OPM faces regarding information security, including its most recent audit of OPM's compliance with the FISMA. The serious data breaches that affected OPM demonstrated the consequences of poor information security management—including the theft of personal information of millions of people. As Director, how will you improve the agency's cybersecurity and information security?

**OPM has taken steps to enhance its cybersecurity capabilities, including continuing to build relationships with the Office of Management and Budget (OMB), the Department of Homeland Security, the Department of Defense, Government Accountability Office, (GAO) and OPM's Office of the Inspector General. I am confident this progress will continue and look forward to assisting in its implementation as Deputy Director, if confirmed.**

39. What do you believe are the drivers of the current and historical challenges in the IT programs at OPM and what will be your approach to improving its IT systems?

**Historically, IT modernization, operations and cybersecurity should have been higher priorities at OPM. I have been briefed on OPM's IT operations and strategies and I support their efforts to improve their IT security and systems.**

40. Many of OPM's systems are still heavily paper-based and lead to backlogs and delays in processing. How would you address this issue?

**Much of the work OPM accomplishes in support of retired Federal employees and conducting background investigations still requires paper and presents opportunities to modernize. While moving from paper to electronic records will provide improvements and efficiencies, process improvements across the Federal Government will also help to generate additional efficiencies.**

*Accountability and oversight*

41. What role do you think the OPM Deputy Director should play in identifying, preventing and recovering improper payments in OPM's programs?

**Identifying, preventing, and recovering improper payments is a high priority for OPM. OPM has implemented numerous corrective action plans that have included the development of improved procedures and processes to reduce improper payments including matches with agency partners.**

42. In its latest Management Challenges report, the OPM Inspector General has identified OPM's failure to use data mining to identify improper payments. Do you have experience

with the use of data analytics? How can this tool be effectively used to curb improper payments?

**In my most recent role as Chief of Staff at the Department of Veterans' Services in Massachusetts, I identified a similar need for data mining and established a new position at the agency called "Director of Program Integrity and Data Analysis." This position is responsible for identifying data available to the agency for data matching to systematically reduce the incidence of improper payments. I am aware of the importance of data analytics and its potential application to OPM programs generally. If confirmed, I intend to assess OPM analytical capabilities and options for their use in areas such as this.**

43. What is your view of the role of the OPM Office of Inspector General (OIG)? If confirmed, what steps would you take as Director to establish a working relationship with the Inspector General?

**I am aware of the important role of the OPM Office of Inspector General and was most impressed by a general briefing provided to me by that office regarding its roles and responsibilities. Combatting fraud, waste and abuse will be core objectives for OPM should I be confirmed. If confirmed, I look forward to working closely with that office to enhance OPM's efficiency in its operations and its accountability for achieving good results. My first order of business will be to review OIG findings and, as appropriate, assess the agency's progress in addressing identified challenges and priorities.**

44. If confirmed, do you commit to ensuring that all recommendations made by the OPM Inspector General are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

**Yes.**

45. Protecting whistleblower confidentiality is of the utmost importance to this Committee.

- a. How do you plan to implement policies within the agency to encourage employees to bring constructive suggestions forward without the fear of reprisal?

**If confirmed, I will review OPM training and communications practices and take opportunities to implement them in a way that clearly communicates available channels for communication.**

- b. If confirmed, what avenues will be available to employees to report waste, fraud, or abuse within OPM?

**If confirmed, my intent is to sustain and develop further employee understanding of the importance to combat fraud, waste and abuse, and the**

**available avenues for reporting such concerns, including within the agency and to the Inspector General and the Congress.**

- c. Do you commit without reservation to work to ensure that any whistleblower within OPM does not face retaliation?

**Yes, I will emphasize to all managers and supervisors the importance of preventing retaliation against individuals who make protected communications and reiterate that such retaliation, if proven, will constitute a prohibited personnel practice, as prescribed within Federal Law.**

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

**Yes, if confirmed, I will make every effort to assist and support the systems that Congress has put into place to protect whistleblowers and to enforce applicable laws.**

#### **V. Relations with Congress**

46. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

**Yes, I do.**

47. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

**Yes, I do.**

48. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

**Yes, I do.**

#### **VI. Assistance**

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

**While I consulted with OPM staff on background material to use in responding to these questions, the final answers are my own.**

**Minority  
Supplemental Pre-hearing Questionnaire  
For the Nomination of Michael Rigas to be  
Deputy Director, Office of Personnel Management**

**I. Nomination Process and Conflicts of Interest**

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

**No.**

**II. Background of Nominee**

2. Do you seek out dissenting views and how do you encourage constructive critical dialogue with subordinates?

**As a leader I know, it is important to listen to and respect all points of view when formulating policy. I believe in cultivating a collaborative relationship with subordinates and seeking diverse points of view on issues under consideration.**

3. Please give examples of times in your career when you disagreed with your superiors and aggressively advocated your position. Were you ever successful?

**I have always sought to have an ongoing and open dialogue in my career both with my superiors and with my subordinates. As such, as policies are being considered for formulation, modification or execution, I have worked to have a collaborative relationship with all involved. I have been fortunate to be in a position where my point of view has been heard and considered, as have the points of views of my subordinates. I would bring this spirit of cooperation and collaboration to my role as Deputy Director, if confirmed.**

4. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.

**I have always sought to have an ongoing and open dialogue in my career both with my superiors and with my subordinates. As such, as policies are being considered for formulation, modification or execution, I have worked to have a collaborative relationship with all involved. I have been fortunate to be in a position where my point of view has been heard and considered, as have the points of views of my subordinates. I would bring this spirit of cooperation and collaboration to my role as Deputy Director, if confirmed.**

5. What would you consider your greatest successes as a leader?



**In each of the workplaces where I have been employed in a management or leadership role, I feel I have left those places in a better position than I found them when I began. Whether this meant improving the efficiency of operations, improving customer service, reducing the amount of time it takes to process benefits, or saving taxpayer dollars, I have made a positive and meaningful impact at each of my employers. Invariably this began with engaging with the employees and managers doing the work to seek their feedback on what the organization was doing and how things could be improved for our customers, taxpayers and employees.**

6. What would you consider your greatest career success overall?

**I would say that the consistent track record I have established of leaving each workplaces where I have been employed in a management or leadership role, in a better position than I found them when I began. In my most recent role at the Massachusetts Department of Veterans' Services, we have reduced the amount of time it takes to process Veteran benefits by leveraging technology solutions and improving the efficiency of operations. We are also on track to build a new state of the art \$200 million Soldiers' Home Long Term Care facility to care for our Veterans. This took an extensive amount of collaboration with key stakeholders and interagency collaboration. If confirmed, I hope to be able to bring that track record of success to work at OPM.**

7. Please describe any experience you have with developing and setting personnel policies and addressing human resources issues.

**In my most recent role as Chief of Staff at the Department of Veterans' Services, I have had numerous occasions to work on developing and setting personnel policies and addressing human resources issues.**

8. What has been your primary role at the Massachusetts Department of Veterans' Services (DVS) and what would you point to as your greatest accomplishment there?

**In my most recent role as Chief of Staff at the Department of Veterans' Services, my primary role has been to support the Governor's and the Secretary's priorities for serving the Veterans of the Commonwealth of Massachusetts. In the time I have been there, we have successfully reduced the amount of time it takes to process Veterans benefits by leveraging IT solutions and we have also laid the groundwork to build a state of the art \$200 million Soldiers' Home Long Term Care facility to serve our Veterans.**

9. Please describe your role and responsibilities as the Diversity Officer and Americans with Disability Act (ADA) coordinator at DVS.

**In my role as ADA Coordinator at the Department of Veterans' Services, I oversaw our agency's efforts to comply with the law and handle disability based**

discrimination complaints. In my role as Diversity Officer, I worked to create an inclusive work environment where people of all backgrounds felt welcomed, valued, and respected. I also had a role in the hiring process, reviewing the job postings prior to publication, reviewing the applicant pool for diversity, and reviewing the process at various stages to ensure the requirements contained in the agency's Affirmative Action Plan have been met.

10. Please describe your role and responsibilities as Deputy Director for Coalition Relations at the Heritage Foundation.

In my role as Deputy Director of Coalition Relations at the Heritage Foundation, I worked to advance free-market and limited government public policy solutions by promoting the work of Heritage scholars with public policy professionals around the country. I would represent Heritage and advance its policy solutions at external meetings, major conferences, briefings and one-on-one meetings in Washington D.C. and around the country.

11. Please describe your role and responsibilities as Deputy Associate Administrator and Associate Administrator at the General Services Administration.

As Deputy Associate Administrator, I reported to the Associate Administrator and supported the agency's small business efforts. As Associate Administrator, I was a direct report to the Administrator of GSA and was responsible for all small business policies and programs of GSA, the premier procurement agency of the Federal Government. I represented GSA to agency heads, business and trade association leaders and prime contractors. I improved the agency's grade on its small business scorecard from "red" to "green," and increased the efficiency of operations, reducing cost to taxpayers and increasing small business access.

12. In your biographical questionnaire you state that you served as president and CEO of Procurement Advisors, LLC.

- a. Please describe this business and how long it has been in existence.

I established this business in 2009. It focused on assisting companies with GSA Schedule preparation.

- b. What was your role there and did it have any other employees?

I was the President and CEO. My wife assisted me on a volunteer basis. There were no other employees.

- c. Please provide a list of all clients of the business.

**I engaged with the following companies to assist them with the GSA Schedule preparation process: Mason Harriman Group, Blue Sky Films and McKellar Corporation.**

13. Please describe your roles and responsibilities at each of Mellon Financial Corporation, Brown Brothers Harriman & Co., OCS of America and United Asset Management. Please identify at each of these firms whether you were engaged in any work that involved the federal government, and, if so, please describe that work.

**At Mellon Financial, I served as an Assistant Vice President at the time the company was a major global bank with \$4 trillion in assets. I managed Mellon's most sensitive and important client relationships, and coached and mentored 35 staff and managers. I helped successfully streamline and consolidate operations in U.S. and London offices, allowing the bank to take on an entirely new line of business without hiring additional staff. Additionally, we turned around a department with history of multi-million dollar losses, consistently improved efficiency and controls across the operation saving the company millions of dollars. I was not engaged in any work to my knowledge that involved the Federal Government.**

**At Brown Brothers Harriman, I processed billions of dollars of cash, securities and foreign exchange transactions. I was promoted from Specialist to Senior Specialist to Supervisor of International Corporate Actions in a 3 year period. I successfully implemented the change from 8 hour to 24 hour global processing capabilities to meet global client demand. I was not engaged in any work to my knowledge that involved the Federal Government.**

**At OCS of America, I transformed operations of an import/export firm from paper to on-line, dramatically improving efficiency of financial analysis, bookkeeping, inventory control, sales tracking and other data management. I succeeded in achieving established goals of reducing costs while modernizing company operations. I was not engaged in any work to my knowledge that involved the Federal Government.**

**At United Asset Management, I performed analysis of assets under management and assessed revenue impact for one of the largest independent asset management companies in the world. I analyzed methods of amortizing intangible assets. I was not engaged in any work to my knowledge that involved the Federal Government.**

### **III. Policy Questions**

14. OPM has had serious challenges in administering its major contracts, to include its infrastructure modernization plan where the contractor walked away in the middle of performance and the FSAFEDS contract, where OPM extended the contract for 13 years

without recompeting. What would you do to address these contract management performance issues?

**Resourcing issues, which have been addressed in part, are allowing OPO to begin satisfying OIG recommendations and findings and in turn reducing the level of risk the agency faces both during contract award and in contract administration. The establishment of a contracting activity within NBIB presents a step towards increasing focus on awarding and administering contracts to support the background investigation function. If confirmed as Deputy Director, I look forward to assisting in these reform efforts to ensure the most efficient and effective end to end processes and systems possible.**

15. One of OPM's roles is to assist other Departments and agencies with their strategic human capital planning. What do you see as the greatest challenges facing federal agencies in their planning efforts and as Director how would you assist them in addressing those challenges?

**I believe the biggest impediment to be developing government-wide policies and practices can be the competing needs of each agency. Last year, OPM initiated a Human Capital Framework to assist agencies with human capital management and, if confirmed, I look forward to continuing with these efforts. I would add that we have a tremendous opportunity to work with agencies to develop analytical skills and technological infrastructure to help make evidence-based decisions.**

16. The Director of the Office of Management and Budget recently issued a memorandum to the heads of executive branch departments and agencies asking for agencies to submit plans for reorganizing their agencies and reducing the size of the federal workforce. What human capital challenges do you foresee with the development and implementation of these plans and how, as OPM Deputy Director, would you work with agencies to address them?

**Above all, agencies must engage in comprehensive workforce planning to determine how best to align the agency's human capital to agency mission and priorities. In cases where there is misalignment of the workforce with current or anticipated requirements, agencies must select and apply the right workforce reshaping tools. It is also important during times of change for agencies to attend to the workforce to support employees who may be transitioning and to encourage high performance and engagement. Should I be confirmed as the Deputy Director of OPM, I would work towards OPM providing agencies with the guidance, support, tools, and services they need to design and implement their workforce planning and reshaping efforts.**

17. What role should OPM play in assisting agencies that are looking at contracting out work that is currently performed by federal employees and insourcing work to federal employees that is currently performed by contractors?

**I believe each agency should be responsible for determining its own workforce needs with the appropriate balance between Federal employees and contractor support.**

18. One of the important roles of OPM is working with agencies to make sure that the federal workforce represents the diversity of the American people and agencies have inclusive policies to strengthen agencies' ability to meet their mission and ensure retention of employees.

- a. What do you believe is the role of the OPM Deputy Director in assisting agencies with their diversity and inclusion efforts?

**As a Federal agency, OPM draws on the wisdom of the workforce that reflects the population it serves, so it is able to better understand and meet the needs of its customers. Government-wide, OPM has made important progress toward hiring a workforce that truly reflects America's diversity, and if confirmed, I will work to continue to pursuing that goal. Aside from hiring a diverse workforce, OPM must affirm that it works to gain the maximum benefit from an increasingly diverse workforce.**

- b. What role do you think OPM should play in specifically addressing employment of individuals with disabilities?

**As the Nation's largest employer, the Federal Government has a special responsibility to lead by example in including people with disabilities in the workforce.**

19. What is your opinion of the state of veterans' employment, including use of statutory and discretionary hiring authorities, in the federal government? If confirmed as Deputy Director, what would be your priorities in the area of veterans' employment?

**Our Veterans have made tremendous sacrifices for our country, and it is only right that we assist them in making the transition back to civilian life. Veterans currently represent approximately one-third of the total U.S. Federal workforce and statutory tools like Veterans' preference have been effective, while discretionary hiring authorities provide agencies reasonable hiring flexibility. However, it has been efforts like the Veterans Employment Initiative and the work of the Interagency Council on Veterans Employment that has strengthened this representation across agencies and not just in those agencies you would expect a large Veterans population. This is a strong number, but this number won't stay strong without continued advocacy from leadership.**

20. What are your views with respect to the current hiring process within the Federal Government, and what improvements would you recommend?

To be successful, the Federal Government needs to attract top talent to work in the 21<sup>st</sup> century. In order to attract individuals with an innovative spirit and commitment to public service, the Federal Government needs to build upon existing hiring methods and platforms (e.g., Pathways and USAJOBS). If confirmed, I will work closely with agencies to identify their current needs and ways to improve the Federal hiring process.

21. How do you think the federal government, and OPM in particular, can better enhance employee morale within the construct of being a steward of taxpayer dollars? Are there any programs that you would consider instituting to enhance morale?

For the last few years, the Federal Employee Viewpoint Survey results have continuously shown the commitment of Federal employees. I believe that there are meaningful ways in which agencies can improve morale of the workforce. For instance, improving employee engagement, connecting employees with the mission of the agency, improving communication throughout the organization, soliciting employee comments and feedback on ways to improve the organization, implementing coaching and mentoring programs, and rotational development opportunities are just some examples that agencies can use to improve morale in times of fiscal constraints.

22. Over the years, various Departments and agencies have sought and received authorities to establish personnel systems outside of government-wide provisions and independent of OPM policies and oversight. What is your opinion about the patchwork of personnel systems and authorities that exist throughout the federal government?

The Federal Government's workforce is large and diverse and the many and varied needs of its agencies and missions requires flexibility. However, it is worth considering whether the authorities in place are in fact the best ways for agencies to meet their needs. When similarly situated classes of employees are treated differently by circumstance of which agency employs them, internal competition among agencies can rise and morale can be challenging to maintain. This is not to say, however, that all agencies are identical. If special personnel systems or authorities are necessary for an agency to thrive, that is a discussion worth having, but such a discussion should also examine whether the establishment of such systems or authorities are rooted in addressing a problem that cannot be addressed in any other way.

23. What is your opinion about the current state of workplace flexibilities in the federal government and the ability of agencies to use existing flexibilities to meet their missions?

Going forward, I believe there are two key approaches to workforce flexibilities. First, agencies and managers must provide effective oversight of these flexibilities and provide leaders the training to assist them in holding employees accountable for performance while also assisting employees with the ability to integrate their work

and non-work responsibilities. Telework is critical to agencies to provide emergency preparedness, however managers must make clear to workers that flexibilities like telework are an option for some positions and employees and not an entitlement. Workforce flexibilities should not be abused and managers should be responsible for holding all employees accountable for their performance. Secondly, agencies should be open to ongoing discussions about workforce flexibilities in order to guarantee the Federal Government can stay competitive with the private sector and critical for sustaining a high-performing workforce. Should I be confirmed as the Deputy Director of OPM, I look forward to continuing this dialog.

24. OPM, in coordination with OMB, sets government-wide personnel policies and priorities, and also operates a fee-for-service division that provides a range of human resources support through service contracts. What is your opinion of OPM's role as a policy-making organization as well as operating as a service contract vehicle?

**OPM achieves its mission through a policy, service, and oversight framework. Through regulations and policy, our HR Policy organization creates governance for organizations to administer their HR programs, consistent with Congressional laws and intent.**

25. Do you have any experience working with whistleblowers? If so, without providing identifying information, please describe the nature of that experience.

