

**NOMINATIONS OF HON. RUSSELL T. VOUGHT
AND CRAIG E. LEEN**

HEARING

BEFORE THE

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

SECOND SESSION

NOMINATION OF HON. RUSSELL T. VOUGHT TO BE DIRECTOR,
OFFICE OF MANAGEMENT AND BUDGET AND CRAIG E. LEEN TO BE
INSPECTOR GENERAL, OFFICE OF PERSONNEL MANAGEMENT

JUNE 2, 2020

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NOMINATIONS OF RUSSELL T. VOUGHT AND CRAIG E. LEEN

TUESDAY, JUNE 2, 2020

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

The Committee met, pursuant to notice, at 2:32 p.m., via video conference, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Portman, Lankford, Romney, Scott, Hawley, Peters, Carper, Hassan, Sinema, and Rosen.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. The hearing will come to order. Today we are considering the nomination of Mr. Russell Vought to be the Director of Office of Management and Budget (OMB), Mr. Craig Leen to be Inspector General (IG) of the Office of Personnel Management (OPM).

I would ask consent that my written statement be entered into the record.¹

I will keep my opening remarks pretty short.

The Office of Management and Budget has a broad mission to assist the President in the development and execution of his or her policies and programs. While OMB is perhaps the best known for its role in overseeing the coordination, production, and administration of the President's annual budget, the Office is also responsible for coordinating the President's legislative agenda, regulatory and information policy, and management of the Executive Branch. The OMB Director is a member of the President's Cabinet and oversees a staff of close to 500 employees.

We certainly want to welcome Mr. Vought. Thank you for your current service and appreciate your willingness to serve in a confirm capacity.

The Office of Inspector General (OIG) of the Office of Personnel Management audits and investigates waste, fraud, and abuse. OPM issues policy guidance and regulations governing the Federal civil workforce and manages the health and retirement benefits offered to the millions of current and former employees and their families. As it continues to struggle to recover from the catastrophic 2015 cybersecurity breach, OPM is undergoing a radical reorganization. The National Background Investigations Bureau

¹ The prepared statement of Senator Johnson appears in the Appendix on page 37.

(NBIB), which accounted for over one-third of OPM's employees, was transferred to the Department of Defense (DOD) late last year, and there are serious questions about whether OPM is still fit to serve a workforce so fundamentally different from when it was established in 1979.

Those are obviously the job descriptions of positions that we are to be talking to nominees about. I want to again thank Mr. Leen and thank Mr. Vought for your willingness to serve.

Before I turn it over to Senator Peters, I do want to just comment a little bit in terms of what this Committee has done in terms of hearings on coronavirus disease (COVID) as well as what we are going to be doing in the future.

Back on February 12, we held a hearing, "Are We Prepared? Protecting the U.S. from Global Pandemics," and we had former Centers for Disease Control (CDC) Director Dr. Julie Gerberding; former Food and Drug Administration (FDA) Commissioner Scott Gottlieb; former Director of Medical and Biodefense Preparedness of the National Security Council (NSC), Dr. Borio; and others. That, by the way, was the roundtable where, certainly, I learned for the first time the vulnerability of our supply chain as it relates to pharmaceutical drugs. Setting up future hearings, I will talk about that a little bit later.

On March 5, "The Federal Interagency Response to the Coronavirus and Preparing for Future Global Pandemics," we had the Department of Homeland Security (DHS) Acting Secretary Ken Cuccinelli and the Department of Health and Human Service (HHS) Assistant Secretary for Preparedness, Dr. Kadlec. I thought that was a pretty darn interesting hearing.

Then on May 6, I think the week we returned, we held our first WebEx internet hearing, "How New Information Should Drive Policy." We had six, a combination of PhD, medical doctors, really kind of laying out some of the considerations of the shutdown and how we really ought to be coping with COVID.

Coming up now, June 9, we are going to hold a hearing evaluating the Federal Government's procurement and distribution strategies in response to the COVID-19 pandemic.

Again, on June 9, we will have the Federal Emergency Management Agency (FEMA) Administrator Peter Gaynor; HHS Assistant Secretary for Health Brett Giroir; Joint Chief of Staff, Vice Director for Logistics, Admiral John Polowczyk.

Then on June 16, "CBP Oversight: Examining the Evolving Challenges Facing the Agency." We will have Acting Commissioner Mark Morgan, and we are in the process of crafting two hearings, one on the medical supply chain, including pharmaceuticals, and then the strategic national supply chain as well.

Really through the last couple of months while on extended recess because of COVID, the staff has been working tirelessly developing the foundational base work and baseline information we need to hold these oversight hearings on COVID, on the medical supply chain, on the financial strategic stockpile, so looking forward to those hearings and hope all of our Members can be in attendance for those as well.

With that, I will turn it over to Senator Peters.

OPENING STATEMENT OF SENATOR PETERS¹

Senator PETERS. Thank you, Chairman Johnson, and thank you to all of our nominees for being here today and for your willingness to serve.

Today we are considering the nominees for two very different positions, both critical, to ensuring that the Federal Government is effectively serving the American people. They are both very challenging roles, certainly, under any circumstances, but as our country faces an unprecedented public health and economic crisis, we need a Federal Government that works strategically and effectively. And that puts the American people first.

States, businesses, workers, and families are looking to the Federal Government for guidance, resources, and leadership as we work toward safely reopening our economy.

Mr. Vought, you have served as the Acting Director of the Office of Management and Budget for the past year and a half, and in this role, you have helped shape spending and policy decisions governmentwide. You currently play a central role in overseeing how agencies across government are implementing the \$2.2 trillion relief package in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

That responsibility includes swiftly getting economic relief to those most in need while ensuring that taxpayer dollars are protected from waste, fraud, and abuse.

Chairman Johnson and I worked to include bipartisan oversight and accountability provisions in that legislation, and I am disappointed by the administration's failure to cooperate with that oversight.

Mr. Leen, if confirmed, you will have a key oversight role. As the Inspector General for the Office of Personnel Management, you will be the agency's independent watchdog, charged with rooting out fraud, waste, and abuse.

To be successful, you must be relentlessly independent. You must follow the facts wherever they may lead, and you must not allow political pressure to interfere with your work. As you know, that is not going to be easy.

Over the past 2 months, the President has removed two Senate-confirmed Inspectors General and replaced a number of Acting Inspectors General with political appointees. These actions threaten the integrity and independence of oversight across the entire Federal Government enterprise.

I encourage you both to look to Congress and to this Committee as a partner. While we may not always agree on specific measures or policies, we all want to protect the health and safety of the American people, and we all want to reopen the economy safely.

Mr. Vought, I appreciate the commitments you have made to work with Congress and cooperate with oversight efforts, and I hope that those commitments actually are demonstrated in action.

Mr. Leen, if confirmed, I hope you will also see this Committee as a resource, especially if you encounter challenges in carrying out your important oversight work.

¹The prepared statement of Senator Peters appear in the Appendix on page 39.

Thank you again, both of you, for being here, and thank you for testimony.

Thank you once again, Mr. Chairman, for the hearing today.

Chairman JOHNSON. Thanks, Senator Peters.

It is the tradition of this Committee to swear in witnesses. So if you will both raise your right hand and then answer one at a time.

Do you swear that 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. Vought.

Mr. VOUGHT. I do.

Chairman JOHNSON. Mr. Leen.

Mr. LEEN. I do.

Chairman JOHNSON. Thank you.

We will start with Mr. Vought. Mr. Russ Vought is the Acting Director of the Office of Management and Budget, a position he has held since January 2019. In February 2018, Mr. Vought was confirmed by the Senate as Deputy Director of OMB. Prior to his service at OMB, he worked as a congressional staff for several Members of Congress, including Representative Jeb Hensarling and Senators Chuck Hagel, Phil Gramm, and Dan Coats, and eventually became the Policy Director for the House Republican Conference.

Mr. Vought received his juris doctor from George Washington University Law School and his bachelor or arts from Wheaton College.

Mr. Vought.

**TESTIMONY OF THE HONORABLE RUSSELL VOUGHT¹ TO BE
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET**

Mr. VOUGHT. Thank you, Mr. Chairman, and thank you to the Ranking Member and the Members of the Committee for the honor of appearing before you today.

I also want to thank my family—my wife, Mary, and my daughters, Ella and Porter—for the unconditional support they have given me not only through this confirmation process but throughout my tenure at OMB.

I am honored that the President has nominated me to serve as Director of OMB following in the footsteps of some very distinguished public servants. Working at OMB has long been an aspiration. I came to OMB at the very beginning of this administration. I have had the privilege of helping to lead this agency, first as Deputy Director and for the last year and a half as Acting Director. I know the caliber of the men and women who work there. I know the importance of their mission. I know the awesome responsibility of the work that OMB does.

My mantra at OMB throughout my years in leadership here has been “One OMB” in order to create a culture, not of silos, but of collaborators so that the best expertise can be heard. I have had management positions in my career, but none so equally challenging and rewarding as the management of this agency. The portfolios of the various components of this agency are so diverse,

¹ The prepared statement of Mr. Vought appears in the Appendix on page 42.

and each one of them have a critical nature fundamental to the functions of our government.

The men and women I work with at OMB thrive on information gathering and problem solving. They are innovative and smart and, frankly, tenacious. They do their best work when they work together, bridging gaps between their management and their budget and their regulatory functions to find holistic answers to complicated challenges.

There are roughly 500 full-time employees at this agency, but I have seen them do remarkable things. It is a privilege to work with them and to lead them for the last 3½ years.

I have spent my entire career caring about taxpayers and their families. I have fought to save them money and ensure that their tax dollars are well spent.

I come from a blue-collar family, the son of an electrician and a public school teacher. I know what they went through to balance their budget and save for the future. My parents worked long, hard hours to put me through school. They worked long, hard hours to pay for the government in their lives. I have often wondered what else they would have been free to build and give without such a high burden.