**While I do not have direct personal experience working with whistleblowers, I believe it is imperative that whistleblowers have the full protection of the law and that support is communicated by agency leadership.**

26. How would you approach a case where a manager was alleged to have retaliated against a whistleblower?

**Retaliation against whistleblowers is illegal and unacceptable behavior. I would work with the Office of the General Counsel, and the OIG, if necessary, to investigate the allegation of retaliation. If it is proven true, I will work with the OPM Employee Accountability team to determine what actions are available to hold the manager accountable.**

### III. Relations with Congress and the Public

27. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

**If confirmed, I will communicate my desire to respond in a timely manner to Congressional inquiries, and provide oversight of OPM staff to follow through on this commitment.**

28. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?

**Yes, I do.**

29. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress?

**Yes, I do.**

30. If confirmed, do you commit to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?

**Yes, I do.**

31. On May 1, 2017, the Department of Justice Office of Legal Counsel (OLC) issued an opinion regarding how executive branch agencies should respond to requests from ranking members of congressional committees. The OLC opinion states that agencies have the "discretion" to respond to oversight requests from ranking members or individual members of Congress. The OLC opinion identifies that "the Executive Branch has historically exercised its discretion in determining whether and how to respond." Do you believe this opinion to control the Office of Personnel Management in its communication with Congress? If so, please describe the factors you would weigh in evaluating the circumstances that warrant a response to a request by the Ranking Member of any duly constituted committee of Congress.

**I believe it is important for OPM to be responsive and communicate with Congressional Committees. If confirmed, I will work to the fullest extent possible to respond to requests from Congress.**

32. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

**Yes, I do.**

33. If confirmed, will you ensure that any staff for which you are responsible will fully and promptly provide information and access to appropriate documents and officials in response to requests made by the Government Accountability Office (GAO) and the Congressional Research Service?

**Yes, I do.**

34. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving OPM's operations and effectiveness?



Yes, I do.

35. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

Yes. I will.

I, Michael Rigas, hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaires and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Michael Rigas  
(Signature)

This 3rd day of October, 2017

**Ranking Member Claire McCaskill  
Post-Hearing Questions for the Record  
Submitted to Mr. Michael Rigas**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017**

**COOPERATION WITH CONGRESS**

**Q: Do you agree that FOIA exemptions do not apply to congressional oversight requests?**

Mr. Rigas: I agree that FOIA exemptions do not apply to congressional requests emanating from a chamber or Committee of Congress, acting in its oversight role.

**Q: Based on your prior experience, how do you plan to work with Congress to lead the improvement of policy and operations at OPM?**

Mr. Rigas: If confirmed, I plan to work with Congress to ensure that OPM has the tools necessary to assist Federal agencies with meeting their human capital needs.

**Q: From your prior experience, can you discuss an instance in which you complied fully, completely and promptly with a congressional request for documents, communications or any other agency material? If not, why?**

Mr. Rigas: In my prior Federal service at the General Services Administration, I did not receive congressional request for documents, communications or any other agency material.

**Q: Will you pledge to copy the Ranking Member and/or staff on all official correspondence with the Committee and ensure that such correspondence is transmitted to the Ranking Member's office contemporaneous with transmittal to the Committee?**

Mr. Rigas: Yes.

**Q: Will you pledge to ensure that all meetings, briefings, and other official engagements with the Committee staff include both the majority and minority?**

Mr. Rigas: I pledge to work with Congress, and specifically this committee in its role as an overseer, as appropriate.

**BACKGROUND INVESTIGATIONS**

**Q: If confirmed, what additional reforms will you prioritize to ensure that NBIB can make a real dent in alleviating this backlog?**

Mr. Rigas: If confirmed, I will work with the OPM Director to support the ongoing efforts of the National Background Investigations Bureau's (NBIB) to grow capacity in its Federal and contractor workforce. I will also support NBIB's initiatives to reduce the level of effort required by investigators to work on each case through streamlining processes, reallocating resources, and updating internal policies to permit greater efficiencies and effectiveness while simultaneously maintaining quality and reciprocity for all of Government. I am also committed to working through the Performance Accountability Council (PAC) on process reform efforts that will benefit the entire government.

**In February of this year, Senator McCaskill wrote a letter to the Government Accountability Office requesting a comprehensive review and report regarding the transfer of background investigation functions to identify lessons learned and to develop a comprehensive strategy for a government-wide security clearance background investigation program. GAO's work remains ongoing.**

**Q: If confirmed, will you commit to implementing all of GAO's recommendations to improve the security clearance background investigation program?**

Mr. Rigas: If confirmed, I will support any efforts undertaken by GAO to engage with OPM on this topic and will support resolution of any resulting audit findings.

**WHISTLEBLOWER PROTECTION**

**Q: What do you see as your role in ensuring that OPM employees feel comfortable making protected disclosures regarding waste, fraud and abuse?**

Mr. Rigas: If confirmed, I see my role as communicating the importance of combating waste, fraud and abuse in the Federal Government. This will be emphasized throughout all of OPM with further communications that underscore the importance of protecting whistleblowers from retaliation.

**Q: If OPM employees bring complaints or concerns regarding management to your attention, will you ensure that these complaints are addressed expeditiously and raised to Dr. Pon, if appropriate?**

Mr. Rigas: I will take disclosures of wrongdoing seriously. In some cases it may be best to ask offices with relevant expertise to develop the facts and make an assessment of what has happened before taking steps to address a complaint.

**SUPPORTING DISASTER RELIEF**

**Q: How can OPM work with other federal agencies to ensure that these types of staffing shortfalls do not persist and undermine service delivery to Americans devastated by natural disasters?**

Mr. Rigas: In addition to serving as a policy maker and overseer, OPM seeks opportunities to work as a strategic partner with each agency, providing solutions, tools, best practices, and innovation. OPM has to lead as the President's agent and lead advisor on Federal Human Capital matters. If confirmed, I will work closely with agencies and other stakeholders to identify their current needs and the best ways to improve the Federal hiring process to deliver an effective workforce on behalf of U.S. citizens. To the extent some aspect of the hiring process is a concern, I would consider ways the hiring process can be improved. We may need to design our personnel systems so that we can update our policies and practices for today and tomorrow.

**Q: If confirmed, in what ways could you assist in supporting the Director's efforts towards disaster relief?**

Mr. Rigas: If confirmed and assuming Dr. Pon is confirmed, I would work with the Director to continue ongoing efforts and work with Federal agencies to understand areas of continued need.

#### **BOLSTERING INFORMATION TECHNOLOGY AND CYBER SECURITY**

**Q: Given past missteps with information security, OPM needs to learn from its mistakes and set a tone for the rest of government. What specific aspects of your past experience that will prepare you to take on OPM's IT modernization and cybersecurity efforts?**

Mr. Rigas: In my most recent role as Chief of Staff at the Massachusetts Department of Veterans' Services, I supervised our Director of Operations and Director of Data Analysis and Program Integrity who also had responsibility for IT security for the agency. Each year our agency had to certify that we met IT security standards. In this role, I have also overseen the modernization and upgrade of our benefits processing system for annuities as well as the ongoing improvements to our other IT systems. In my prior role at the GSA, I worked with our acquisition centers to promote our contract vehicles such as the GSA Schedule 70 and government-wide Acquisition Contracts such as the VETS GWAC which provided our Federal partners at agencies all across the country with state of the art technology solutions.

**Q: Are there additional steps Congress should take to make it easier for the federal government to recruit and retain qualified IT and cyber-security professionals?**

Mr. Rigas: I believe OPM should examine industry best practices for recruiting and retaining qualified IT and cyber-security professionals and see to what extent those practices can be leveraged within the Federal Government so the Federal Government can be competitive in recruiting the best talent to serve our country. I would also work with key stakeholders across government such as the CHCO Council and agency heads to identify areas of improvement. If

confirmed, I would be happy to work with you and your staff on ways the Federal Government can improve its recruitment and retention of qualified cyber and IT professionals.

**Q: How can OPM work with federal agencies to successfully compete with the private sector to fill these and other critical positions?**

Mr. Rigas: OPM has taken and continues to take action to address the growing need of cybersecurity professionals. OPM is committed to meeting this need as it is critical that Federal agencies have the talent to face sophisticated and persistent cyber threats that pose strategic, economic, and security challenges to our Nation. If confirmed, I look forward to continuing to advance these critical initiatives.

**Following the 2014 data breach at OPM, the agency dedicated significant resources toward re-authorizing the IT and cyber security systems that were neglected. Despite these efforts, in June 2017, the OPM Inspector General found that OPM's management of system authorizations continues to represent a material weakness in the agency's IT security program.**

**Q: What experience do you have in IT management and what do you believe is needed to ensure that OPM can meet its mission in the digital age while protecting individuals' personal information?**

Mr. Rigas: In my most recent role as Chief of Staff at the Massachusetts Department of Veterans' Services, I supervised our Director of Operations and Director of Data Analysis and Program Integrity who also had responsibility for IT security for the agency. Each year our agency had to certify that we met IT security standards. I have also overseen the modernization and upgrade of our benefits processing system for annuities as well as the ongoing improvements to our other IT systems. My experience as a manager and senior executive has been working with subject matter experts and leveraging their particular knowledge and synthesize that with my own skills and experience as a manager to find the best solutions. OPM has taken steps to enhance its cybersecurity capabilities, including continuing to build relationships with other relevant agencies and the OPM OIG. I am confident this progress will continue and look forward to assisting in its implementation as Deputy Director, if confirmed.

**Q: If confirmed, will you ensure that OPM implements all of the Inspector General's recommendations?**

Mr. Rigas: If confirmed, I will work with OPM's Office of the Chief Information Officer and Office of the Inspector General to implement recommendations and resolve audit findings to the greatest extent possible.

**Q: What additional actions will you take to address the deficiencies in OPM's IT infrastructure and ensure that a similar breach does not occur going forward?**

Mr. Rigas: If confirmed, the security of OPM's systems and data will continue to be an OPM priority, an important aspect of agency culture from the top down, and an area of continual enhancement. Upgrading OPM's IT infrastructure is a central component of OPM's risk mitigation strategy, to address both cybersecurity risks and the operational risk posed by outdated and underperforming equipment. In addition, OPM has centralized its cybersecurity resources and efforts under the Chief Information Security Officer, published policies so that proactive steps can be taken to secure and control access to sensitive information, and continues to engage regularly with the Office of the Inspector General to collaborate and remediate audit findings. OPM has implemented critical enhancements to strengthen the security of OPM's networks and has improved its security and assessment authorization process. OPM has also taken a leadership role in its support for Federal initiatives such as the OMB cyber sprint and the DHS Continuous Diagnostic and Mitigation program. If confirmed, I will work with the Office of the Chief Information Officer to support these important activities along with continuing to train and educate end users on cyber risk avoidance and supporting implementation of new and enhanced security policies, processes and procedures. I have been briefed on OPM's IT operations and strategies and I support their efforts to improve their IT security and systems.

#### **ACCOUNTABILITY FOR FEDERAL WORKERS**

**One of the persistent challenges facing the federal workforce is that the misconduct of a few can cast a shadow over the millions of diligent federal employees working on behalf of the American people every day. Moreover, if confirmed, you will be entering these roles at a time when employee morale is significantly low due to threats of government shutdowns and proposed budget cuts in pay, retirement and health care for federal employees.**

**Q: Do you support the President's proposed cuts, and why? If these cuts are adopted, what are your plans to empower federal employees and to improve employee morale government-wide?**

Mr. Rigas: I have worked in resource constrained environments in the public and private sectors and in those times worked with staff to find new and innovative ways to achieve our organizational objectives, and improved morale by demonstrating a shared commitment to their work and the organization's mission. Private sector companies are moving away from defined benefit plans and towards defined contribution plans. While these proposals maintain a Federal defined benefit plan, they also bring other aspects of Federal retirement benefits in line with the private sector and reduce overall costs to the taxpayer. I do not believe the implementation of retirement benefit changes will impact the Federal Government's recruiting and retention efforts. If confirmed, I will work with OPM leadership to examine ways to enhance employee morale.

**Q: What policies can OPM implement to promote accountability of federal employees who break the law or engage in other misconduct?**

Mr. Rigas: Not only do managers have the authority to take actions against employees in appropriate circumstances, they have a responsibility to do so. With respect to performance-based actions, success will depend in part upon the adequacy of the underlying performance

standards to demonstrate unsatisfactory performance, whether the agency adequately documented deficiencies in performance, and the agency's adherence to the preliminary steps required by law. OPM should promote a culture of accountability across all agencies. If confirmed, I would work with Congress to consider what changes, if any, might enhance managers' ability to deal effectively with performance and conduct-related problems. In the meantime, there are reasonably effective tools for supervisors to address poor performance or misconduct. OPM should continue educating supervisors about these tools and supporting them in using them.

**Senator Heidi Heitkamp  
Post-Hearing Questions for the Record  
Submitted to Mr. Michael Rigas**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday October 18, 2017**

- 1. Given your previous experience as Chief of Staff at the Massachusetts State Department of Veterans' Services, what initiatives will you bring in order emphasize the recruitment and retention of Veterans' in the federal government?**

Mr. Rigas: In my role as Chief of Staff at the Department of Veterans' Services in Massachusetts, I had the opportunity to work with the veteran community and other stakeholders in supporting veteran employment. One of the challenges veterans and hiring managers face is being able to translate the skills and technical abilities veterans have from their time in service into language that is easily understood as transferable skills and abilities by civilian hiring managers. If confirmed, I would work with internal and external stakeholders and agencies to develop strategies for addressing this and other issues to support the Government's veteran recruitment and retention efforts. I would also assess OPM's analytical capabilities with respect to veteran recruitment and retention, if confirmed.



**Statement of Emily Webster Murphy**  
**Nominee to be Administrator, U.S. General Services Administration**  
**October 18, 2017**

**Senate Committee on Homeland Security and Governmental Affairs**

Chairman Johnson, Ranking Member McCaskill, and Members of the Committee –

I appear before you today humbled by the nomination to serve as the next Administrator of the U.S. General Services Administration, or GSA, and I am honored by the confidence placed in me by President Trump and his team. I owe a debt of gratitude to my home state Senator, Ranking Member McCaskill, for her willingness to introduce me here today. Before I begin my formal remarks, I would be remiss if I did not introduce several members of my family who have made the trip from St. Louis to be here for today's hearing:

My father Jim Murphy, who taught me the value of hard work by having me answer phones for the family business; my mother Mimi who started practicing law in 1971, showing me that women can do anything; my sister Anne Hill and her husband Rob, who had the courage to start their own small business; their children Charlie who is in fifth grade and Jane who is in third grade; and my brother Joey who has the most important job of any of us - teaching the next generation.

I am proud to have grown up in St. Louis, the Gateway to the West, and will always consider it home. But I have spent most of my professional life in Washington, D.C., delving into the details and nuances of contracting and procurement policy. In fact, I consider myself a bit of a wonk – and I mean that in the best way possible.

After graduating from Smith College, I interned for my Member of Congress, Jim Talent. He eventually hired me to work for him at the House Committee on Small Business. As I'm sure some of your staff can attest, the newest staffer often gets the issue no one else wants, and so I started working on Federal procurement policy. Working on contracting, I realized I could make a difference by saving money for taxpayers, improving competition, and helping agencies deliver on their unique missions. More than twenty years later, I still find it compelling.

I attended law school at the University of Virginia, earning my J.D., and returned to Washington to practice government contracts law. In 2004, I was honored to join the U.S. Small Business Administration (SBA) as a senior advisor for government contracts and business development and the Acting Administrator for Government Contracting. In that role, I directed a team of over 140 staff nationwide to help the agency better provide assistance to small businesses seeking Federal procurement opportunities. Our team was able to successfully reduce the cycle time for some small business certifications by 65 percent. I am proud to say that during my tenure, the SBA - for the first time in history - met its statutorily-mandated goal of awarding 23 percent of prime contracts to small businesses.

In 2005, I had the privilege of joining GSA and serving as its inaugural Chief Acquisition Officer. In this role, I participated in leading the transformation of the agency's assisted acquisition centers, as well as the consolidation of the Federal Supply Service and the Federal Technology Service. As the agency's representative to the Federal Acquisition Regulatory (FAR) Council and the leader of the Civilian Agency Acquisition Council, I coordinated efforts to modernize the FAR and GSA regulations to more closely reflect the Federal Government's increasing use of service contracts, as opposed to commodity buys.

Most importantly, I worked closely with the Inspector General (IG) to address contracting issues in GSA's eleven regions, where the IG had identified problems with improper sole source contracts, misuse of small business contracts, out-of-scope orders being placed against contracts, and Anti-Deficiency Act violations. The auditors attributed their findings to an ineffective system of internal management controls and contract personnel prioritizing customer preference over proper procurement procedures. To address these issues, I worked with the GSA Commissioners and the Regional Administrators to: 1) communicate that failure to follow the law would not be tolerated; 2) identify areas where contracting specialists perceived ambiguity and provide clarity regarding expectations and policy; 3) engage in workforce training targeting identified failures or weaknesses; 4) implement an ongoing series of procurement management reviews to identify other outstanding issues; 5) realign reporting chains and performance plans to ensure that contract specialists were evaluated on the quality of their work; 6) communicate with contractors regarding the proper procedures to follow should a task order appear to exceed to scope of the contract; 7) develop the Schedules eLibrary to assist contracting officers in making scope determinations; 8) institute regular meetings with the Department of Defense (DoD) to insure that any DoD specific requirements or funding issues were appropriately addressed by GSA; and 9) engage in ongoing dialogue with the IG so that all issues could be addressed promptly, thus mitigating risk to the taxpayer. GSA continues to have regular program management reviews, engage in targeted training, and maintain many of these processes.

After my time at GSA, I rejoined the private sector and gained critical experience and insight on the Federal contracting process from different perspectives – as a customer, prime contractor and subcontractor; from the civilian and defense sides; and as a lawyer representing clients seeking to navigate the Federal procurement system. These firsthand experiences have been invaluable, as they provided a holistic view of the Federal contracting process. I know the frustrations of customers seeking to contract with the Federal Government because I have been in their shoes, and if confirmed, I will continue to use that experience to improve the process.

In 2011, I returned to the House Committee on Small Business, serving again under a Missouri Chairman, Congressman Sam Graves, and then Chairman Steve Chabot of Ohio. While I specialized in acquisition policy, I also worked on capital access, regulatory reform, tax, and trade issues. The Committee conducted rigorous oversight of contracting agencies, including GSA, and worked on bipartisan legislation that aimed to help small businesses seeking to

compete for contracts with the Federal Government. These bipartisan reforms - many of which originated in a Republican House, but were adopted by a Democratic Senate and signed into law by then-President Obama - sought to improve opportunities for service-disabled veterans and small technology firms; minimize barriers to entry; reduce regulatory burdens on prime and subcontractors; reduce waste, fraud, and abuse in government contracting; and streamline design-build contracting.

I gained further valuable experience during my time on the House Committee on Armed Services (HASC), working on acquisition issues specific to the DoD, such as challenges with commercial item contracts, auditing, service contracting, program management, acquisition workforce, and business processes at the DoD.

Earlier this year, I rejoined GSA, where I analyze topics related to acquisition to provide advice to the Acting Administrator, Tim Horne. For instance, I worked with Acting Administrator Horne on the merger of the Federal Acquisition Service and the Technology Transformation Service, the implementation of the Transactional Data rule, and opportunities to improve how GSA facilitates purchases of technology.

Over the past 20 years, through my various roles in the legislative and executive branches, I have gained a deep appreciation for the oversight responsibilities of Congress. If confirmed, I pledge that you will have an accessible, transparent, and responsive Administrator who looks forward to continuing this important work.

Taking on this responsibility, I am reminded of a saying of a native son of Missouri, President Harry S Truman, who signed into law the Federal Property and Administrative Services Act establishing GSA: "It is amazing what you can accomplish if you do not care who gets the credit." I am not here to garner headlines or make a name for myself; my goal is to do my part in making the Federal Government more efficient, effective, and responsive to the American people.

Indeed, as someone who has spent much of my career working on Capitol Hill, I believe it is still GSA's mission to fulfill the charge Congress gave it at its inception in 1949 – to "provide for the Government an economical and efficient system for (a) the procurement and supply of personal property and nonpersonal services . . . ; (b) the utilization of available property; [and] (c) the disposal of surplus property." While I understand that Congress has amended this list over the years, it remains GSA's core objective to facilitate the missions of other Federal agencies by carrying out the functions enumerated by Congress in a way that demonstrates good stewardship of taxpayer money.

In 2017, as government continues to modernize, I believe GSA's mission extends to providing contracts, buildings, technology, and other mission support services in an efficient and effective manner. If confirmed, it would be my responsibility to hold GSA to this mission and provide it with goals and strategies to advance support for other agencies and taxpayers.

To that end, there are four overarching priorities that I intend to focus on if confirmed. The first is to provide ethical leadership. The Office of Government Ethics recently sent a letter reminding us that "the citizens we serve deserve to have confidence in the integrity of their Government [but the] public's trust is not guaranteed." I will strive to earn that trust every day, by creating a culture within GSA that puts the taxpayer first, encourages a diversity of opinions, values the contributions all employees, and promotes a safe culture for reporting misconduct.

My second priority is to reduce duplication. While progress has been made since I previously served at GSA, the agency still has opportunities to reduce duplication in its internal mission support services. It can also reduce duplication in its own systems, which will reduce barriers to entry for contractors, barriers to access for other agencies, and the risk associated with managing outdated systems. Within the Public Building Service, GSA should facilitate the disposal of unused or underutilized real property. Further, where appropriate, GSA should help other agencies reduce duplication by facilitating the adoption of shared services.

Third, it is critical that the agency look for additional ways to increase competition. There are opportunities for GSA to do so at both the contract award level and at the task order level, both for its own internal contracts and on the contracts used by other agencies. In terms of real property, the leases for approximately 100 million square feet of leased office space are set to expire over the next five years, which is an incredible opportunity for GSA to work with Congress and its tenant agencies to get better deals.

Finally, continued efforts to improve transparency are central to the agency's work. Taxpayers must have confidence that GSA always puts their interests first. Whether this means providing taxpayers access to the Federal Real Property Profile database, working to make more data available at data.gov, or improving the integration and usability of the System for Award Management/Integrated Award Environment, transparency will not only expose flaws and instill confidence, but it can also lead to increased competition, cost savings, informed policy making, and accountability. GSA can and should improve the quality, security, and accessibility of its data, while helping other agencies do the same.

These guiding principles can be applied to nearly every facet of GSA's mission. They will provide a framework for addressing recommendations from the Government Accountability Office and IG. Most importantly, they are key to inspiring confidence in the agency from Congress, Federal agencies, those who do business with GSA, and from the American taxpayer.

Thank you for the opportunity to be here today; if confirmed, I am excited about the opportunity to work with you and your staffs in this important role. I would be happy to take any questions you may have.

## HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

**REDACTED**

### 1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
Name of Position	Date of Nomination
Administrator, United States General Services Administration	

<i>Current Legal Name</i>			
First Name	Middle Name	Last Name	Suffix
Emily	Webster	Murphy	

<i>Addresses</i>					
Residential Address (do not include street address)			Office Address (include street address)		
			Street: 1800 F St. NW		
City: Alexandria	State: VA	Zip: 22314	City: Washington	State: DC	Zip: 20405

<i>Other Names Used</i>						
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
n/a					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1973	St. Louis, Missouri, USA

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
n/a			

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
n/a					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix
n/a			

## 2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Smith College	College	8/1991 Est <input type="checkbox"/>	5/1995 Est <input type="checkbox"/> Present <input type="checkbox"/>	AB	May 1995
University of Geneva	University (Smith College has a junior year abroad program with the University of Geneva in Switzerland)	10/1993 Est <input checked="" type="checkbox"/>	6/1994 Est <input checked="" type="checkbox"/> Present <input type="checkbox"/>		
University of Virginia School of Law	University	8/1998 Est <input type="checkbox"/>	5/2001 Est <input type="checkbox"/> Present <input type="checkbox"/>	JD	May 2001
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>		

### 3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non- Federal Employment), Self- employment, Unemployment, Federal Contractor, Non- Government Employment (excluding self-employment), Other	<u>Name of Your Employer/ Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Other Federal employment	U.S. General Services Administration	Senior Advisor	Washi ngton, DC	4/2017 Est <input type="checkbox"/>	present Est <input type="checkbox"/>
Other Federal employment	U.S. General Services Administration	Senior Advisor	Washi ngton, DC	1/2017 Est <input type="checkbox"/>	4/2017 Est <input type="checkbox"/>
Other Federal employment	Committee on Armed Services, U.S. House of Representatives	Counsel	Washi ngton, DC	5/2016 Est <input type="checkbox"/>	1/2017 Est <input type="checkbox"/>
Other Federal employment	Committee on Small Business, U.S. House of Representatives	Policy Director and Senior Counsel	Washi ngton, DC	4/2011 Est <input type="checkbox"/>	5/2016 Est <input type="checkbox"/>
Federal Contractor	TerreStar National Services, TerreStar Networks	General Counsel and Vice President for Operations	Reston, VA	8/2007 Est <input type="checkbox"/>	4/2011 Est <input type="checkbox"/>
Self Employment	Government Procurement Services LLC	President	Arlingt on, VA	10/2008 Est <input checked="" type="checkbox"/>	3/2011 Est <input checked="" type="checkbox"/>
Non-Government Employment (excluding self- employment)	Miller & Chevalier	Counsel	Washi ngton, DC	3/2007 Est <input type="checkbox"/>	7/2007 Est <input type="checkbox"/>



Unemployed	Vacation	n/a	Austin, TX and Arlington, VA	2/2007	Est <input type="checkbox"/>	2/2007	Est <input type="checkbox"/>
Other Federal employment	U.S. General Services Administration	Chief Acquisition Officer	Washington, DC	2/2005	Est <input type="checkbox"/>	2/2007 <input type="checkbox"/>	Est <input type="checkbox"/>
Other Federal employment	U.S. Small Business Administration	Senior Advisor for Government Contracts and Business Development, Acting Associate Administrator for Government Contracts	Washington, DC	1/2004	Est <input type="checkbox"/>	2/2007 <input type="checkbox"/>	Est <input type="checkbox"/>
Non-Government Employment (excluding self-employment)	Wiley Rein & Fielding LLC	Associate	Washington, DC	9/2001	Est <input type="checkbox"/>	12/2003	Est <input type="checkbox"/>
Other Federal employment	Committee on Small Business, U.S. House of Representatives	Professional Staff Member	Washington, DC	9/1999	Est <input checked="" type="checkbox"/>	5/2000	Est <input checked="" type="checkbox"/>
Other Federal employment	Committee on Small Business, U.S. House of Representatives	Professional Staff Member	Washington, DC	5/1999	Est <input checked="" type="checkbox"/>	8/1999	Est <input checked="" type="checkbox"/>
Unemployed	Vacation before starting law school	n/a	France, Germany and Italy	7/1998		8/1998	
Other Federal employment	Committee on Small Business, U.S. House of Representatives	Professional Staff Member	Washington, DC	1/1997	Est <input type="checkbox"/>	7/1998	Est <input type="checkbox"/>
Non-Government Employment (excluding self-employment)	Republican National Committee	Assistant to the Director of Administration	Washington, DC	10/1995	Est <input type="checkbox"/>	1/1997	Est <input type="checkbox"/>

Non-Government Employment (excluding self-employment)	Republican National Committee	Data Entry Clerk	Washington, DC	7/1995	Est <input checked="" type="checkbox"/>	10/1995	Est <input type="checkbox"/>
Non-Government Employment (excluding self-employment)	Murphy Company Mechanical Contractors	Receptionist	St. Louis, MO	7/1994	Est <input checked="" type="checkbox"/>	8/1994	Est <input checked="" type="checkbox"/>
Non-Government Employment (excluding self-employment)	Murphy Company Mechanical Contractors	Receptionist	St. Louis, MO	5/1993	Est <input checked="" type="checkbox"/>	8/1993	Est <input checked="" type="checkbox"/>
Non-Government Employment (excluding self-employment)	Murphy Company Mechanical Contractors	Receptionist	St. Louis, MO	5/1992	Est <input checked="" type="checkbox"/>	8/1992	Est <input checked="" type="checkbox"/>

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
International Labour Organization	Internship as part of my junior year abroad program	2/1994 Est <input checked="" type="checkbox"/>	6/1994 Est <input checked="" type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>

#### 4. Potential Conflict of Interest

(A) 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.

From 2007 to 2011, I worked at TerreStar National Services/TerreStar Networks. TerreStar was a subcontractor to a vendor on the GSA schedules and was proposed as a

potential subcontractor on the Networx vehicle. TerreStar is no longer in business and this should not pose any conflicts.

Likewise, from 2010 to early 2011, I consulted with Zebra Technologies regarding a GSA schedule they held. I have had no contact with Zebra since 2011, and am not certain as to whether they still hold a GSA schedule contract, so I do not believe this will pose a conflict of interest.

I will work with ethics officials at GSA to comply with all required conflict of interest laws.

**(B) 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.**

While TerreStar employed lobbyists to address matters such as spectrum allocation, I did not engage in lobbying on its behalf.

## **5. Honors and Awards**

**List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.**

President's Award, 2013, Women Impacting Public Policy  
 Champion of Small Business Innovation, 2016, Small Business Technology Council  
 While not yet public, I've also been informed that I will be receiving the Montgomery County Chamber of Commerce's Government Partner of the Year Award in November.

## **6. Memberships**

**List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.**

**Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).**

To the best of my recollection, the list below includes all memberships I've held within the scope of this question. I know that private sector entities where I've worked also held memberships in associations, but unless listed below I do not recall any of these memberships and have no memory of attending meetings of these other organizations.

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
International Association for Business and Health	2007	I agreed to serve as a board member, but the board never met and the entity dissolved. I'm disclosing this out of an abundance of caution.
Villa Duchesne Oak Hill Alumnae Association	1991-present	Member
Smith College Alumnae Association	1995-present	Member
University of Virginia School of Law Alumni Association	2001-present	Member
American Bar Association's Public Contract Law Section	2001-2010 (est).	Member, Co-Chair and Vice-Chair of the Small Business and Other Socio-Economic Programs Committee
National Contract Management Association	2016-present	Member
Women in Government Relations	April 2016-April 2017	Member
RightNOW	January 2015 –January 2016	Member
Professional Services Council	2007-2009 (est)	TerreStar was the member of PSC, but I attended a few meetings on its behalf.
Satellite Industry Association	2007-2009 (est)	TerreStar was the member of SIA. I don't recall attending any meetings on its behalf, but wanted to disclose out of an abundance of caution. I'm

		certain TerreStar had other memberships, but I don't recall being involved in any other trade association on its behalf.
St. Joseph's Catholic Church	2012-present	Parishioner
St. Charles Catholic Church	2001-2012	Parishioner
Virginia State Bar Association	2001-present	Member
DC Bar Association	2002-present	Member

## 7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

While I do not believe these are all necessarily within the scope of this question, I am providing a list of all positions in the Executive Branch to which I have been appointed.

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
Senior Advisor, U.S. General Services Administration	Appointed	April 2017 – present	Non Career SES
White House Liaison, U.S. General Services Administration	Appointed	January 24, 2017-April 2017	Non Career SES
Chief Acquisition Officer, U.S. General Services Administration	Appointed	2005-2007	Non Career SES
Senior Advisor for Government Contracting and Business Development, Acting Associate Administrator for Government Contracting, U.S. Small Business Administration	Appointed	2004-2005	Schedule C

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Lawyers for Romney	Election day volunteer	Served as point of contact for poll watchers	11/6/2012
McCain Palin 2008	Election day volunteer	Handed out sample ballots	11/4/2008

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
n/a		


#### 8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

While not strictly publications, I've attempted to compile all policy documents that were issued under my signature when I previously served at GSA or SBA and listed them below. My ability to provide complete results is hampered by what the agencies have maintained on their websites. While I am unaware of any omission, I recognize that it is possible some documents were not maintained electronically or were not retrieved during my search and will supplement this list if I locate other such publications.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
CAO Corner	GSA, Acquisition Workforce Update	5 editions (2005-2006)
Use of GSA Form 300 for the Acquisition of Utility Services	GSA	December 22, 2005

Fiscal Year 05 Cut-Off Dates for Assisted Acquisitions	GSA	July 18, 2005
Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses	GSA	March 7, 2006
Comprehensive Review of the GSAR	GSA	February 17, 2006
Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses at Civilian Agencies	SBA	December 22, 2004
Class Deviations Applicable to Acquisitions for Hurricane Katrina Rescue and Relief Efforts	GSA	October 14, 2005
Applicability of Homeland Security Presidential Directive (HSPD) 12 to GSA Contracting Activities	GSA	February 3, 2006
Transfer of Contracts to FEMA	GSA	January 9, 2006
Training Requirements for Realty Leasing Contracting Officers	GSA	June 27, 2005
SOP 60 02 6	SBA	October 8, 2004

**(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.**

While working for the Committee on Small Business and the Committee on Armed Services of the House of Representatives, I frequently gave briefings and talks about contracting reform to support legislation introduced by my Chairman or favorably reported by the



Committee, and these might be viewed as formal speeches. However, I did not write out my speeches or keep notes of these speeches, and did not keep a list of the events. The events referenced below are my best attempt at documenting these events. I will supplement this list if I locate other relevant information.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
GSA: Is the Taxpayer Getting the Best Deal?	U.S. Senate, Subcommittee on Federal Financial Management, Government Information, and International Security, of the Committee on Homeland Security and Governmental Affairs, Washington, DC.	July 26, 2005
Sifting Through Katrina's Legal Debris: Contracting in the Eye of the Storm	U.S. House of Representatives, Committee on Government Reform, Washington, DC.	May 4, 2006
Expanding Small Businesses' Access to Federal Contracts	U.S. House of Representatives, Committee on Small Business, Washington, DC.	April 19, 2007
Challenges Facing Women-Owned Small Businesses in Government Contracting (I've been unable to locate a copy of the transcript from this event, but have included a copy of my prepared statement.)	U.S. Senate, Committee on Small Business and Entrepreneurship, Field Hearing held by Senator George Allen, Fairfax, VA.	October 3, 2006
Career Advice	Washington DC / CXO Fellows	July 11, 2017
Contracting Reform	Washington DC / VET-Force (consortium of organizations representing veterans)	I believe I spoke with VET-Force annually between 2011 and 2016

Contracting Reform (panel)	Arlington, VA / Army Procurement Executives	2016. I'm unsure of the date, but know I spoke to this group as part of their training conference
Congressional Panel: Acquisition Reform Redux	Tysons Corner / Coalition for Government Procurement (CGP) Fall Training Conference	November 17, 2016
Contracting Reform	Tysons Corner / AFCEA Nova Enterprise Information Small Business Forum	November 4, 2016
Media and Politics in Government Contracting (panel)	San Francisco / Public Contract Law Section of the American Bar Association (ABA), Annual Conference	August 4, 2016
Contracting Reform	Washington DC / ACEC Federal Agencies Procurement Advocacy Committee	July 27, 2016; January 21, 2015; February 2014;
Contracting Reform	Washington DC / Professional Services Council (PSC) Government Affairs Council	July 8, 2016 (I believe I spoke to the Government Affairs Council on an annual basis between 2011 and 2016, but cannot find the exact dates)
Small Business Regulation Updates (panel)	Bethesda MD / Montgomery County Chamber of Commerce GovConNet Procurement Conference	May 12, 2016; May 16, 2014
The "To Do" List for Acquisition Reform (panel)	Tysons Corner VA / CGP Spring Training Conference	April 28, 2016
Contracting Reform (panel)	Association of Procurement Technical Assistance Centers	April 2016(est)
Contracting Reform (briefing)	Washington, DC / MidTier Advocacy	March 23, 2016
Contracting Reform (panel)	Washington DC / US Women's Chamber of Commerce National Small Business Federal Contracting Summit	March 16, 2016