My parents represent the forgotten men and women of this country. They always were the yardstick by which I tested government spending, and I am grateful to work for an administration that has made the eyes and hearts of the forgotten man the lens from which we see policy.

These men and women live and work in every city and every town in every State in this great country. I believe in their dreams, and I believe that our government ought to let them pursue those dreams. The very phrase "Office of Management and Budget" may not be part of their lexicon, but I know that the work of OMB has the ability to impact them in immeasurable ways.

If the Senate confirms me to be the Director, know that I will be serving for their betterment.

Thank you for considering my nomination. I am happy to answer your questions.

Chairman JOHNSON. Thank you, Mr. Vought.

The next nominee is Craig Leen. Mr. Leen is the Director of Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL). Prior to Federal Government service, Mr. Leen served as the City Attorney for Coral Gables, Florida, for 6½ years. Before that, he was the Assistant County Attorney in Miami-Dade County and the Chief of the Federal Litigation Section.

If confirmed, Mr. Leen would be only the second Senate-confirmed nominee to hold the position of Inspector General of the Office of Personnel Management since 1990.

Mr. Leen received his juris doctor from Columbia University and his bachelor of arts from Georgetown University. Mr. Leen.

**TESTIMONY OF CRAIG E. LEEN¹ TO BE INSPECTOR GENERAL,
OFFICE OF PERSONNEL MANAGEMENT**

Mr. LEEN. Chairman Johnson, Ranking Member Peters, members of the Committee, it is a true honor to appear before you as the nominee for Inspector General of the U.S. Office of Personnel Management. I thank the President for nominating me and this Committee for considering me. If confirmed, I will serve with integrity, independence, and a commitment to transparency and truth in government.

I would like to say a few words about myself. I am married to my college sweetheart. We live in Georgetown, only a 15-minute walk from where we first met. My wife, Dr. Ana Maria Muniz-Leen, is a double board-certified psychiatrist. She works at our alma mater providing psychiatric services to Georgetown students.

We have two children we are very proud of, Alex and Pierce. Our daughter Alex is 15 years old. She has profound autism and a substantial intellectual disability. She loves the outdoors, music, and Disney movies. I have struggled and fought for accommodations for her for over a decade. These experiences led me to become a strong advocate for individuals with disabilities. This has been a significant focus of my public work, including at OFCCP, and it would certainly continue if I become OPM IG.

Our son, Pierce, is 9 years old. He is a walking miracle. He was not supposed to live past 19 weeks in utero, but through an amazing procedure called the “amniopatch” and a couple remarkable doctors, he is here today. He was diagnosed on the autism spectrum when he was almost 2 years old. He benefited significantly from early therapies and is now succeeding in a typical class in third grade. He intends to be a historian. Pierce is Alex’s best friend and often her voice.

I would also like to thank my parents and my siblings, who I know are watching as well.

In my career, I have worked in both the public and private sectors. Immediately prior to OFCCP, I served in apolitical, non-partisan roles for 12½ years, first as a Miami-Dade Assistant County Attorney and then as Coral Gables City Attorney, as you mentioned, Mr. Chairman.

As City Attorney, I answered to the City Commission, serving as chief legal officer and chief ethics officer, including overseeing code enforcement prosecutions and police legal and conducting internal reviews and issuing legal opinions. I was a leading proponent of transparency and ethics in government, and I published over 400 City Attorney opinions that you can still read, if you would like, on the city’s website.

Both Coral Gables and Miami-Dade County commended me through proclamations when I completed my service as City Attorney, even declaring Craig E. Leen Days in both the county and city, which I have on my wall.

I came to Washington to make a positive mark on the Federal level at OFCCP, one of the primary Civil Rights enforcement agencies in the United States. I have given my heart and soul to this work. OFCCP had its most successful year in history in fiscal year

¹The prepared statement of Mr. Leen appears in the Appendix on page 182.

(FY) 2019, with over \$40 million in recoveries to workers, almost double any other year. The agency had a record year for compliance assistance to businesses and initiated a major new disability inclusion enforcement initiative.

OFCCP's bread and butter is neutrally scheduled audits along with complaint investigations. We have been enhancing the economy and efficiency of this work, and we have had excellent results.

I also issued a major transparency directive at OFCCP. Transparency has been a hallmark of my tenure.

This has been great preparation for being an Inspector General. If confirmed, I would focus on the following immediate priorities: closing open IG recommendations and establishing a public dashboard to track progress; addressing improper payments and seeking to eliminate them; evaluating OPM's guidance related to the pandemic, learning from what went well and what could be improved; increasing the amount of evaluations done by the OPM IG's office; and ensuring equal employment opportunity for all protected classes, including ensuring inclusion and accommodations of individuals with disabilities.

I would like to say more on two of these priorities. The OPM Inspector General's office has over 300 open recommendations going back many years. This is a common issue for IGs. So many open recommendations erodes public trust in government. I would make closing them a focus from day one.