Oversight Topics with Respect to the SBA	Washington DC / ABA Commercial Products and Services Committee	February 25, 2016
Contracting Reform	Washington DC / Veterans Employment and Education Commission Forum, American Legion	February 22, 2016 (est); February 2015
Contracting Reform (panel)	Washington DC / National Contract Management Association (NCMA) Government Contract Management Symposium 2015	December 15, 2015
Contracting Reform	Tysons Corner, VA / Small Business Development Consortium	November 2015
Contracting Reform (panel)	Falls Church, VA / PSC 2015 Vision Conference	November 18, 2015
Contracting Reform (panel)	Springfield, VA / NDIA Annual National Small Business Conference	September 24, 2015; September 10, 2014; September 25, 2013 [I believe I also spoke at the 2016 conference, but cannot find a date or any record of it]
Career Advice (panel):	Washington, DC / Women's Congressional Staff Association (WCSA) 6th Annual Summer Conference	July 11, 2015
Contracting Reform	Arlington VA / Eastern Foundry (government contracting incubator)	I believe I spoke with this group in the spring or summer of 2015
Contracting Reform	Washington, DC / National Issues Conference, Campaign for Quality Construction	June 2015
Contracting Reform	Washington, DC / Women Construction Owners & Executives	April 21, 2015
Contracting Reform	Washington, DC / Association of the United States Army	October 14, 2014

Contracting Reform (panel)	Washington, DC / Association of the United States Army	October 14, 2014
Contracting Reform	Washington, DC / Associated General Contractors Federal Contractors Conference	July 24, 2014
Contracting Reform	Tysons Corner, VA / CGP Small Business Forum	July 23, 2014
Contracting Reform	Washington, DC / American Council for Technology-Industry Advisory Council's Small Business Conference	April 2014
Contracting Reform	Baltimore, MD / Society of American Military Engineers	March 19, 2014
Contracting Reform	Annapolis, MD / ABA Federal Procurement Institute 2014	March 12, 2014 (approx.):
Contracting Reform	Washington, DC / ABA Small Business and Other Socio Economic Committee meeting	February 20, 2014
Contracting Reform	Washington, DC / National Association of Surety Bond Producers	2013; 2014; November 2012- I am unsure of when these events took place, but know I spoke during at least three of their conferences
Contracting Reform	Tysons Corner, VA / CGP Fall Training Conference	October 30, 2013
Contracting Reform	Washington, DC / Women Impacting Public Policy Annual Leadership Meeting	October 9 or 10, 2013. I may have spoken to this group on other occasions, but I am unsure of the dates.
Contracting Reform	Arlington, VA / Multiple Award Government & Industry Conference	July 11, 2013; July 27, 2012
Contracting Reform	Washington, DC / Federal Allies Institute	March 2013, May 2012 - I may have spoken to this group on other occasions, but I am unsure of the dates

Changes to Federal Procurement Policy	Teleconference / Women Impacting Public Policy	February 13, 2013
Contracting Reform	SECAF Legislative and Regulatory Committee Educational Program	February 5, 2013
Contracting Reform	Washington, DC / National Small Business Association Congress	November 2012
Contracting Reform	Washington, DC / San Antonio Chamber of Commerce	I believe spoke to this group annually between 2012 and 2016, but am not certain of the dates
Contracting Reform	Washington, DC / Warren County Chamber of Commerce	I spoke to this group in the spring of 2016, but am unsure of the date
Contracting Reform	Washington, DC / Dayton Area Chamber of Commerce	I spoke to this group in 2015, but am unsure of the date
Contracting Reform	National Veterans Small Business Coalition	I spoke to this group during my tenure with the Small Business Committee, but am unsure of the date
Contracting Reform	Tysons Corner, VA / Northern Virginia Technology Council	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Arlington, VA / National 8(a) Association	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Dulles, VA / HUBZone National Council	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Washington, DC / Council on Federal Procurement of Architectural and Engineering Services	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)

Contracting Reform	Washington, DC / National Association of Small Disadvantaged Businesses	I spoke to this group several times during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Arlington, VA/ TechAmerica	2011-2013– I would speak either individually or as a part of a panel to this group, but cannot find records of the dates
Contracting Reform	Washington DC and Middleburg VA / IT Alliance for the Public Sector	2014-2017 – I would speak either individually or as a part of a panel to this group, but cannot find records of the dates
Contracting Reform	Arlington, VA / National Association of Women Business Owners	I spoke to this group several times during my tenure with the Small Business Committee, but am unsure of the date(s)

**(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.**

The following is a list of speeches and testimony, other than the “formal” speeches listed above, which I believe is responsive to this question. However, as with the formal speeches, I did not keep a list of these talks, so the events referenced below are my best attempt at documenting these events. I will supplement this list if I locate other relevant information.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
Contracting Reform	Washington, DC / National Small Business Association Congress	November 2012
Contracting Reform	Washington, DC / Army Small Business Conference	Aug. 2, 2012
Contracting Reform	Nashville, TN / DoD Small Business Training Conference	July 2012
Contracting Reform	Arlington, VA / Multiple Award Government & Industry Conference	July 11, 2013; July 27, 2012

U.S. Economy and African-American Community (panel)	Washington, DC / Forum hosted by Rep. Allan West	June 18, 2012
Contracting Reform	Washington, DC / ChallengerHER	May 2012
Contracting Reform	Washington, DC / San Antonio Chamber of Commerce	I believe spoke to this group annually between 2012 and 2016, but am not certain of the dates
Contracting Reform	Washington, DC / Dayton Area Chamber of Commerce	I spoke to this group in 2015, but am unsure of the date
Contracting Reform	National Veterans Small Business Coalition	I spoke to this group during my tenure with the Small Business Committee, but am unsure of the date
Contracting Reform	Tysons Corner, VA / Northern Virginia Technology Council	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Arlington, VA / National 8(a) Association	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Dulles, VA / HUBZone National Council	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Washington, DC / Council on Federal Procurement of Architectural and Engineering Services	I spoke to this group at least once during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Washington, DC / National Association of Small Disadvantaged Businesses	I spoke to this group several times during my tenure with the Small Business Committee, but am unsure of the date(s)
Contracting Reform	Arlington, VA/ TechAmerica	2011-2013– I would speak either individually or as a part of a panel to this group,

		but cannot find records of the dates
Contracting Reform	Arlington, VA / National Association of Women	I spoke to this group several times during my tenure with the Small Business Committee, but am unsure of the date(s)

### 9. Criminal History

Since (and including) your 18<sup>th</sup> birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.) No.
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official? No.
- Have you been charged, convicted, or sentenced of a crime in any court? No.
- Have you been or are you currently on probation or parole? No.
- Are you currently on trial or awaiting a trial on criminal charges?



No.

- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?  
No.

**If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).**

Not applicable.

A) Date of offense:

- a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?

- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
- 2) Firearms or explosives: **Yes / No**
- 3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

1) Name of the law enforcement agency that arrested/cited/summoned you:

2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

3) If no, provide explanation:

G) Were you sentenced as a result of this offense: **Yes / No**

H) Provide a description of the sentence:

- I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**
- J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**
- N) Provide explanation:

### 10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

No.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
n/a				

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? 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.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
Pursuant to 29 CFR § 1614, a formal complaint of discrimination	A court name is not applicable in this instance.	McGill v the General Services Administration;	Upon completion of the investigation, the complainant requested an immediate final decision from GSA in	A February 27, 2008, final agency decision (FAD) on the merits issued by GSA's Office of

was filed on March 2, 2007	The complaint was processed by the GSA EEO program.	Theresa McGill, complainant  Emily Murphy, alleged responsible management official (RMO)	accordance with 29 CFR § 1614.110(b).	Civil Rights found no discrimination on each of the issues in the complaint.

(C) For responses to the previous question, 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.

Please see the attached letter from GSA dated June 2, 2017, from Lennard Loewentritt, Deputy General Counsel, U.S. General Services Administration.

To ensure that I have fully and completely answered these questions, I previously requested both agencies where I have worked to search their records. The information they identified as responsive is included above, and to the best of my knowledge, there are no other responsive answers. However, in an abundance of caution, I'm attaching the letters I received from each agency so the Committee will be fully informed.

### **11. Breach of Professional Ethics**

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No.

<u>Name of Agency/Association/ Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>
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n/a			

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

#### 12. Tax Compliance

(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**

**REDACTED**

**13. Lobbying**

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No, I have not registered as a lobbyist in the past ten years.

**14. Outside Positions**

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

### 15. Agreements or Arrangements

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)


**16. Additional 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**



**SIGNATURE AND DATE**

**I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.**

A handwritten signature in cursive script, reading "Euley D. Turkey", written over a horizontal line.

**This 5th day of September , 2017**

**REDACTED**

UNITED STATES OFFICE OF  
**GOVERNMENT ETHICS**

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September 12, 2017

The Honorable Ron Johnson  
 Chairman  
 Committee on Homeland Security  
 and Governmental Affairs  
 United States Senate  
 Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Emily Murphy, who has been nominated by President Trump for the position of Administrator, General Services Administration.

We have reviewed the report and have 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,

**DAVID APOL**

Digitally signed by DAVID APOL,  
 DN: c=US, o=U.S. Government, ou=Office of  
 Government Ethics, cn=DAVID APOL,  
 o=D, ou=OFFICE OF GOVERNMENT ETHICS,  
 Date: 2017.09.12 16:02:46 -0400

David J. Apol

Acting Director and General Counsel

Enclosures

**REDACTED**

★ ★ ★ ★

July 6, 2017

Richard Beckler  
Designated Agency Ethics Official  
General Services Administration  
Office of General Counsel  
1800 F Street, NW  
Washington, DC 20405

Dear Mr. Beckler:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Administrator, General Services Administration.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, 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). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I will retain my positions as trustee of the EWM Living Trust and trustee of the 2014 EWM Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Administrator. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of either of these trusts, 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).

I have previously resigned from my position as trustee of the JJM, III Revocable Living Trust. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know JJM, III Revocable Living Trust is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

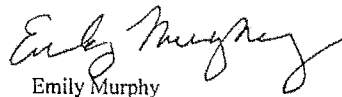
If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13770) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I will meet in person with you during the first week of my service in the position of Administrator in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in cursive script, appearing to read "Emily Murphy".

Emily Murphy

**U.S. Senate Committee on Homeland Security and Governmental Affairs  
Pre-Hearing Questionnaire  
For the Nomination of Emily Murphy to be  
Administrator, General Services Administration**

**I. Nomination Process and Conflicts of Interest**

1. Did the President give you specific reasons why he nominated you to be the next Administrator of the General Services Administration (GSA)?  
No.
2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.  
No.
3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Administrator? If so, what are they, and to whom were the commitments made?  
No.
4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.  
No.

**II. Background of the Nominee**

**5. What specific background, experience, and attributes qualify you to be Administrator?**

I first began working on federal procurement issues in 1997, as staff to the Small Business Committee of the U.S. House of Representatives. In the intervening 20 years, I've continued working on acquisition issues from a variety of perspectives: as an attorney practicing government contracts law, as an appointee at the Small Business Administration and the GSA, in house with a start up company pursuing federal contracts, and as a professional staff member/counsel for four full Committee chairmen and numerous Subcommittee Chairmen. This has allowed me the opportunity to understand the perspectives of GSA's customer agencies, vendors, and oversight community. Together with my past experience implementing reforms within GSA and my commitment to good stewardship of taxpayer resources, I believe my background provides a solid foundation to serve as GSA Administrator.

6. Based on the answers provided in your biographical questionnaire, it appears that you worked for both the Small Business Administration and GSA at the same time between 2005 and 2007. Is that correct? If so, please explain. If not, please clarify your response.

I served at the Small Business Administration (SBA) from January 2004 until February 2005, and served at GSA from February 2005 until February 2007. I was never employed simultaneously by SBA and GSA.

**7. Please describe:**

**a. Your current and any previous positions at the General Services Administration including your title, responsibilities, key projects, and reporting structure.**

Since April of this year, I have been serving as a Senior Advisor to the Acting Administrator at GSA. In this role, I report directly to Tim Horne, the Acting Administrator. I research topics relevant to GSA in order to provide Mr. Horne with insights. These are normally acquisition related issues, such as the merger of the Federal Acquisition Service and the Technology Transformation Service, the implementation of the transactional data rule, or opportunities to improve how GSA facilitates purchases of technology.

From January 24, 2017 until April, I served as the White House Liaison at GSA. In this role, I reported to then-Senior White House Advisor, Jack St. John. I researched topics for Mr. St. John and Acting Administrator Horne in order to provide them with insights, primarily on acquisition issues.

From February 2005 until February 2007, I served as the Chief Acquisition Officer at GSA. In that role, I reported to the Chief of Staff and the Administrator. As the Chief Acquisition Officer, I led GSA's response to combined GSA and Department of Defense audits regarding use of funds and compliance with procurement rules. I also worked on updating GSA's internal acquisition regulations to better address the procurement of services, instituted a procurement management review process to preemptively identify problems with contracting, and administered to acquisition workforce training fund to increase the amount of professional development available to contract specialists.

**b. Your leadership and management style.**

I strive to lead with integrity, creativity, and fairness, valuing my colleagues and their expertise, especially when they can offer differing perspectives that help us reach a better decision or plot a better course of action. Problems should be brought to light quickly so they can be addressed promptly. In order to create an environment where employees speak up, I try to foster a culture that promotes frank and open dialogue. I manage in a collaborative fashion that sets priorities and direction, empowers employees, and sets clear performance standards, but understand that if confirmed I will ultimately be accountable to this Committee, Congress, and the taxpayers for the decisions reached.

**c. Your experience managing personnel.**

The first individuals I managed were volunteers in college, where I helped organize a local girl scout troop, and where I also managed shifts at a coffee shop on campus that raised money to support the school's volunteer activities. Since then, I've managed approximately 140 employees at SBA, who were dispersed over seven different offices. As the Chief Acquisition Officer at GSA, I was responsible for about 100 employees nationwide, in addition to several groups detailed to my office, and worked to improve the career path, credentialing process, and educational opportunities for all members of the acquisition workforce at the agency. TerreStar, being a start up, did not have many employees, but I did manage several contractors. Most recently, as the Policy Director for the the Small Business Committee, I managed the individuals on the policy team.

**d. What is the largest number of people that have worked under you?**

The largest number of people who have worked under me is 140.

**8. Please describe:**

**a. The circumstances of your departure from TerreStar National Services/TerreStar Networks.**

In 2011, Congressman Sam Graves became Chairman of the House Small Business Committee and was looking for someone to work on government contracting issues. A former chief counsel for the Committee recommended me, and after the normal interview process, they offered me a job as senior counsel to the Committee. At that point, I tendered my resignation to TerreStar and returned to the Hill.

**b. The circumstances of TerreStar National Services/TerreStar Networks bankruptcy and your role in that process.**

TerreStar Corporation was the parent company of TerreStar Networks, which was in turn the parent company of TerreStar National Services. TerreStar Corporation filed for bankruptcy in October of 2010. I had no role in TerreStar Corporation's decision to file for bankruptcy. As TerreStar National Services had no ownership interest in the assets of either parent company - the spectrum license, the satellites, and the intellectual property - I had no responsibilities in the bankruptcy process, and was only provided publicly available information throughout the proceedings.

**9. Based on the answers provided in your biographical questionnaire, it appears that you were self-employed as the President of Government Procurement Services during your time at Terrestar National Services between 2008 and 2011. Is this correct? If not, please clarify your response. If so, please describe the nature of your work at Government Procurement Services LLC.**

This is correct. While I was with TerreStar, it permitted its employees to engage in outside consulting as long as there was not a conflict of interest with the company. My direct supervisor

therefore encouraged me to form a LLC, which I did in 2008 and which I allowed to lapse when I returned to government in 2011. The LLC was never very active, but provided a context for me to consult with a small number of companies exploring the federal marketplace. Most often, this meant performing market research to help them understand the addressable marketplace, and which agencies were most likely to be interested in their services. In one case, I helped a company improve its subcontracting plan. In another case, I helped a company improve its control processes. The LLC never provided substantial income, and did not interfere with my work for TerreStar.

### **III. Role of the Administrator - GSA**

#### **10. What do you consider to be the mission of GSA, and what would you consider to be your role and responsibilities if confirmed as the Administrator?**

As someone who has spent most of my career working for Congress, I believe it is GSA's mission to fulfill the charge Congress gave it in 1949 - to "provide for the Government an economical and efficient system for (a) the procurement and supply of personal property and nonpersonal services . . . ; (b) the utilization of available property; [and] (c) the disposal of surplus property." While I understand that Congress has amended this list over the years, I consider it GSA's core mission to facilitate the missions of other agencies by carrying out the functions enumerated by Congress in a way that demonstrates good stewardship of taxpayer money. In 2017, I believe that means more efficiently providing contracts, buildings, technology, and other mission support services in an efficient and effective manner. If confirmed, it would be my responsibility to hold GSA to this mission and provide it with goals and strategies to advance its support for other agencies and taxpayers.

#### **11. What do you anticipate will be your greatest challenges as GSA Administrator, and what will be your top priorities? What do you hope to accomplish during your tenure?**

If confirmed, I anticipate that my greatest challenge will be improving federal real property management, which has been identified by the Government Accountability Office (GAO) as part of its High Risk list. Specifically, this includes improving the management of real property by disposing of unused or underutilized property, ensuring that there is the appropriate balance between owned and rented space, appropriately protecting federal real property, and improving the data on federal real property holdings. Further, the GSA Inspector General has identified 14 management challenges. While I believe GSA is making progress on these, work remains to be done.

If confirmed, my top priority would be to provide ethical and effective leadership to the agency's more than 11,000 employees. I would do so by addressing the challenges listed above, but also by focusing on three key principles:

- i) Reduce duplication. While progress has been made since I was last at GSA, GSA still has opportunities to reduce duplication in its mission support services. Further, where



appropriate, it can help other agencies also reduce duplication by facilitating the adoption of shared services.

- 2) Increase competition. There are opportunities for GSA to increase competition at the award level and at the contract level, both for its own internal contracts and on the contracts used by other agencies. Improvements to GSA's own systems should make it less burdensome for agencies and vendors alike to work with GSA, which in turn should reduce barriers to competition.
- 3) Improve transparency. Taxpayers need to have confidence that GSA always puts their interests first, and to do so GSA should improve the quality, security and accessibility of its data, while helping other agencies do the same.

**12. In your opinion, is GSA currently fulfilling its responsibility to provide the "best value in real estate, acquisition, and technology services" to the government? Please explain.**

I believe that the employees of GSA are striving to provide best value in real estate, acquisition, and technology, but that there are still opportunities to improve. If confirmed, it would be my responsibility to work with this Committee to pursue those opportunities. For example, the use of blockchain, cloud and software/systems as a service, rather than reliance on legacy IT systems, should allow GSA to better fulfill its responsibilities to taxpayers and other agencies.

#### **IV. Policy Questions**

##### ***Real Property***

13. Congress has encouraged the federal government to dispose of vacant and underutilized space as well as consolidate space. In December 2016, the Federal Assets Sale and Transfer Act (P.L. 114-578) was signed into law, which establishes a Public Buildings Reform Board to identify and sell no less than five excess high-value real property assets for a combined value of \$500 million.

- a. What steps will you take as Administrator to ensure the full implementation of this legislation?

If confirmed, I am committed to ensuring the success of the FAST Act. The legislation has given the Federal Government an opportunity to improve its management of real property and identify savings for the American taxpayer by incentivizing the more effective use of real property. This effort will also address some of the issues on the GAO High Risk list. GSA has already begun outreach to other Executive branch agencies and collected real property data to enable the Public Buildings Reform Board to make smart real estate decisions.

- b. In addition to implementing the federal real property reforms enacted during the 114<sup>th</sup> Congress, what, if any, reforms would you suggest to reduce the federal government's real property footprint?

If confirmed, I would work with this Committee, the Senate Committee on Environment and Public Works, the House Committee on Oversight and Government Reform, the House Committee on Transportation and Infrastructure and both Committees on Appropriations to reduce the Federal Government's real property footprint. It is my understanding that over 100 million square feet of GSA leases will expire in the next five years. This creates an opportunity to collaborate with Congress and agencies to consolidate operations, but it will require frank discussions about agency requirements. Likewise, if confirmed, I would explore opportunities to use these expiring leases to save taxpayer money, either by reducing reliance on short term leases or by analyzing opportunities for ground lease leasebacks or discounted purchase options.

- c. What, if any, reforms would you suggest to expedite the process for disposing of excess, underutilized, or surplus real property?**

If confirmed, I would work with this Committee and Congress to improve the disposal process. The first round of disposals under the FAST Act should provide insights into additional opportunities to improve the process, but I also believe that the option to have short-term leasebacks could expedite the disposal process.

- 14. The Government Accountability Office (GAO) has included federal real property management on its High Risk list each year since 2003. GSA is the primary agency responsible for improving this high risk area.**

- a. What steps will you take as Administrator to remove federal real property management from GAO's High Risk list?**

I am committed to working with GAO and relevant Executive branch agencies to address the GAO recommendations, with the goal of removing real property from the High Risk list.

- 15. GAO has reported extensively that GSA's database of agencies' inventories of real property assets, the Federal Real Property Profile (FRPP), is inaccurate and unreliable due to inconsistent reporting by agencies.**

- a. What steps will you take to improve the accuracy of the FRPP so that it can be a useful tool to assist in disposing of excess, underutilized, or surplus real property?**

I am committed to continuing the work of GSA to improve the quality of data in the FRPP, through enhanced data validation processes and working with the Federal Real Property Council to improve data definitions so that agencies can have greater clarity when ~~to provide greater clarity for agencies~~ submitting data to the FRPP. Additionally, I will work with my agency colleagues to make even more FRPP data accessible to the public.

- 16. What concrete steps will you take during your tenure to reduce agency reliance on leases in cases where government ownership would be more cost-effective over the long term?**

I firmly agree that it is often in the best interest of the Federal Government to reduce agency reliance on real property leases. If confirmed, I see my role as an advocate for federal real property and will work with Congress to secure access to the funding necessary to repair, maintain, and appropriately manage the federal real property portfolio.

17. In July 2017, GSA announced its decision to cancel plans to exchange the current Federal Bureau of Investigations (FBI) headquarters, which sits on a square city block of prime real estate in downtown Washington, D.C., for the construction of a new headquarters in suburban Maryland or Virginia. GSA's statement read in part that "[t]he cancellation of the project does not lessen the need for a new FBI headquarters ... GSA and FBI will continue to work together to address the space requirements of the FBI."

a. If confirmed, will you commit to working expeditiously with FBI officials to secure a new headquarters for the FBI and in the meantime facilitate acquisitions to support the agency's critical needs in its current location?

Yes.

b. If confirmed, will you commit to promptly informing Committee Members and staff of significant developments, delays or needs in support of securing the FBI's new headquarters and maintaining the FBI's existing infrastructure?

Yes.

18. On March 23, 2017, GSA determined that Trump Old Post Office LLC is in "full compliance" with its lease with GSA for the Old Post Office property in Washington, D.C., and that "the Lease is valid and in full force and effect."

a. Did you have any role in this determination? Please explain.

No. This determination was made by the career contracting officer.

b. If confirmed as Administrator, how will you handle this specific lease?

I will handle this lease like all other GSA leases.

As with all other GSA leases, I will ensure that GSA fosters an environment that allows the career professionals at GSA to perform their work free of outside interference, political or otherwise.

19. During the Obama Administration, GSA and the Department of Homeland Security (DHS) undertook a large scale construction project at the St. Elizabeth's campus in Washington, D.C., which, in 2013, was estimated to cost \$4.5 billion and be completed by 2026. The initial plan was for the project to be completed as early as 2014 and cost less than \$3 billion. The project would consolidate DHS operations at a single, secure location. GAO in a September 2014 report concluded that GSA and DHS had not followed relevant GSA guidance and leading practices when developing cost and

schedule estimates for the St. Elizabeth's project. For example, GAO found that a life-cycle cost analysis, including the cost of operations and maintenance, was not factored into the estimates and that an independent cost estimate was not conducted. GAO recommended that GSA and DHS revise the DHS headquarters plans to reflect leading practices for capital decision making and reliable cost and schedule estimates. That recommendation remains open.

- a. If confirmed, what steps will you take as GSA Administrator to implement all recommendations made by GAO in its September 2014 report with regard to the St. Elizabeth's consolidation project?

If confirmed, I will be committed to implementing the GAO recommendations with respect to GSA activities.

*Personal Property*

20. GAO and multiple Inspectors General have uncovered fraudulent activity within various federal excess personal property disposal programs. For instance, the Office of Inspector General for GSA in July 2017 reported that GSA does not have adequate controls in place to prevent ineligible organizations from registering and receiving donations of IT equipment through the Computers for Learning Program.

- a. What do you see as GSA's role in the federal excess personal property disposal process?

I see GSA's role as assisting agencies in disposing of excess personal property in a fair and transparent process that provides the best overall value to the American taxpayer. I will also work to ensure that GSA implements the IG recommendations and that the disposal process is in compliance with all relevant statutes and regulations.

- b. If appropriately funded, do you believe GSA should serve as the central clearinghouse for excess personal property programs like Computers for Learning?

I understand the benefits of getting technology into the hands of American students, and, if confirmed, will study how better support this important program. It is my understanding that since fiscal year 2000, GSA has supported the Computers for Learning (CFL) program by hosting a website that facilitates transfers of computer and peripheral equipment transfers; however, use of the website is not mandatory and that roughly half of CFL transfers happen outside the CFL website in a given fiscal year. If confirmed, I would work with this Committee to understand whether an expanded role for GSA in the CFL process, if appropriately funded, could improve the operations of the program and better ensure that surplus computers are making it to the intended recipients.

*Hurricane Recovery Activities at GSA*

21. GSA is a critical component of the nation's disaster response apparatus, assisting federal, state, and local governments to quickly purchase additional ambulance services, search and rescue services, medical supplies, food and water, and other emergency supplies.

a. Please describe GSA's activities in response to hurricanes Harvey and Irma.

GSA is the co-lead with FEMA on Emergency Support Function #7, which supports timely and efficient delivery of supplies, equipment, services and facilities. It also facilitates comprehensive logistics planning, technical assistance, training, education, exercise, incident response and sustainment that leverage the capability and resources of Federal logistics partners, public and private stakeholders and nongovernmental organizations (NGOs) in support of both responders and disaster survivors.

In addition to the lead role GSA plays in ESF #7, GSA also provides support for ESF #1 (Transportation), ESF #2 (Communications), ESF #3 (Public Works and Engineering), ESF #5 (Emergency Management), ESF #8 (Public Health and Medical Services), ESF #10 (Oil and Hazardous Materials Response), ESF #11 (Agriculture and Natural Resources) and ESF #15 (External Affairs).

GSA deployed:

- 24/7 staff to the FEMA National Response Coordination Center (NRCC).
- GSA Liaison embedded with NORTHCOM.
- An ESF-7 Command Unit in Fort Worth, TX to augment local ESF-7 GSA personnel at the Austin, TX Initial Operating Facility, assist GSA nationwide with situational awareness, and coordinate updates for internal and external GSA stakeholders.
- Staff at the FEMA Regional Response Coordination Centers (RRCC) in Region 2: New York, Region 4: Atlanta, and Region 7: Fort Worth.
- Staff deployed for the Surge Capacity Force Mission Assignment (as of 9.28.17, 2 (two) employees deployed and up to 10 (ten) employees are currently being vetted).
- Field Office staff, including Leasing Contracting Officers in TX, FL, and PR.

b. Please describe your role, if any, in facilitating these efforts.

As a Senior Advisor to the Administrator, I have been monitoring GSA's efforts in facilitating the agency's support to federal, state, and local agencies in response to hurricanes Harvey, Irma and Maria. Given my past work on disaster response, I've been able to suggest options such as redeploying the contracting policy office in the Office of Governmentwide Policy, if necessary, to provide surge capacity to support the disaster relief efforts. I've also worked to coordinate waivers with the Office of Procurement Policy to ensure GSA is best using the authorities it has to provide all possible support to affected areas. I have accompanied the Acting Administrator to the FEMA NRCC to ensure that GSA is best fulfilling its responsibilities to FEMA, other agencies, GSA employees, and the people of Texas, Florida, Georgia, Alabama, Puerto Rico and the Virgin Islands.

c. What reforms, if any, would you suggest to improve GSA's capacity in this area?

If confirmed, I would work with this Committee and Congress to make any necessary improvements to GSA's capacity to provide timely and thorough responses to disasters. One area I'd like to explore is expanding GSA's ability to provide assisted acquisitions, so that GSA can more rapidly pick up surge requirements from other agencies. Likewise, I would like to explore the idea of maintaining a database of leasing and contracting specialists within GSA that have completed contingency contracting training at the Federal Acquisition Institute and who would be willing to deploy in cases of national disasters.

*Information Technology Acquisition and Development*

22. GSA's mission statement states that one of the agency's missions is "to deliver the best value in [...] technology services to government and the American people."

a. Is the proper role of GSA to deliver technology services to federal agencies, or to assist those agencies in acquiring technology services? Please explain.

I firmly believe that whenever possible GSA should look to the private sector for technology services for federal agencies. While there may be some instances where it is necessary and appropriate for government to build a technology solution, there is a tremendous advantage for the government and the taxpayer in taking advantage of existing commercial technology services. If confirmed, I will work to ensure that GSA facilitates the adoption of commercial solutions first, and that it helps agencies by supplementing technological expertise to ensure taxpayer dollars are spent wisely.

23. In June 2017, GSA announced that it is reorganizing and folding the Technology Transformation Service (TTS) into the Federal Acquisition Service (FAS). This comes after a report by the GSA OIG which found that previous GSA Administrator Denise Turner Roth retaliated against a whistleblower who alleged that the creation of TTS outside FAS was a violation of law.

a. Do you think this reorganization will assist GSA in meeting its mission? Please explain.

I believe this reorganization represents an opportunity for GSA to better meet its mission and affect change across the government. Given that FAS was already responsible for over \$24 billion in technology related acquisition with over 5,000 contracts, and that TTS possesses substantial expertise in how to better define requirements and adopt agile procurement and development strategies, bringing these two organizations together allows taxpayers to better leverage the expertise of both groups. If confirmed, I will work to ensure that the merger results

in high-quality service to federal agencies and the best practices of the private sector providing a diverse array of products, services, and support.

**b. How would you address concerns that having a political appointee as FAS commissioner will lead to politicized purchasing and create conflicts of interest?**

I do not believe it is the role of political appointees to sign contracts, or to inject politics into government procurement. If confirmed, I will ensure that an environment exists that allows the contracting officers to perform their work free of outside interference, political or otherwise, and I will also hold the FAS Commissioner accountable for creating such an environment. Additionally, I believe the appointment of a FAS Commissioner shows a high level of commitment by the Administration to improving and modernizing government procurement practices.

**24. The GSA Office of Inspector General has recently investigated allegations relating to the misuse of GSA's Acquisition Services Fund (ASF) by the Technology Transformation Service (TTS). If confirmed, what steps will you take to prevent future mismanagement of ASF funds?**

I take the IG's recommendations very seriously and it is my understanding that TTS has already implemented several steps to address the IG's findings. GSA is fully aware that the overall staff size of 18F should correspond to imminent market demand for its services. In fact, TTS has streamlined operations and 18F has reduced its headcount by 7% in the recent months. One step that 18F took to address the IG's recommendations is that no new 18F staff is hired without the written approval of FAS leadership and proof of need. Furthermore, 18F has made it a priority to substantially increase the number of hours that existing 18F employees are working on agency-partner projects. 18F has established clear organization-wide targets for full cost recovery and is tracking progress toward that goal each week. If confirmed, I will continue to ensure that TTS and 18F adhere to, and expand upon, these important remedies.

**25. The Modernizing Government Technology Act ("MGT Act"), if enacted, will establish a centralized fund for technology modernization housed within the Department of Treasury, which will be administered by GSA under guidance from OMB.**

**a. What, in your view, are the biggest challenges GSA would face related to the administration of this centralized revolving fund? If confirmed, what steps would you take to address these challenges?**

The Technology Modernization Fund (TMF) would be a significant new tool to help address the federal government's aging IT infrastructure. As the agency tasked with administering the TMF and supporting the TMF's Board, one of GSA's biggest challenges is likely to be balancing the need to keep administrative expenses low, while also ensuring the Board has the necessary information and background to make well-informed decisions on project investment. If confirmed, I would ensure clear processes and procedures are put in place to clearly identify how projects are to be evaluated by GSA staff prior to and during Board consideration.

- b. Do you believe that the reforms included in the MGT Act, if enacted, will fully address the federal government's technology modernization needs?**

While the TMF would be a powerful new tool to help address the Federal Government's technology modernization needs, fully addressing this issue will require sustained effort across both the Executive and Legislative branches of government. If confirmed, I would look forward to working with this Committee and with Congress to continue to address these issues.

- c. If confirmed, what additional reforms, if any, would you pursue to facilitate information technology modernization government-wide?**

I believe GSA can play an important role in IT modernization. Already, GSA is helping agencies in a variety of ways, including through assisted acquisitions, best practices development, shared services, and technical assistance to agencies. If confirmed, it would be my goal as GSA Administrator to expand and grow these efforts. In particular, I believe there are opportunities for GSA to help agencies make better use of commercial IT solutions, whether through direct procurements or through shared services. Additionally, GSA should continue its leadership in data center consolidation, greater use of the cloud environment, and use of agile development practices.

Further, if confirmed I would work with this Committee on better ways to acquire Information Technology. For example, one possibility would be to purchase consumption-based IT as a utility. Today, agencies can face significant challenges in purchasing consumption-based IT, such as Infrastructure-as-a-Service or Software-as-a-Service, because agencies have trouble adequately forecasting usage due to a large number of variables that can increase or decrease usage dramatically. This leads to overconsumption, which costs taxpayers money without delivering additional value. By shifting to a pay-as-you-go model that allows agencies to pay after the fact for IT consumed, as is already done for other utilities like electricity, it would eliminate significant complications for agencies and allow agencies to reap greater financial savings.

- 26. 18F, which recently moved under Federal Acquisition Services as part of the reorganization of Technology Transformation Services at GSA, has a website which states that it works with other federal agencies to "plan successful projects, build custom software, get better results with vendors, or learn how to work in new ways." 41 U.S.C. § 3307 institutes a preference for commercial items over custom IT development.**

- a. Do you believe GSA should be encouraging custom, in-house IT development? Please explain.**

It is my strong belief that GSA, and the federal government, should always seek to buy first, and build only as a last resort. If confirmed, it will be my policy to utilize commercial items "to the maximum extent practicable," as outlined in 41 U.S.C. § 3307.



27. 18F developed Login.gov, a tool designed to be a universal login for any interaction with the federal government despite the existence of numerous commercial login platforms that are routinely patched for security issues as part of the regular course of businesses by their developers.

- a. Do you believe the universal login could be at risk for being targeted by our adversaries? If so, what would you recommend to mitigate this risk?

It is my understanding that Login.gov is designed to help both improve the user experience for the American public when interacting with the federal government online, as well as ensure the security of citizens' data. Specifically, Login.gov safeguards their data by mandating a two-factor authentication process, and by encrypting the personal information of each user separately, using a unique value generated from each user's password. As a result, only the user has the capability to decrypt their information, making their information safer and significantly less prone to being compromised. However, if confirmed, I would continue to monitor this initiative to ensure that any emergent risks are mitigated promptly.

- b. Do you view this in-house development approach as more cost-effective in the long term than a full, open competition for a commercial product that best suits the government's needs?

I believe that full and open competition provides the best value to both the American taxpayer and the Federal Government, and should be the first option considered in any procurement.

28. How would you distinguish the work of 18F from that of the U.S. Digital Service?

I cannot speak on behalf of another agency. However, 18F provides technical expertise to federal agencies on a reimbursable basis on a wide variety of digital services using agile processes on a discrete, project-by-project basis. Agencies seek out 18F for that expertise, and 18F takes on projects after consultation with those agencies. Because of this unique role, 18F is able to help develop a longer-term strategy for improving how agencies interact with the public. Furthermore, 18F is responsible for recovering the costs of its work; it does not receive a regular appropriation.