Also, I have been OFCCP Director. I have seen that a number of best practices that we ask Federal contractors to follow are not followed by the Federal Government. I would address this in my oversight role as Inspector General, helping ensure the civil service system is based on merit and merit alone. In these difficult times and at all times, it is critical that Civil Rights and equal employment opportunity be a major focus.

I have enjoyed meeting many Senators and staff members of this Committee through this process. Thank you for considering me today.

Chairman JOHNSON. Thank you, Mr. Leen. It is inspiring, really, to see how you have taken your own personal family experience and turn it into public service. We truly appreciate that.

There are three questions the Committee asks of every nominee for the record. I will ask for each question that Mr. Vought answer first and then Mr. Leen, and then I will reserve the balance of my questions for the very end out of respect for my colleagues' time.

So question No. 1, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. Vought.

Mr. VOUGHT. No.

Chairman JOHNSON. Mr. Leen.

Mr. LEEN. No.

Chairman JOHNSON. No. 2, 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. Vought.

Mr. VOUGHT. No.

Chairman JOHNSON. Mr. Leen.

Mr. LEEN. No.

Chairman JOHNSON. And, 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. Vought.

Mr. VOUGHT. Yes.

Chairman JOHNSON. Mr. Leen.

Mr. LEEN. Yes.

Chairman JOHNSON. OK, great.

Senator Peters.

Senator PETERS. Thank you, Mr. Chairman.

My first question is to both Mr. Vought and Mr. Leen. Let me start with a question for the two of you. Will you both commit to fully and promptly respond to any oversight request from this Committee, including from the Ranking Member and other minority Members of the Committee?

Mr. Vought.

Mr. VOUGHT. Yes. We are going to continue to work with the Committee and all the Committee Members to make sure we can be as responsive as we possibly can.

Senator PETERS. Thank you.

Mr. Leen.

Mr. LEEN. Yes, certainly.

Senator PETERS. Mr. Vought, I have been deeply concerned to hear that the Government Accountability Office (GAO) has been unable to receive the information that they need to do some of their critical oversight work on the Federal Government's coronavirus response and spending. So I just have a few yes or no questions for you. If you want to elaborate, that would fine as well, but, Mr. Vought, yes or no, will you make a public commitment, and as Acting Director and if confirmed, you will fully and promptly cooperate with all GAO requests for meetings and information?

Mr. VOUGHT. I will certainly work with GAO closely. It is our practice to do that.

We have just responded to an information request from GAO, and we have a great deal of respect for the work that they do. And I will continue to work and try to respond as quickly as we possibly can.

Senator PETERS. So, again, yes or no, which would be related to what you just said. As Acting Director and if confirmed, you will commit to have OMB provide GAO the full and complete response to several outstanding information requests? There are several. You mentioned one in particular, but the several requests that the GAO made to OMB, if you could do that within the next few weeks, especially those related to the coronavirus response?

Mr. VOUGHT. I certainly view the last week's response as the first of many and will be working to prioritize those and get back to GAO. Yes.

Senator PETERS. I requested that the GAO review Small Business Administration (SBA's) Paycheck Protection Program (PPP), but it is my understanding that the GAO has been unable to fully conduct its review because the SBA has refused to cooperate. As

Acting Director and if confirmed as Director, do you commit to ensure that all Federal agencies fully and promptly cooperate with GAO requests? Clearly, they cannot do their job if agencies are not cooperating.

Mr. VOUGHT. I will certainly commit to looking into it, Senator, inquiring with other agencies on that front, and it is our practice from an intergovernmental standpoint that agencies respond to be able to ensure that the public has the transparency, that this Committee has the transparency to be able to do its oversight work.

Senator PETERS. Mr. Vought, since the start of the COVID-19 outbreak, we have seen a disproportionate impact this virus has had on our communities of color across the country, and certainly, we have seen it firsthand in my home State of Michigan as well.

I know you are aware of these disparities, and we had an opportunity to talk about them on Friday together. I would like you to say for the record here, what specific steps have you taken as Acting OMB Director to try to address this issue?

Mr. VOUGHT. Thank you for the question, Senator. It is something that the task force has been very aware of as soon as we began to see some of the disparities and the impact for those individuals, those communities, and as a result, the task force made it a priority to be able to speak into that need and to be able to provide information where appropriate.

I think you had asked for some further concreteness, and it is a lens that we continue to look for, particularly as we are in the process of dispensing these funds and figuring out, often filling in the gap where there was a statutory lack of how to construct these programs for opportunities. I do not have specifics to report on other than this has been a priority, and it will continue to be a priority.

Senator PETERS. If it is a priority, why do you not have more specifics?

Mr. VOUGHT. There is a need to both get resources out the door as quickly as we possibly can and to construct these programs where there is not statutory specification. We are going continue to do that, and we will keep the Committee up to date with all the information as we go forward.

Senator PETERS. So you will be able to give us more specifics? Because you have the commitment to me and to all the other Members of the Committee that this is a priority for you, and if it is a priority for you, that means you will be able to come back to this Committee and give us specific action that you were involved in?