29. Do you believe that 18F is meeting a current government need? Please explain.

By bringing to bear technological expertise assembled directly from the private sector, 18F helps ensure that Federal agencies are better able to properly scope critical projects, understand commercial solutions and products available to them, improve the way in which they interact with and respond to the American public, and employ agile methods when appropriate to get the best possible return on investment for taxpayers.

30. If confirmed, what steps will you take to ensure that GSA continues to consolidate its own data centers and leads the consolidation efforts at other agencies?

GSA has been a leader amongst Federal agencies in consolidating and closing its own data centers. Since the Federal Data Center Consolidation Initiative (FDCCI) was launched in 2010, GSA has closed 110 data centers and has realized \$35 million in cost savings. Currently, GSA has two tiered and one non-tiered agency-owned data centers. If confirmed, I would work to close the two remaining tiered data centers.

Furthermore, if confirmed, I would work to ensure that GSA meets its obligations under OMB Memorandum M-16-19, which requires GSA to manage the Data Center Optimization Initiative (DCOI). If confirmed, I would support DCOI efforts to coordinate government-wide consolidation, offer subject matter expertise, and operate a shared-services marketplace, and meet the data center consolidation requirements of the Federal Information Technology Acquisition Reform Act (FITARA).

- 31. GSA recently made awards under its Enterprise Infrastructure Solutions (EIS) contract. GSA has stated that "EIS is a comprehensive solutions-based vehicle that addresses all aspects of federal agencies' information technology, telecommunications, and infrastructure requirements."**

**a. Do you believe that EIS is comprehensive? If not, what services is it missing?**

It is my understanding that the recently awarded EIS contract was designed with agency input and lessons learned from the Networkx contract to be a comprehensive solution, including essential agency capabilities, security and compliance requirements. However, technology is rapidly evolving, so the contract includes the ability to on-ramp companies with new and innovative vendors and mandatory price resubmissions by contract award winners. If confirmed, I would work to ensure that these flexibilities are used to address any gaps that develop in the contract.

**b. Do you think federal agencies will be able to successfully transition from Networkx by 2020 as projected?**

It is my understanding that GSA has carefully studied the lessons learned from the transition to Networkx, including the GAO recommendations, and believes that with appropriate cooperation from agencies it will be able to transition from the previous contract to EIS in a timely and efficient manner. However, in my opinion, risks do still exist. If confirmed, I will ensure that GSA monitors and mitigates these risks, which include:

- Resource challenges for GSA and contractors involving timing and the anticipated number of Fair Opportunity solicitations and contract modifications
- Timely execution of Interagency Agreements to between GSA and agencies due to volume
- Slow Fair Opportunity decision making at the agency level
- Lack of funding for Task Orders at the agency level
- Task Order protests by unsuccessful vendors
- Delays in Operations Support Systems and Business Support Systems testing
- Lack of senior oversight within agencies

- Shortened transition window may increase the need for Continuity Of Service and sole-source actions

**32. After many years of challenges, GSA appears to be making progress with the modernization of the Integrated Acquisition Environment and the System for Award Management. Do you believe the modernization is moving in the right direction? What is needed to ensure that current efforts are successful?**

As a former Hill staffer and a current active user of the system, I share your interest and concern for the successful modernization of SAM/IAE. While employed by the House, I frequently participated in working groups aimed to improve the operations of SAM/IAE. If confirmed, I plan on following the progress of SAM/IAE closely, and look forward to working with the Committee to ensure these efforts are successful.

Some of the aspects of the modernization I will be monitoring include: feedback from agency, private sector and public sector stakeholders regarding Beta.SAM.gov- the recently launched unified homepage and eventual authoritative source for all grants and contract information; implementation of the Beta site when it launches to all stakeholders; the integration of functions from legacy systems into Beta.SAM.gov; contracting costs and support levels for the modernization effort and the continuation of uninterrupted functionality of the SAM/IAE system for all users.

***Procurement Policy***

**33. While working in the private sector, you gave numerous speeches regarding “contracting reform.”**

First, I would like to note that my speeches on contracting reform all occurred while I was a federal employee, either working for GSA, or - in the vast majority of cases - the House of Representatives. These speeches were a chance to talk with outside groups about legislation before the Committees where I was employed, so I could share their feedback with the Members of Congress for whom I worked, and thus help refine the underlying policies. If confirmed, I will strive to ensure that GSA also engages in robust dialogue on policy issues.

**a. What, in your view, is working with the system for contracting and procurement in the federal government and what are the most critical reforms needed to improve efficiency and cost-effectiveness for taxpayers in government contracting?**

I think the United States should be proud that it has a procurement system in which any qualified vendor can compete, the terms of the competition are announced publicly, agencies are held accountable for making the awards in accordance with those terms, and the public has visibility into how federal funds are spent. However, in my opinion, the government still fails to fully take into account the lifecycle of its acquisitions, instead focusing on the specific instance of the

procurement. Further, I believe the government can improve how it define its requirements. Finally, I believe too many procurements only have one offer.

**b. If confirmed, what steps would you take, if any, to implement these and other contracting reforms for which you've advocated?**

If confirmed, I would work to fully implement the reforms Congress has enacted, emphasize acquisition planning rather than simply procurement, and seek to increase competition at the contract level and the task order level.

**34. GAO has identified increased use of strategic sourcing as a means of saving tens of billions of dollars in federal procurement spending. Yet, use of strategic sourcing remains low in many agencies. What, if any, reforms would you suggest to increase the use of strategic sourcing without unduly limiting competition?**

Strategic sourcing holds the promise of delivering real savings for taxpayers. In my opinion, the most successful strategic sourcing vehicles are those that first and foremost thoroughly understand the market forces as well as the government's buying practices. Additionally, these vehicles provide for the addition of updated products, allow competition at the task order level, have on ramps for new competitors, and have discrete enough statements of work so the maximum number of companies can compete.

For example, the various strategic sourcing vehicles used for office supplies provide useful insights, as office supplies are a relatively standard commodity. The most successful of these vehicles in terms of capturing market share and delivering savings was a blanket purchase agreement (BPA) with a variety of vendors on the multiple award schedule. It was successful because the awardees sharply discounted their prices and committed to further discounts when certain thresholds were met while allowing the companies to continually update the products offered. However, another key to its success was that it provided opportunities for companies that did not win BPAs to remain in the market. As a result, these companies also became much more aggressive with their pricing, so the strategic sourcing contract was able to deliver savings even to agencies that didn't use the strategic sourcing vehicle. If confirmed, I would work with the Committee to find innovative approaches like this to harness the potential of strategic sourcing while promoting competition.

**35. If confirmed, what steps will you take to ensure category management and the common acquisition platform proceed in a way that minimizes administrative cost increases for vendors?**

If confirmed, I will work to improve the systems that are used to manage the contract offerings of the Federal Acquisition Service. There are currently more than 150 such legacy systems. The lack of modern systems limits GSA's ability to effectively implement category management. Modernizing these systems should also reduce the burden on contractors, which removes a substantial barrier to entry for many companies.

- 36. The AbilityOne program provides important employment opportunities for people who are blind or severely disabled through federal procurements of goods and services from non-profits employing these individuals. However, it is often difficult for the program to determine whether these non-profits are actually employing sufficient numbers of severely disabled individuals to meet the program's requirements. If confirmed, what action will you take to ensure this program is helping people who truly need it?**

I take seriously GSA's responsibilities in assisting those with disabilities finding a place in the workforce in support of Federal agencies. In section 898 of Public Law 114-328, Congress established a panel to investigate problems referenced in your question, and to ensure that contracting staff are appropriately trained on the use of the AbilityOne program. If confirmed, I will follow the progress of the panel closely, and will work to ensure that the AbilityOne program continues to have the full support of the entire agency. I will also be prepared to address any findings of the panel. Further, I will explore replicating the training for use by civilian contract specialists. Finally, I share your concern about participating entities meeting program requirements and will seek the oversight and advice of the OIG, this Committee and the AbilityOne Commission (of which GSA is a member) to help with this issue.

- 37. In 2006, you approved the suspension of the price evaluation adjustment for small disadvantaged businesses for the Department of Defense (DoD).**

- a. Please explain your rationale for suspending the use of the price evaluation adjustment for small disadvantaged businesses in DoD procurements at this time.**

When GSA is providing assisted acquisition services for other agencies, GSA's contracting officers are required to follow the rules applicable to those agencies. DoD, pursuant to 10 U.S.C. § 2323(c)(3)(B)(ii) requires that the Secretary of Defense annually determine whether the DoD met the goal of awarding 5 percent of prime contracts to small disadvantaged businesses, and if so, the Secretary must issue a written suspension of the price evaluation adjustment for small disadvantaged businesses for one year. On February 23, 2006, the Secretary issued such a suspension, and therefore as the Chief Acquisition Officer at GSA it was my responsibility to communicate that suspension to contracting officers providing assisted acquisition services to DoD in order to ensure that GSA was complying with the underlying law.

- b. Please describe any other instances during your tenure at GSA where you suspended the price evaluation adjustment for a class of businesses?**

I am unaware of another time at GSA when I issued a suspension of the price evaluation adjustment for any class of businesses; however, in the spirit of this question, I want to disclose that while with SBA, I issued a memorandum to the Chief Acquisition Officer and Senior Procurement Executives notifying them that the statutory authority for civilian agencies to apply a price evaluation adjustment to procurements with small disadvantaged business (Section 7102 of the Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355) had lapsed.

Consequently, absent Congressional action, civilian agencies did not have the authority to apply a price evaluation adjustment. The same memorandum referenced the separate authority for Defense agencies in title 10. This memorandum was issued on December 22, 2004, and a copy was provided to the Committee.

*Improper Payments*

- 38. According to the GSA OIG, GSA is not in compliance with improper payments laws because it did not meet the reduction target for the Rental of Space Program. If confirmed, what will you do to ensure that GSA is in compliance going forward?**

If confirmed, it is my goal for GSA to not make any improper payments. I will work with the CFO to ensure that all of the IG's recommendations are addressed, and that we apply all lessons learned to future transactions.

- 39. GSA OIG also found that GSA's Office of Chief Financial Officer published the Agency Financial Report with numerous errors related to improper payments and did not correct internal control deficiencies contributing to improper payments. If confirmed, what will you do to ensure that the agency's internal controls are improved and reporting is accurate?**

If confirmed, I will work to ensure that the agency corrects all internal control deficiencies contributing to improper payments. I believe it is fundamental that GSA accurately reflect its financial disposition in the AFR and that the AFR accurately reflect the correction to the errors pointed out by the IG.

*Accountability*

- 40. At any point during your career, has your conduct as a federal employee or federal contractor ever been the subject of an inspector general, Government Accountability Office (GAO) or federal law enforcement investigation? Please explain.**

To the best of my knowledge, my conduct as a federal employee or a federal contractor has not been the subject of any such investigation.

- 41. At any point during your career has your conduct as a federal contractor been subject to suspension or debarment proceedings by with the federal government? Please explain.**

To the best of my knowledge, my conduct as a federal contractor has never been subject to suspension or debarment proceedings.

- 42. On June 21, 2017, the GSA Office of Inspector General (GSA OIG) released a report of investigation finding that the previous GSA Administrator, Denise Turner Roth, retaliated against a whistleblower that made a protected disclosure of violations of several laws, gross mismanagement, gross waste of funds, and abuse of authority. Protecting**

whistleblower confidentiality is of the utmost importance to this Committee, and is particularly important at GSA in the wake of these findings.

- a. How do you plan to implement policies within the GSA to encourage employees to bring constructive suggestions forward without the fear of reprisal?

If confirmed, it would be my goal to create an environment where all GSA employees feel safe disclosing waste, fraud, and abuse. Individuals who come forward as whistleblowers will be treated fairly and are an invaluable asset to agencies and the taxpayer.

- b. Do you commit without reservation to work to ensure that any whistleblower within GSA does not face retaliation?

Yes

- c. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

Yes

43. Please describe specific examples regarding how you have worked to implement Inspector General and/or Government Accountability Office recommendations during your tenure in government.

I would characterize my relationship with the Government Accountability Office (GAO), the Inspectors General (IGs), and other oversight bodies to be incredibly productive, and I appreciate the insight, recommendations and safeguards they provide. While the policy director for the House Committee on Small Business, I worked closely with GAO on a series of hearings to ensure that the open recommendations for SBA were addressed. I also regularly met with the SBA IG, Peg Gustafson, and her staff.

When I last served in the Executive Branch, I valued my partnerships with the IG and GAO. A notable example of my effort to implement IG recommendations would be my work on the Get It Right efforts at GSA in 2005 and 2006. The GSA and DoD Inspectors General had documented problems at GSA with improper sole source contracts, misuse of small business contracts, out-of-scope orders being placed against contracts, and Anti-Deficiency Act violations. The auditors attributed their findings to an ineffective system of internal management controls and contract personnel prioritizing customer preference over proper procurement procedures.

To address these issues, I worked with the GSA Commissioners and the Regional Administrators to: 1) communicate that failure to follow the law would not be tolerated; 2) identify areas where contracting specialists perceived ambiguity and provide clarity regarding expectations and policy; 3) engage in workforce training targeting identified failures or weaknesses; 4) implement an ongoing series of procurement management reviews to identify other outstanding issues; 5) realign reporting chains and performance plans to ensure that contract specialists were evaluated on the quality of their work; 6) communicate with contractors regarding the proper procedures to follow should a task order appear to exceed to scope of the contract; 7) develop the Schedules

eLibrary to assist contracting officers in making scope determinations; 8) institute regular meetings with the DoD to insure that any DoD specific requirements or funding issues were appropriately addressed by GSA; and 9) engage in ongoing dialogue with the Inspector General so that all issues could be addressed promptly, thus mitigating risk to the taxpayer. As a result of this process, each of GSA's customer support centers passed follow-on audits. GSA continues to have regular program management reviews, engage in targeted training, and maintain many of these processes.

**44. What is your view of the role of the GSA OIG? If confirmed, what steps would you take to establish a working relationship with the Inspector General?**

The GSA IG is an incredible resource that allows GSA to better meet its statutory mission by improving the performance of GSA programs, increasing accountability, and ensuring the integrity of GSA's programs and operations. I have always had a positive relationship with the Inspectors General of the agencies where I have served, in addition to valuing their partnership during my nine years working for Congress.

Since I returned to GSA, I have met with the Inspector General several times in my capacity as a senior advisor and as White House Liaison. The Office of the Inspector General helped me provide training to all GSA political appointees on the role of the IG, and the responsibility of all GSA employees to cooperate fully and completely with the office. If confirmed, I would repeat this training as new appointees join the agency.

Further, if confirmed, I would hope to meet regularly with the IG to ensure that her office has access to the documents, people and resources they need to perform their function. I would encourage all GSA employees to cooperate fully with the IG, and address their findings in a prompt and thorough manner.

**45. In May 2017, the GSA Office of Inspector General released its semi-annual report and identified several management challenges including acquisition programs, implementing GSA's mobile workforce strategy, financial operations, implementing GSA's enterprise risk management framework, technology transformation, and GSA's real property operations.**

**a. Do you commit that, if confirmed, you will work to ensure that GSA addresses the management challenges identified by GSA OIG?**

Yes

**46. If confirmed, do you commit to ensuring that all recommendations made by the Inspector General are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?**

Yes

**V. Relations with Congress**



47. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Yes

48. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Yes

49. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

Yes

#### **VI. Assistance**

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

Yes, these answers are my own. I have consulted with professionals at GSA for technical support in preparing my answers.

**U.S. Senate Committee on Homeland Security and Governmental Affairs  
Minority Pre-Hearing Questionnaire  
For the Nomination of Emily Murphy to be  
Administrator, General Services Administration**

**I. Nomination Process and Conflicts of Interest**

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

No, the only non-disclosure statements I have signed since I arrived at GSA were for briefings that included procurement sensitive information.

2. Has the President or his staff asked you to pledge loyalty to the President or the Administration?

No.

3. During your tenure have you asked any federal employee or potential hire to pledge loyalty to the President, Administration or any other government official?

No.

**II. Background of Nominee**

4. Do you seek out dissenting views and how do you encourage constructive critical dialogue with subordinates?

I believe dissenting views provide important information and perspectives, which ultimately lead to better decision making. While working for the Committee on Small Business and for the Committee on Armed Services in the House of Representatives, I would seek out groups that had opposing viewpoints to garner feedback, and worked collaboratively with both Republican and Democrat staff to refine issues. As a manager, I try to solicit candid feedback from subordinates by expressly stating that I want to know their true opinions and thoughts, and that I don't want them agree with me simply for the sake of agreeing. I would much rather learn about problems quickly so that they can either be mitigated or addressed promptly.

5. Please give examples of times in your career when you disagreed with your superiors and aggressively advocated your position. Were you ever successful?

If confirmed, I will continue to aggressively advocate for what I believe is right. I have done so in the past, whether working in the private sector, working in the House of Representatives, or serving in the Executive Branch. As an example, I advocated against any political appointee being involved with suspension and debarment decisions, because I believe that responsibility determinations should be made by trained career employees to avoid any appearance of political

influence on responsibility determinations. Further, I was successfully able to insist upon compliance with FACA, terminating an advisory committee that I did not believe complied with the spirit of the law. When a superior signed a contract and then attempted to make one of my subordinates ratify the contract, I objected vociferously and the contract was terminated.

**6. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.**

Each of the decisions referenced above required that I stand up to the Administrator or Commissioner of my agency, which is always politically difficult. I also cooperated with the FBI when they investigated misconduct by a prior GSA Chief of Staff. However, the most politically volatile issue I ever faced involved the investigations conducted by the Inspector General, Office of Special Counsel, and the Committee on Government Reform and Oversight into the then-Administrator, including the finding that she violated the Hatch Act. My cooperation with investigating bodies was the right decision for the country, because the American people deserve to have confidence that their government is acting in their best interests. However the decision cost me friends, job opportunities, and led to public attacks on my competence.