Mr. VOUGHT. Yes, sir. It is a priority of the administration and I am happy to report back on the administration's policy priorities.

Senator PETERS. Mr. Vought, I have urged the administration to reopen the enrollment period for the Affordable Care Act (ACA) because so many people are clearly losing their jobs now, but they still need access to health care, especially during a pandemic. Access to health care is critical, particularly in the communities of color that we have just been talking about, where underlying health conditions are a major part of why so many people are losing their lives when affected by this virus.

So my question is pretty straightforward. Why is the administration restricting access to health care coverage during a public health crisis when people need it more than ever?

Mr. VOUGHT. We do not think we are, Senator. In fact, there is an open enrollment provision that allows for anyone that has lost their job or had a change in life experience to be able to access the exchange.

The President signed into law, legislation that would increase the Federal Government's share of the Medicaid program by 6 percent, to be able to cover more individuals on Medicaid.

So, again, this is something that we believe that in the various four packages, we have either taken action or we have done work administratively specifically on the matter that you have raised.

Senator PETERS. Why would you not just open up an enrollment for the Affordable Care Act just generally? People have applied—

Mr. VOUGHT. Again, we think it—

Senator PETERS [continuing]. And do not have access to insurance. They are thinking, "I will apply. We are in a pandemic. I better make sure my family is protected." They could do it later in the year, but why not allow that to happen right now when they need it?

Mr. VOUGHT. We want to make sure that we do not have any disincentives for employers that might drop coverage and put people on the exchange. We want to make sure that it is truly there for those who have had a specific change in their job experience and their life experience to have that be reserved for them.

Senator PETERS. Mr. Vought, in Michigan, polyfluoroalky substances (PFAS) contamination continues to be a very serious public health concern. We talked about that on our call as well, and I fought for provisions requiring the administration to stop the use of PFAS in firefighting foams and issue drinking water standards that will protect public health. Will you commit to strongly supporting efforts to phaseout the Department of Defense's use of fluorinated foams?

Mr. VOUGHT. As you know, Senator—and we talked about it last week—the issue of the PFAS has been a priority of this administration. It continues to be a priority for many agencies, including the Environmental Protection Agency (EPA). We will continue at OMB to efficiently get done rules that come from agencies and to ensure that we do everything we possibly can to protect the communities where PFAS has, unfortunately, risen up as an issue.

Senator PETERS. Your commitment to say you will move these as expeditiously as possible and as efficiently—maybe you said "efficiently" as possible was the actual word that you used. Can I then have your commitment to expedite the review of the EPA's drinking water standard for PFAS after it is submitted?

Mr. VOUGHT. Yes, I cannot make any commitment to how long that will take, but it will be a priority. And we will move as quickly as we possibly can.

As you know, we were able to clear a recent PFAS regulatory initiative within 8 days because as an administration, we had to ensure that the interagency process had resolved all of the issues, and we were able to move forward. So I do commit to trying as fast as I possibly can to make sure that happens expeditiously.

Senator PETERS. Thank you.

Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator Peters.

I just want to remind all Members that the little clock is in the lower corner of the screen.

Our next questioner is Senator Carper.

[Pause.]

Is Senator Carper there?

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Yes, just on my voice.

Chairman JOHNSON. OK. There you go.

Senator CARPER. All right. Hello, everybody, and to our nominees, welcome, good to see you.

I may have missed some of the earlier questions from our Chair and the Ranking Member. So if I repeat what was asked, I ask you just to bear with me and just give the same answer that you gave before.

Mr. Vought, as you know, OMB plays a key management and coordination role for Federal agencies to administer programs. This administration has largely deferred responsibility of the coronavirus responses to the States. OMB's role in critical issues related to responses such as procuring needed supplies for key industries and ensuring worker safety in and outside of government and overseeing agency response is unclear. What role has OMB had in assisting and overseeing agencies' abilities to procure key supplies such as personal protective equipment (PPE)?

Mr. VOUGHT. Thank you for that question, Senator Carper.

I have sat on the task force, and so I have been very aware of the conversations and where OMB could be useful. Much of the work that you have asked regarding has been done at FEMA working in conjunction with the frontline agencies like HHS, and so the work of the agencies has been primarily the ones giving the States the resources that they need. And we have also been working with Federal agencies to put out guidance as it pertains to the Federal workforce and as well as on the regulatory front to work with agencies as they are trying to move regulatory initiatives through that would have an impact on the response or recovery on the coronavirus effort.

So all three of the major siloes within OMB have been very active, but the primary immediate frontline response for coronavirus has been at FEMA, working with the task force at large.

Senator CARPER. All right. A follow-up question, what role has OMB had with regards to ensuring essential worker safety, both inside and outside of government?

Mr. VOUGHT. We put forward guidance on two fronts, Senator. We put out guidance at the beginning of the crisis to be able to ensure that agencies were moving to maximum and then to mandatory telework.