**7. What would you consider your greatest successes as a leader?**

While no success is completely mine - I've always been fortunate to have wonderful colleagues - the following are examples of successes.

- Working with the Department of Homeland Security to co-chair the contingency contracting working group and create the Contingency Contracting Corps so that agencies could better respond to disasters;
- Participating in the successful merger of the Federal Supply Service and the Federal Technology Service, which created the Federal Acquisition Service
- Ensuring that GSA was able to pass the joint DoD-GSA IG audits in 2006 that found all eleven of GSA's Customer Support Centers to be compliant;
- Establishing the Procurement Management Review process at GSA so that education, policy and compliance issues could be promptly identified and addressed;
- Negotiating and signing a Memorandum of Understanding with DoD which reestablished the contracting relationship between the agencies, and which identified 24 action items aimed at improving acquisition processes;
- Increasing the training available to the then-8,000 civilian contract specialists while reducing the cost for that training and leveraging resources at the Defense Acquisition University;
- Led the strategic sourcing initiative for wireless services and express and ground domestic delivery contracts, each of which resulted in savings of over 25 percent;
- Collaborating with minority staff, the staff of other committees, and with my Senate counterparts to successfully pass contracting reform language supported by my Chairman.

**In response to question 10(B) on your biographical questionnaire, you mentioned that you were the subject of a discrimination complaint. You indicated that pursuant to 29 CFR § 1614, a**

formal complaint of discrimination was filed on March 2, 2007. A court name is not applicable in this instance. The complaint was processed by the GSA EEO program. The matter was entitled, McGill v. the General Services Administration. The complainant was Therese McGill, and Emily Murphy, the alleged responsible management official (RMO). You indicated that upon completion of the investigation, the complainant requested an immediate final decision from GSA in accordance with 29 CFR § 1614.110(b). A February 27, 2008, final agency decision (FAD) on the merits issued by GSA's Office of Civil Rights found no discrimination on each of the issues in the complaint.

Question 10C requested that you "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." Your response referenced a June 2, 2017 letter from GSA's Deputy General Counsel, which stated:

The complaint captioned as McGill v. General Services Administration, Agency Case No. 07COVTM-1, alleged race and age discrimination when the complainant was subjected to a hostile work environment, derogatory comments and detailed to another organization within the Agency to perform duties below her grade level. You were named as a Responsible Management Official (RMO) in this complaint. However, a February 27, 2008 Final Agency Decision (FAD) on the merits issued by OCR found no discrimination on each issue in the complaint. The FAD was not contested; therefore, the FAD became the final action on the case.

This response does not sufficiently identify or provide details of the alleged actions taken or omitted by you for the proceedings. For example, it does not explain what actions and/or comments the complainant alleged that gave rise to the complaint.

Please supplement your response with documents and/or information sufficient to identify the details for this proceeding including a description of the actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity including, but not limited to the complaint in this matter.

I sincerely apologize for any confusion caused by my initial response. In an effort to obtain additional information, another search was conducted by the Office of General Counsel and the Office of Civil Rights to no avail. The Office of Civil Rights also informed the Office of General Counsel that they do not send files to the record center and that they destroy files four years after the final action in accordance with the record retention policy.

At my request, the Office of General Counsel also contacted Brenda Ward, a former GSA attorney who handled the matter in 2007. Ms. Ward had a draft copy of an affidavit that I was asked to provide in connection with the allegations in the complaint and a draft copy of another management official, George Barclay's affidavit. I conducted a search of my personal email account and discovered another draft of my affidavit. The draft affidavit states the following issue was accepted for investigation:

“Complainant alleges she was discriminated against based on her age (58; DOB 12/31/1948) and race (African American) when she was detailed for a 120-day developmental assignment to perform duties that she felt were not commensurate to her grade level, GS-15 Program Analyst.” I believe the GSA Office of General Counsel has now provided copies of these documents to the Committee. I am unaware of any other relevant documents.

### III. Policy Questions

#### *Real Property*

8. On March 23, 2017, GSA determined that Trump Old Post Office LLC is in “full compliance” with its lease with GSA for the Old Post Office property in Washington, D.C., and that “the Lease is valid and in full force and effect.”
  - a. In December 2016, the Deputy Commissioner of GSA’s Public Building Service indicated that “GSA assesses that Mr. Trump will be in breach of the lease agreement the moment he takes office on January 20, 2017, unless he fully divests himself of all financial interests in the lease for the Washington D.C. hotel.” On March 20, 2017, Trump Old Post Office LLC submitted an amendment to their operating agreement divesting President Trump from Trump Old Post Office LLC. GSA’s March 23, 2017, determination agrees that the March 20, 2017, divestiture satisfies the terms of the lease, consistent with the representations made by the Deputy Commissioner of GSA’s Public Buildings Service in December 2016., who indicated to House Committee on Oversight and Government reform staff that “GSA assesses that Mr. Trump will be in breach of the lease agreement the moment he takes office on January 20, 2017, unless he fully divests himself of all financial interests in the lease for the Washington D.C. hotel.” Please explain GSA’s apparent reversal of its position regarding the Old Post Office building lease.

Neither I nor any other political appointee at GSA has been in any way consulted regarding the contracting officer’s decision that the Trump Old Post Office LLC for the Old Post Office was in compliance with the terms of the lease, although I was assured that the decision was made by a career contracting officer in consultation with the Office of General Counsel. I have been further assured that the administration of the lease followed, and continues to follow, standard processes. Given that I have not been involved in the decision, I am unable to provide a more substantive answer, but if confirmed, I would be happy to make the Deputy Commissioner available to explain the reported remarks.

- b. Since January 20, 2017, have you had any role in reviewing or approving any internal or external communications regarding GSA’s lease with the Trump Old Post Office LLC for the Old Post Office property in Washington? Please explain.

No, I have not had any role in reviewing or approving any internal or external communications regarding GSA’s lease with the Trump Old Post Office LLC for the Old Post Office property in Washington.

- c. Since January 20, 2017, have you had any communications with any current or former White House officials regarding GSA's lease with the Trump Old Post Office LLC for the Old Post Office property in Washington? Please explain.

No.

- d. If confirmed as Administrator, will you cooperate with the GSA Office of Inspector General's ongoing review of GSA's lease with the Trump Old Post Office LLC for the Old Post Office property in Washington?

Yes

#### *Travel*

9. The Office of Management and Budget (OMB) and the General Services Administration (GSA) established requirements for federal agencies regarding the use of government aircraft, including executive travel on these aircraft. Please describe your understanding of GSA's role in enforcement and oversight of federal employees' compliance with these rules?

While GSA sets the travel regulations for the Federal government, it is up to the individual agencies to ensure that their employees, including executives, are in compliance with those regulations. GSA also co-chairs the Senior Travel Official Council, which meets quarterly, and provides agencies with information, guidance and best practices on how to best implement the Federal Travel Regulations.

All GSA employees that travel as part of their job are required to take training and managers take additional training. If confirmed as GSA Administrator, I will ensure that all GSA employees are accountable for adhering to the travel and ethics regulations. In addition, I will work to find cost effective alternatives and reduce the need for travel by employees.

#### *Election Commission*

10. On May 11, 2017, the President issued a Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity. The Executive Order states that "to the extent permitted by law, and subject to the availability of appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission on a reimbursable basis."

- a. Please describe your role to date in supporting the Presidential Advisory Commission on Election Integrity?

Personally, I have no role. As we do with many other board and commissions, GSA provides administrative support to the commission on a reimbursable basis.

**b. What is your understanding of the role of the GSA Administrator in supporting the Presidential Advisory Commission on Election Integrity?**

GSA provides administrative support to the commission. The GSA Administrator has no role in providing this support.

***Whistleblower protections***

**11. Please describe any previous experience—in the public or private sector—with handling whistleblower complaints, and what steps you took to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?**

While employed with the House of Representatives, I frequently spoke with - and protected - whistleblowers. In some cases, such as that of the Department of Veterans Affairs Senior Procurement Executive, Jan Frye, testified before Committees or Subcommittees where I was counsel. In other cases, the individuals were willing to provide information to the Committee, but not to speak publicly, and I will continue to protect their privacy. To that end, I cannot provide a comprehensive list, however I will try to provide examples. In my nine years working for Congress, I spoke with whistleblowers on issues as diverse as improprieties in Biomedical Advanced Research and Development Authority contracts, SBA employment practices, compliance with section 15(k) of the Small Business Act at a number of agencies, and the way the Department of Health and Human Services was awarding task order contracts. In each of these cases, I coordinated investigations with the minority on my employing committee, and often collaborated with other committees. Further, I coordinated my efforts with the relevant Inspectors General. In no case did I ever reveal the name of the whistleblower without that individual's consent, and I made sure that any inquiries made did not reveal that individual's identity.

When previously at GSA, I protected the contracting officer who did not wish to ratify a contract signed by a superior, and protected my employees when they identified wrongdoing in the agency, whether or not they sought whistleblower protection.

Most recently, I was aware of a whistleblower complaint at GSA and the allegations of retribution against the whistleblower by the prior Administrator. As a senior advisor, I had no authority to make any decisions in the outcome of this case, but did make inquiries to ensure that the agency was fully cooperating with the Office of Special Counsel and Inspector General. Further, I worked to ensure that the allegations were addressed as part the reorganization of the Technology Transformation Service.

**12. If confirmed, how will you ensure that whistleblower complaints are properly investigated?**

As I referenced in the earlier answer on difficult political decisions, while I have never claimed whistleblower status, I am well aware of how difficult it can be for individuals to step forward, but also of how crucial it is that they do so. Since returning to GSA, I have quadrupled the ethics

training provided to political appointees, and coordinated training for all appointees with the Inspector General. If confirmed, I will work with the Inspector General, and the Office of Special Counsel to ensure that GSA cooperates fully with any investigation, and to create an environment where all employees and contractors are encouraged to report waste, fraud and abuse.

#### **IV. Relations with Congress and the Public**

**13. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?**

If confirmed, I will ensure that GSA is responsive to all Congressional requests for information and that GSA acknowledges the receipt of requests and provides updates to Congress on the status of these requests.

**14. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?**

Yes

**15. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress?**

Yes

**16. If confirmed, do you commit to take all reasonable steps to ensure that you and your agency comply with deadlines established for requested information?**

Yes

**17. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?**

Yes

**18. If confirmed, will you ensure that your staff will fully and promptly provide information and access to appropriate documents and officials in response to requests made by the Government Accountability Office (GAO) and the Congressional Research Service?**

Yes

**19. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving [agency's] operations and effectiveness?**

Yes

**20. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?**

Yes



21. If confirmed, will you ensure that political appointees are not inappropriately involved in the review and release of Freedom of Information Act requests?

Yes

22. Do you agree that exemptions under FOIA do not apply to congressional oversight requests?


Yes

**V. Assistance**

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

Yes, these answers are my own. I have consulted with professionals at GSA for technical support in preparing my answers.

I, Emily W. Murphy, hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaires and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

  
(Signature)

This 5 day of October, 2017

**Senator Thomas R. Carper  
Post-Hearing Questions for the Record  
Submitted to Ms. Emily Murphy**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday, October 18, 2017**

GSA Oversight over the Old Post Office lease

1. As you know, there have been many questions about GSA's determination that the conflict of interest provisions in the lease for the Trump International Hotel are being complied with.

During our introductory meeting, you said that no GSA political appointee had anything to do with that determination. Could you please confirm that for the record?

Correct, no political appointee was involved in the Old Post Office lease determination.

Will you commit to provide members of this Committee with any information needed for oversight purposes relating to this, or any other real property in GSA's portfolio? .

Yes, if confirmed I look forward to working with this Committee.

Presidential Transition

2. GSA plays a critical role in presidential transitions by providing space to transition teams and the president-elect, and by playing a key role in the coordination of transition activities across the government.

What will you do to gather lessons learned on GSA's role in the 2016 transition and to build on that experience to ensure that the next transition goes smoothly?

If confirmed, I will ensure that GSA continues to comply with the Presidential Transition Act of 1963 and the Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015. It is my understanding that GSA captures lessons learned during every Presidential Transition and utilizes those lessons to improve processes and procedures for future transitions. This will require collaboration with federal partners, transition teams, and subject matter experts to compile lessons learned and identify new challenges. If confirmed, I would like to task the prior Federal Transition Coordinator to lead this effort.

**Senator Steve Daines**  
**Post-Hearing Questions for the Record**  
**Submitted to Ms. Emily Murphy**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration**  
**Wednesday, October 18, 2017**

1. In 2013, GSA sold the old Batten Courthouse in Billings, MT to a buyer that by all counts didn't have the ability to make good on its over \$2.2 million loan. Sure enough, the buyer made no payments, and the asbestos filled building nearly transferred to the local government's ownership as both a financial and health liability. How would you change GSA's disposal policy to ensure only creditworthy buyers can purchase buildings with health hazards? If confirmed, will you ensure that GSA will work with my staff to draft a bill to make the situation in Billings doesn't happen again?

Yes, if confirmed, I pledge to work with you and your staff and GSA's Public Buildings Service, to identify areas to improve the disposal process and public sale of unused and underutilized real property.

2. If you are confirmed, how would you standardize GSA practices and policies so that contracting officers apply these practices and policies in a consistent, even-handed manner? How should federal contractors who believe they are being treated less favorably than their competitors by their contracting officers escalate the problem to GSA Management?

If confirmed, I will strengthen the Procurement Management Review process in order to standardize GSA practices and policies to ensure that contracting officers apply federal statutes and regulations evenhandedly and in full compliance. I will ensure that policies are clarified and training enhanced. Further, when federal contractors believe they are being treated less favorably than their competitors, they should avail themselves of GSA's Office of the Procurement Ombudsman, the GSA Competition Advocate, or the GSA Office of Small Business Utilization. Each of these offices has the ability to appropriately escalate issues, while avoiding the issues identified by the Office of the Inspector General in Report Number A120161/Q/6/P13003, that identified some inappropriate management intervention in procurement in 2013.

3. How do you plan to address the issue of delays caused by an excessive focus on catalog-level pricing? What is your position on order-level pricing, and increased competition at the order-level?

If confirmed, as part of my focus on reducing duplication, I would like to use systems modernization and process reengineering to speed the initial contract award for GSA's

Multiple Award Schedules program. I support increased competition at the task order level on multiple award contracts, and believe contracts like the OASIS Small Business contract demonstrate the value of increasing task order level competition, especially in areas where the statement of work may substantially vary between task orders.

**Senator Kamala Harris  
Post-Hearing Questions for the Record  
Submitted to Ms. Emily Murphy**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday, October 18, 2017**

*Calexico West Land Port of Entry Project*

The current Calexico West Port of Entry (POE) was constructed in 1974. It is outdated and badly in need of updating. Wait times for passenger vehicles and pedestrian crossers at the Calexico West POE cost Imperial County and the State of California jobs, economic activity, and tax revenue.

1. The GSA listed the Calexico West Port of Entry project as a priority on its new construction list in the GSA's proposed FY17 budget. The project was removed as a priority from the new construction list in GSA's FY18 budget proposal. Will you consider reiterating the importance of the project to appropriators by adding the project to the list of new construction priorities in GSA's FY19 budget proposal or through a budget addendum to the FY18 budget proposal?

It is my understanding that the Calexico West LPOE is a priority for GSA, and that Phase I of this project is scheduled for completion in 2018. I further understand that GSA requested funding for Phase II in FY17, but this was not funded by Congress. If confirmed, I am committed to working with you and GSA's partner agencies to seek the funding to complete this project.

*Transfer of GSA-managed Property to City and County of San Francisco for Permanent Supportive Housing for the Homeless*

The City and County of San Francisco is in the process to acquire and develop surplus property managed by GSA to provide permanent supportive housing for chronically homeless individuals.

1. If confirmed, will you commit to help ensure the speedy completion of this transfer?

Yes, if confirmed, I look forward to working with you and your staff on this important project.

2. What are your views on repurposing or transferring unused GSA-managed properties to state and local partners when there is a clear public benefit?

I support Public Benefit Conveyances and the role they play in assisting GSA in removing properties from its portfolio and transferring them to state and local entities that will utilize them for a public benefit.

3. If you are confirmed, will you commit to getting my office an assessment of all unused federal sites in California?

Yes, if confirmed I look forward to working with you and your staff to provide this information.

**Senator Heidi Heitkamp  
Post-Hearing Questions for the Record  
Submitted to Ms. Emily Murphy**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday, October 18, 2017**

1. In your opening statement, you mentioned shared services as a strategy you support for helping agencies reduce duplication in government activities.

- a. Please elaborate on the current state of the shared services initiative, including the role, authorities and resources levels of GSA's Office of Unified Shared Services Management (USSM), recent implementation progress, and any changes you anticipate in the way shared services are being implemented by the Trump Administration.

The Unified Shared Service Management (USSM) office was created within the General Services Administration in 2015 to design the standards for more integrated solutions of administrative functions across lines of business, provide transparency into the performance of Federal Shared Service Providers to inform agency decision making, and to provide advice and guidance to agencies who are planning for the acquisition of new administrative solutions based on lessons learned and best practices. USSM's mission is to transform the way government does business internally to improve the way the government serves the American public.

Today, USSM is staffed with seven people and the President's budget proposes a \$2 million appropriation to support the identification and prioritization of work that can be shared across government. USSM does not have the authority to direct agencies to move to shared services; however, USSM is a source of best practices, tools, and lessons learned to help guide agencies through the process of adopting a service provided by either a Federal or commercial provider. If confirmed, I would like to coordinate with Congress and OMB to explore the opportunity for GSA to take a leadership role in evaluating business cases for shared services.

- b. What do you see as the major barriers to shared services expansion, and how do you intend to address them?

I believe that one of the key barriers to the adoption of shared services has been the failure to accurately articulate requirements in a coordinated and consistent way across government. Additionally, in the areas where the government has moved to shared services, it invested in systems without planning for transition, and failed to leverage best practices and processes for managing the change within their organizations.