Then as we are moving and reopening, we have put forward guidance to help give a grid to agency heads, and we really believe that agency heads need to have the discretion to be able to make many of these decisions because their workforce is so diversified. The number of localities that they work in is so diversified, but we have tried to make sure that they have a grid that follows the phases of the Governors in which their offices are located and to ensure that they do not open up if they do not have the necessary

PPE or other resources to be able to keep their workers safe. And we want to make sure that they have the flexibility to do that.

So one of the reasons we have not provided more of a directive across Federal Government is because this is a 50-State issue that needs to be thought through in conjunction with the public health officials on the ground.

Senator CARPER. I believe when I joined the hearing, I heard Senator Peters asking about responsiveness to the questions and information sought.

Let me just ask this question. You may have been asked this before, but I want to ask it again. One of the major jobs that we have on this Committee is oversight. Our job of oversight, as you know, of our Federal Government, and we take that responsibility seriously.

I never ask questions for information that, frankly, is just for fun because I think it is a given that we need the information to work it out.

Let me ask, will you commit to provide material responses to what was requested of you in the Committee's prehearing questionnaire?

Mr. VOUGHT. Yes. I do commit to working and doing everything I can to be responsive to the Committee.

There are going to be times when we do not feel like we can provide certain information as part of the deliberative process, but you have my commitment that I will always try to get the Committee what it needs to be able to do its oversight and to work in as transparent a fashion as I possibly can.

Senator CARPER. Thank you.

Normally, I would open with a short statement, but I am going to just close with a short statement. My time expired.

Mr. Chairman, thank you for bringing this together for this hearing today.

As you know, our Nation is facing multiple national emergencies, the likes of which we have almost maybe never seen in our lifetime, my lifetime, and I have been around for a long time. Americans are suffering with the level of intolerance and violence. This Committee occupies a unique role as the chief oversight committee of the Senate.

Further, this Committee has come together on previous emergencies such as after 9/11, which I witnessed personally, to work in a bipartisan way to develop solutions and work to address those issues.

While I am committed to seeing Mr. Vought and Mr. Leen, Mr. Leen is here with us today, we have a responsibility as well to be responsive to our constituents and we work together to develop solutions to the multiple crises I mentioned.

Let me ask one question, if I can, of Mr. Leen. Mr. Leen, if there is just one point you would like to make with those of us on this Committee, what thing about your service would you like to do as well, what would it be? I like to say the main thing, make the main thing, the main thing. What will be the main thing for your service, if confirmed?

Mr. LEEN. What would be the main thing for me to focus on as IG?

Senator CARPER. Yes. I have a friend who used to say, gave me advice when I was elected Governor. He said, "Just remember this, Governor. Keep the main thing, the main thing," and that is the focus of what is most important, pretty well the most important.

Mr. LEEN. The main thing to me is fulfilling the public trust that is given to me and doing that to the full extent I can. So when you ask would I be responsive to Congress, I would be, and my job is to be transparent and to point out recommendations and to see those recommendations are done.

Senator CARPER. Last, if you are confirmed, how do you plan to maintain the independence and objectivity of the Office of Personnel Management as Inspector General?

Mr. LEEN. From day one, the moment I get there, I will talk to my staff at the Inspector General's office and let them know that we are obviously independent. I will send a message to all of OPM, letting them know I am independent and that I have an open-door policy. And I would ask the OPM Director or Acting Director to send a message to all staff at OPM indicating my independence and that they should provide me access to all information.

Senator CARPER. And beyond that?

Mr. LEEN. I think that to me is an excellent start, and every day I will have to show that I can do that. But I can. I have done that in my career. I did that at Coral Gables. I have done that at OFCCP even in a political post. I have always been an honest broker and given my honest opinion.

Senator CARPER. Keep it up. Thanks so much.

Chairman JOHNSON. Thanks, Senator Carper.

Again, I will remind everybody you have that clock in that lower corner of your screen there.

I saw Senator Scott on briefly, but I do not see him now. So unless I hear from him like quick, we will go to Senator Hawley.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you, Mr. Chairman.

Mr. Vought, let me start by asking you about the administration's deregulatory agenda, if I could. I know this has been a major focus for the President, and I know that there have been additional deregulatory members taken as part of the coronavirus pandemic response. So let me just ask you maybe to start with that. Tell us about what steps in response to the current health crisis have been taken on the regulatory front, and then I am going to ask you about what of those you see being made permanent to the overall State of the deregulatory effort.

Mr. VOUGHT. Sure. Thank you, Senator.

I think this administration has had an outpouring of creativity as it pertains to trying to deregulate and use enforcement discretion. There has been 600 different actions that this administration has done to respond to the coronavirus shock that we have seen, everything from ensuring that if the manufacturer wants to be able to produce a similarly made ventilator or to be able to allow distillers to create hand sanitizer or ensuring that a restaurant that has a takeout delivery system does not have quite the same nutrition labels. These are all things that we have been able to either

temporarily waive or to be able to use the enforcement discretion on.

The President signed an Executive Order that I am sure you have seen that would ask all agency heads to look through those lists and identify what they can turn into permanent regulatory activity. He was very clear when he signed that and when he was talking about it at the Cabinet meeting to ensure that he did not have anything specific in mind, and he was not saying that agencies do not need to make sure that they continue to abide by the statutes and take care of things like public safety and all of the things that they are required to do by enforcing their laws.

So I do not want to get ahead of that reporting function, but we do look forward to what the agencies bring back to us.

In terms of the overall deregulatory efforts, it is going very well. We have had about seven and a half of deregulatory rules for every one. The President committed to the American people to do two for one. So we continue to move forward in that area, and I think this has been an opportunity to find things that we might not have seen before as potential areas of deregulatory initiatives had we not gone through this unfortunate crisis.

Senator HAWLEY. Thank you for that.

What is the timeline, just by the way, on the Executive Order (EO), the report back that the President has asked for? When are you expecting those recommendations, those reports to come back?

Mr. VOUGHT. I am expecting them soon. I can get back to you with a specific deadline, but I know from talking to my colleagues, they are working on this very quickly. Many of them were excited to have that direction from the President, and they will be coming. I do not expect them to wait on a deadline to be able to get back to us.

Senator HAWLEY. Very good. I look forward to following up with you about that.

Speaking of Executive Orders, the President last October issued two significant orders reforming the treatment of agency guidance. I wonder if you could explain a little bit about why these Executive Orders were necessary and what reforms they instituted when it comes to the guidance question.

Mr. VOUGHT. Sure. And, honestly, a lot of the idea and thinking behind those important EOs came from some of the legislative work that started at this Committee.

But we put forward two Executive Orders. One was designed to get guidance out of the dark, to require them to be—for agencies to put on a public searchable website, any of the guidance that they are going to continue to rely on. And the point of that is to make sure that people have certitude and certainty with regard to the guidance that agencies are relying on.

Guidance often does not go through the normal process. We have asserted that it should have, but often there is a culture that would require it not to go through notice and comment and the cost-benefit analysis process. So we very much want to make sure that when agencies are using guidance as a reason to regulate, that that goes through the same procedures as a normal rulemaking would.

With regard to enforcement, again, we want to make sure we are getting our arms wrapped around the administrative state. We do

not ever want to hear about examples in the future of someone building four ponds on their property in an attempt to fight a future wildfire and find out that they were at cross-waves with the EPA and then spend years of their last few years of life—and I am thinking of Joe Robertson, the Navy veteran, who spent a year and a half of his last 3 years in a prison because he built those four ponds. We want to ensure that people have information and they know what agencies are relying on and that they have an ability to challenge these decisions and to be treated with respect from that standpoint. That is what the enforcement EO is all about.

Senator HAWLEY. It has been about 6 months since those two were signed. Do you have any indication—the orders, that is. Do you have any indication yet about how effective or not they have been?

Mr. VOUGHT. We think we are on the road to ingraining that culture in with the agencies. The first deadline was for the websites to be up, and the vast majority of agencies have complied.

The EO allowed us also to extend the deadlines where we felt it was necessary, and there has been a couple of instances, namely the Department of HHS, where the sheer number of mix of agencies and guidance that they need to continue to work through gets reflected on the website, but everyone is moving full bore ahead.

Senator HAWLEY. Very good. Thank you, Mr. Vought. Thank you for your testimony today. I look forward to supporting your nomination.

Mr. Leen, just a very few seconds that I have remaining there as I glance at the clock, let me just ask you. In your written testimony, you noted that over 300 open OIG recommendations would be the primary focus for your work as IG.

I want to talk about the incident in 2015 when OPM was the target of what has been described by Federal officials as maybe the largest breach of government data in United States history at the hands of Chinese hackers who compromised—I think it was 21.5 million records.

My understanding is OPM still has several open OIG recommendations regarding data protection and privacy that have not been implemented. So can you tell me, if you are confirmed, will the protection of Americans' personal data rank at the top of your list in terms of prioritizing open OIG recommendations?

Mr. LEEN. Definitely. The data breach was a catastrophe, and it is something that cannot happen again.

Many of the open recommendations go to information technology (IT) issues and security issues. They will be a top priority for me.

Senator HAWLEY. Very good. Thank you.

Thank you, Mr. Chairman.

Chairman JOHNSON. Thanks, Senator Hawley.

It will next be Senator Scott and then Senator Rosen. Senator Scott.

OPENING STATEMENT OF SENATOR SCOTT¹

Senator SCOTT. OK. Thank you, Chairman, for having this Committee hearing today.

Mr. Vought, thank you very much. I have enjoyed working with you since I have been up here, and I know you are very focused on how do we watch taxpayer dollars. Thank you for focusing on how you are going to work with Inspector Generals to make sure our dollars are spent well.

So now our Federal debt is going to be, what, \$25, \$26 trillion by the end of the year? I think for the first time, it is going to be more than 100 percent of our gross domestic product (GDP), I think, since, what, World War II? So I personally believe this is dangerous and unsustainable.