If confirmed, to address these problems, I would promote the USSM methodology and governance structure to drive requirements definition, and to work with the Federal community to agree on standard business rules for common functions. To address the issue of transition cost, I would like to work with Congress on approaches like the Technology Modernization Fund to help move agencies from legacy systems to shared services, and to ensure that new shared services contemplate funding transition costs at the time of initial award. For example, in the area of telecommunications, the Networx contract vehicle addressed transition to the ultimate successor contract when it was initially awarded ten years ago, which will make the transition to Enterprise Infrastructure Solutions (EIS) possible.

- c. Does USSM have sufficient authority and resources to perform the role you envision?

To drive real change in the sharing of administrative services across the Federal Government, it will require continued leadership from both Congress and the Administration. Leveraging this strong leadership, I believe USSM has sufficient resources and authorities to move the program forward, but would welcome the opportunity to work with you on potential future reforms.

- 2. Since 2003, management and divestment of Federal real property has been a repeat offender on GAO's "High-Risk List". Regarding the disposal of excess and underutilized real property, GAO has identified a lack of reliable data, complex disposal processes, costly requirements, competing interests and limited accessibility as hurdles to a more expedient disposal process.

- a. In your opinion, what can GSA do to encourage agencies to dispose of underutilized properties and what can Congress do to expedite the disposal process?

If confirmed, I will work with the Public Building Reform Board and the Federal Real Property Council to identify unused and underutilized properties, and then to expedite the disposal of these properties. I will also work with our tenant



agencies to examine how we can reduce their real property footprint by identifying areas for consolidation and disposal. It is my understanding that over 100 million square feet of GSA leases will expire in the next five years. This creates an opportunity to collaborate with Congress and agencies to consolidate operations, but it will require frank discussions about agency requirements. Likewise, if confirmed, I would explore opportunities to use these expiring leases to save taxpayer money, either by reducing reliance on short term leases or by analyzing opportunities for ground lease leasebacks or discounted purchase options.

Given that the new expedited disposal authorities were provided by Congress as part of the Federal Assets Sale and Transfer Act of 2016 and the Federal Property Reform Act of 2016 but have not yet been used, I would like to have the opportunity to assess how well these work, and then work with Congress if additional reforms are necessary.

- b. With the many responsibilities as a Director, if confirmed, what issues will be top priority?

If confirmed, in the area of real property, one of my priorities is to improve access, transparency and data quality in the FRPP. By having a better understanding of what the government owns or leases, we can better manage these properties. In addition, I plan to work closely with OMB and the Public Buildings Reform Board when it is established to identify underutilized property and either consolidate or dispose of these assets. Finally, at the suggestion of Senator Carper, if confirmed I will request a standing meeting with GAO to focus on the outstanding risk list items.

- 3. A significant challenge faced by agencies in the divestment and management of Real Property assets is the cost of maintenance and environmental remediation activities. On many occasions, GAO has found that the cost to agencies in deferred maintenance and/or legal requirements, such as the preservation of historic properties is higher than potential proceeds from sale of the property.

- a. Based on these findings, what actions can GSA take to aid agencies in mitigating these challenges associated with Real Property Management and disposal?

If confirmed, I am committed to utilizing all the tools available to GSA, including new authorities provided by FASTA to reduce the Federal Government's real property footprint.

**Ranking Member Claire McCaskill  
Post-Hearing Questions for the Record  
Submitted to Ms. Emily Murphy**

**Nominations of Jeff T.H. Pon to be Director, Office of Personnel Management; Michael J. Rigas to be Deputy Director, Office of Personnel Management; and Emily W. Murphy to be Administrator, General Services Administration  
Wednesday, October 18, 2017**

**COOPERATION WITH CONGRESS**

Q: Do you agree that FOIA exemptions do not apply to congressional oversight requests?

Yes.

Q: Will you pledge to copy the Ranking Member and/or staff on all official correspondence with the Committee and ensure that such correspondence is transmitted to the Ranking Member's office contemporaneous with transmittal to the Committee?

Yes.

Q: Will you pledge to ensure that all meetings, briefings, and other official engagements with the Committee staff include both the majority and minority?

Yes.

**WHISTLEBLOWER PROTECTION**

Q: What specific steps will you take to promote a culture where employees can raise concerns to senior management, including directly to you?

I take seriously the charge to uphold the highest ethical standards. As I said in my testimony before the committee at my nomination hearing, the first overarching principle I will pursue if confirmed is "to provide ethical leadership" at GSA. The Office of Government Ethics recently sent a letter reminding us that "the citizens we serve deserve to have confidence in the integrity of their Government [but the] public's trust is not guaranteed." I will strive to earn that trust every day, by creating a culture within GSA that puts the taxpayer first, encourages a diversity of opinions, values the contributions all employees, and promotes a safe culture for reporting misconduct.

Recently, the GSA Inspector General cited the former GSA Administrator for retaliating against a whistleblower regarding potential changes to the agency's Technology Transformation Service.

- Q: Describe what steps you have taken and will take to address the IG's report and to prevent retaliation against whistleblowers at GSA.

As I stated in my policy questionnaire, I am well aware of how difficult it can be for individuals to step forward, but also of how crucial it is that they do so. Since returning to GSA earlier this year, I worked to quadruple the ethics training provided to political appointees, and coordinated training for all appointees with the Inspector General. If confirmed, I will work with the Inspector General, and the Office of Special Counsel to ensure that GSA cooperates fully with any investigation, and to create an environment where all employees and contractors are encouraged to report waste, fraud and abuse.

#### **ACQUISITION REFORM**

- Q: What actions should GSA take to improve outreach to the contractor community to ensure that qualified veteran-owned, minority-owned, women-owned, rural, HUBZone and other small businesses compete for contracts?

If confirmed, I would work with the Small Business Administration, Small Business Procurement Advisory Council, Procurement Technical Assistance Centers, Small Business Development Centers, trade associations, and other third parties to ensure that small businesses, veteran-owned small businesses, service-disabled veteran-owned small businesses, woman-owned small businesses, economically-disadvantaged woman-owned small businesses, HUBZone business enterprises, rural businesses, 8(a) small businesses, and small disadvantaged businesses are: (1) better educated on the opportunities to compete for federal contracts; (2) easily identified on GSA contract vehicles. Further, I will continue the work on making the GSA solicitations more accessible to small businesses by adopting plain language. Finally, I will work to make sure that new contract vehicles are designed to maximize competition, both at the contract and task order level, which will create more opportunities for these businesses.

#### **BOLSTERING INFORMATION TECHNOLOGY AND CYBER SECURITY**

The Government Accountability Office (GAO) has extensively reported on the need for the federal government to reduce its reliance on legacy information technology systems. According to a 2016 GAO report, some agencies are still using decades-old IT systems. This failure to modernize not only undermines the efficiency of federal agencies but also poses serious cyber-security risks to sensitive national security and other government data.

- Q: If confirmed, what changes should GSA implement to assist its sister agencies in reducing their reliance on legacy IT systems?

If confirmed, I hope to build upon the work GSA is doing to help Federal agencies reduce their reliance on legacy IT systems. First, I would do this by ensuring that contract and

service offerings look to the future and provide enhanced security, efficiency, and ease to continue modernizing as technology evolves. For example, currently GSA is transitioning agencies from the legacy Networx contract, under which agencies purchased \$1.79 billion in network and telecommunications services in FY 2016, to a comprehensive solution-based contract vehicle called Enterprise Infrastructure Solutions (EIS). Second, pursuant to the Office of Management and Budget (OMB) M-16-19, I would support the roles assigned to GSA's Office of Government-wide Policy (OGP) serves "as the managing partner of the Federal Government's data center line of business and data center shared services." Third, I hope to use the expertise within the Federal Acquisition Service's Technology Transformation Service (TTS) to assist agencies through a variety of offerings to best achieve their missions with modern technology. For example, components of TTS have an expertise in agile acquisition, cloud migration, and identity verification. Fourth, if Congress chooses to pass the Modernizing Government Technology (MGT) Act, I would look forward to using these new tools to partner with other agencies on modernization. Finally, over the years I have found that IT modernization is frequently inhibited due to regulations that are outdated and serve as barriers to entry for innovative companies, so, if confirmed, I would direct GSA, as a member of the Federal Acquisition Council, to work alongside with the Office of Federal Procurement Policy, DOD, and NASA to review regulations that restrict modernization efforts.

#### **FEDERAL REAL PROPERTY**

The Government Accountability Office has included federal real property management on its list of High Risk programs each year since 2003. This period has included three administrations and spanned the tenure of several GSA Administrators.

Q: GSA is the primary agency responsible for addressing this high risk area. If confirmed, do you have confidence that you will be able to move federal real property management off GAO's High Risk list? How will you accomplish this goal?

One way to address some of the issues on the GAO High Risk list is to utilize new authorities provided in the FAST Act. The legislation has given the Federal Government an opportunity to improve its management of real property and identify savings for the American taxpayer by incentivizing the more effective use of real property. GSA has already begun outreach to other Executive branch agencies and collected real property data to enable the Public Buildings Reform Board to make smart real estate decisions.

**VOTER INTEGRITY COMMISSION**

On May 11, 2017, the President issued a Presidential Executive Order on the Establishment of a Presidential Advisory Commission on Election Integrity. The Executive Order states that “to the extent permitted by law, and subject to available appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission on a reimbursable basis.” You acknowledged in your policy questionnaire that GSA does, in fact, provide administrative support to the Commission on a reimbursable basis.

Q: What specific administrative services has GSA provided to the Commission to date?

GSA has supported the Commission with travel arrangements, complying with Federal Advisory Committee Act requirements, assisting with the purchase of voter data from States, and purchasing of live web streaming services for Commission meetings.

Q: What administrative services provided by GSA to the Commission are anticipated in the future?

GSA anticipates similar support services to the Commission in the future.

Q: What specific GSA facilities has the Commission utilized to date?

The Commission has not utilized GSA space or facilities.

Q: What GSA facilities are anticipated to be used by the Commission in the future?

To date, the Commission has not communicated any current or future needs for GSA facilities.

Q: What specific GSA equipment and other support services has the Commission utilized to date?

No GSA equipment has been provided to the Commission. GSA has supported the Commission with travel arrangements, complying with Federal Advisory Committee Act requirements, assisting with the purchase of voter data from States, and purchasing of live web streaming services for Commission meetings.

Q: What specific GSA equipment and other support services are anticipated to be used by the Commission in the future?

GSA does not anticipate any equipment use requests from the Commission and anticipates similar support services to the Commission in the future.

Q: What is the total dollar amount of all GSA funding that has been expended to date to support the Election Integrity Commission?

GSA has not utilized any GSA funds to support the Commission.

Q: What is the total dollar amount of anticipated GSA funding expended to support the activities of the Commission?

GSA does not anticipate any GSA funds to be expended in support of the Commission.

Q: What is the total dollar amount of reimbursements that GSA has received to date from the Commission?

Thus far, GSA received \$85,000 in reimbursements from the Office of the Vice President for support provided to the Commission.

Q: What is the funding source for all reimbursements GSA has received to date from the Commission?

GSA entered into an interagency agreement with the Office of the Vice President for reimbursement of GSA support to the Commission.

Q: How many GSA employees have staffed the Commission to date?

GSA has dedicated portions of five (5) individuals' time to support the Commission.

Q: Are there additional resources that GSA anticipates providing the Commission in the future?

No.

Q: What, if any, guidance or training has GSA given its employees staffing the Commission in terms of recordkeeping practices that comply with the Federal Records Act and Presidential Records Act?

GSA provided individuals within GSA supporting the Commission guidance on time and record keeping.

Q: What, if any, instructions have GSA employees staffing the Commission received regarding the use of private email accounts for official Commission business?

GSA provides all employees, including those supporting the Commission, with training on the use of private emails.

**Emily Webster Murphy**  
**Nominee to be Administrator of the U.S. General Services Administration**  
**United State Senate Committee Homeland Security & Governmental Affairs**  
**Wednesday, October 18, 2017**  
**United States Senator Roy Blunt**

Chairman Johnson, Ranking Member McCaskill, and distinguished members of the committee, I am pleased to submit for the record this statement of support for Emily W. Murphy who has been nominated by the President to serve as the Administrator of the U.S. General Services Administration.

I have confidence in Ms. Murphy's ability to reform and to lead the U.S. General Services Administration. In this role, she will have an opportunity to continue to advocate for common sense procurement policies that will save taxpayers money and increase efficiency in government.

Ms. Murphy's experience serving as the U.S. General Services Administration's first Chief Acquisition Officer, policy director and senior counsel at the U.S. Small Business Administration, and counsel at the House Armed Services Committee make her uniquely qualified for the position for which she has been nominated. In addition to her government service, she has held executive positions at a technology startup company engaged in Federal contracting, and as a government contracts attorney. During her more than two decades of being a dedicated public servant, Ms. Murphy has earned the respect and support of her colleagues.

Throughout her career, Ms. Murphy has demonstrated her expertise in Federal contracting and acquisition policy. As a Missouri native, graduate of Smith College and the University of Virginia School of Law, Ms. Murphy has the requisite credentials necessary to lead the U.S. General Services Administration.

I am honored to submit this statement of support for Emily. I sincerely hope this committee understands the quality and caliber of individual they are considering to lead the U.S. General Services Administration and move her nomination forward.



**National Association of Surety Bond Producers**

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E-mail: [info@nasbp.org](mailto:info@nasbp.org)

September 25, 2017

Chairman Ron Johnson  
Homeland Security and Government Affairs  
Committee  
340 Senate Dirksen Building  
Washington, DC 20510

Ranking Member Claire McCaskill  
Homeland Security and Government Affairs  
Committee  
340 Senate Dirksen Building  
Washington, DC 20510

RE: Support for the confirmation of Ms. Emily W. Murphy as Administrator of the General Services

Administration; Nomination Number PN 923-115

Dear Chairman Johnson and Ranking Member McCaskill:

On behalf of the National Association of Surety Bond Producers (NASBP), a national trade association whose membership includes firms employing licensed surety bond producers who place bid, performance, and payment bonds on public and private contracts throughout the United States and its territories, I am honored to contact you to offer our unqualified support of Ms. Emily Murphy for the position of Administrator of the General Services Administration (GSA).

NASBP and its staff have had the opportunity of working with Ms. Murphy in her capacity as Counsel to the U.S. House Small Business Committee and to the U.S. Armed Services Committee on a variety of issues to enhance opportunities for small construction businesses and to make the federal procurement environment more efficient. Such issues have included the impacts of contracting bundling, enhancements to the bond guarantee program administered by the U.S. Small Business Administration, and reforms to the asset rules governing surety bonds issued by individual sureties. During her tenure in her roles as Counsel, while working in a bipartisan fashion, Ms. Murphy's efforts led not only to significant reforms of the federal procurement environment to reduce inefficiencies and to eliminate avenues for fraud but also to expanded opportunities for small construction businesses seeking federal contract awards. At all times, Ms. Murphy was able to balance competing interests to achieve legislative aims, all the while demonstrating her insightfulness of government operations and a commanding knowledge of federal procurement policies and laws.

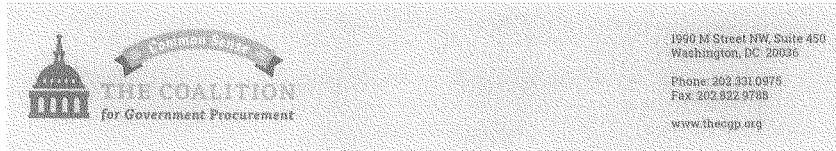
It is for these reasons that I believe Ms. Emily Murphy's previous experience coupled with her knowledge of the federal procurement arena will make her an excellent Administrator of GSA, and I offer my enthusiastic support of her appointment.

Sincerely,

Mark H. McCallum, Chief Executive Officer

cc: Members of the Committee on Homeland Security & Government Relations





October 11, 2017

The Honorable Ron Johnson  
328 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Claire McCaskill  
503 Hart Senate Office Building  
Washington, D.C. 20510

Subject: Endorsement of Emily Murphy as the Next Administrator of GSA

Dear Senators Johnson and McCaskill:

The Coalition for Government Procurement ("the Coalition") heartily endorses Emily Murphy as the next Administrator of General Services and asks that you look favorably on her nomination to that position. With calls for significant changes in the government's procurement practices coming from different quarters, her level-headed leadership, rooted in experience, is needed to guide reform and safeguard the government's interests.

At the outset, the Coalition is a non-profit association of firms selling commercial services and products to the Federal Government. Our members include small, medium, and large business concerns, and, collectively, they account for a significant percentage of the sales generated through GSA contracts, including the Multiple Award Schedule ("MAS") program. Coalition members also are responsible for many of the commercial item solutions purchased annually by the Federal Government. Our organization is proud to have worked with Government officials for more than 35 years towards the mutual goal of common sense acquisition.

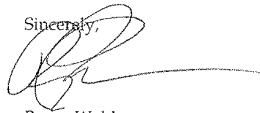
Known for her unwavering integrity and steady, well-honed leadership, Ms. Murphy has unparalleled domain expertise in Federal procurement policy and execution. Her wealth of experience, specifically, her time in the Executive Branch, her service in support of the legislative and oversight efforts of several committees on Capitol Hill, and experience in the private sector, demonstrate that she would be a

positive force in leading the General Services Administration (GSA) during this time of reform and transformation.

Prior to her nomination, Ms. Murphy served as the first Chief Acquisition Officer ("CAO") at GSA, where she oversaw the consolidation of the Federal Supply and the Federal Technology Services. In addition, as the Senior Advisor at the Small Business Administration ("SBA"), Ms. Murphy managed efforts that radically reduced cycle times and resulted in the agency's first achievement of its 23% small business prime contracting goal. She also has served both the House Small Business Committee and the House Armed Services Committee, supporting a positive legislative agenda to improve the procurement system. These provisions have assisted in bringing efficiency to the acquisition process. In addition to her government service, Ms. Murphy has held executive positions in the private sector, including practice as a government contracts attorney.

The Coalition believes that Ms. Murphy is the right leader for these times. We welcome the opportunity to work with her, as she will provide GSA with the wisdom that only can be derived from years of successful leadership in the procurement community. The Coalition encourages the Senate to act quickly and support the nomination of Emily Murphy as GSA Administrator.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Waldron', with a long horizontal flourish extending to the right.

Roger Waldron  
President