What steps do you think you can take or we should be doing that is going to help address this?

Mr. VOUGHT. I appreciate the question, Senator. It is a passion of mine, and I do share your concern about where we are.

I do not think anyone would argue that this has not been a once-in-a-generation shock to the economy from a public health standpoint and the economy, and this administration is proud of the efforts that we have done to respond. And we will continue to do that, if necessary.

But that should not keep us as a country from coming together and being able to pursue reforms where we can agree. This administration has put forward more spending reforms than any President in history, and we have not had congressional support yet. And we hope that will come at some point.

We have put forward a budget resolution that contains many of those reforms, and we will continue to be working with Congress to see those turn into law in the future.

Then we want to make sure we implement the law as best we possibly can to make sure that anything that taxpayers have been able to provide to meet the crisis where it is, is done in as a fiscally responsible manner as possible. There is always conversations to start and policy processes to continue as we try to reach alignment with Congress, and I am happy to work with you in the future as we have since I have been the Acting Director.

Senator SCOTT. Yes. Well, again, thank you for what you have been doing.

In fiscal year 2018, the GAO's governmentwide estimate of improper payments was \$152 billion, and then in fiscal 2019, it rose to \$175 billion in improper payments. So, if confirmed, what are you going to do to try to figure out how to get that down? It would be nice if it was zero, of course, but what would you do to reduce that?

Mr. VOUGHT. It would, and I think the fact that it has gone up is a reflection that spending has gone up.

But Congress has given us some recent tools with the Payment Integrity Improvement Act. So we are hard at work to be able to implement that law and some of the new tools allowing States to use the Do Not Pay Center at Treasury. We continue to look for other reforms that give us more of a statutory authority to use the

¹ The prepared statement of Senator Scott appears in the Appendix on page 41.

Social Security death file to be able to track that with other databases.

We are trying to change the culture in many agencies, that instead of giving them more paperwork to fill out, it gives them more of an encouragement to find out what is the root cause of where some of these improper payments are coming from.

So it is certainly something that I will commit to, to be a priority, because it has been in all of the budgets that we have proposed, but we want to be able to have a declining rate in the years ahead.

Senator SCOTT. Thank you.

I recently introduced the Agency Accountability Act, which creates a commission to regularly review Federal agencies for wasteful spending and inefficiencies. There is currently no process for Congress to review Federal agencies in this way, and I am very interested in seeing what savings the Federal Government could find if we examined in the most efficient way, these agencies to operate.

So do you have any suggestions of areas in the Federal Government that you feel that we have ignored, that we might be able to find efficiencies and reduce spending?

Mr. VOUGHT. Thanks for the question, Senator.

Our budget is chock-full, but let me give you one in particular. We have 85 different cultural student exchange programs at the Department of State. This has roughly doubled just in the last 20 years, and yet as many people that have benefited from coming to this country—and we do want people to continue to come to this country and see our culture and our society and build those ties—only 1 percent of them have been using these 85 different programs.

Congress spends about \$607 million in these 85 programs, and it is one of the reasons that we have called for not only elimination, but a reduction in that area. So that would be one place that I would start.

But I think within every agency, there are opportunities to find waste, fraud, and abuse, and I hope that you would consider us as a partner in that.

Senator SCOTT. Thank you. Thank you, Mr. Vought.

Mr. Leen, I am glad you are from the great State of Florida. Thank you for the work you have done so far.

What do you think is going to be your biggest impact on being able to save money?

Mr. LEEN. Part of it is what you just talked about, which is improper payments. The OPM IG's office has been very successful saving taxpayers a couple billion dollars over the last few years.

I think investing in IG's offices, particularly in the law enforcement and audit component, is something that is key to reducing wasteful spending.

In addition, I do think that the IG's office at OPM should be doing more evaluations of how the Federal civil service works to make sure that we are getting economies and efficiencies. We have only been doing about one a year at the OPM IG, and I think that considering it is the Federal civil service, you are talking about 3 million, approximately, workers in the United States. It seems to me that we should be focusing more on that and the way that that is done and ensuring that there is economy and efficiency there

and we are always hiring people based on merit. I feel that part of the role of the IG is to ensure that occurs.

Senator SCOTT. So you would like trying to hold people accountable and watch how money is being spent? Because being a business guy, no one ever came to my office as Governor and said spend less money. They always wanted to spend more money. So how are you going to handle all that pressure?

Mr. LEEN. I do. I do like that. I would use you as an example when you were Governor of Florida. I remember that you did that with the—I was the City Attorney, and you vetoed excessive spending. And you were always looking at the pocket book.

I would do that as IG. I would make sure that money is being spent correctly, and if it is not, I would make noise. I would issue that recommendation. I would inform Congress.

Senator SCOTT. Thank you.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Rosen.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you. I want to say welcome to our nominees. Welcome, and thank you for your willingness to serve.

Mr. Vought, I would like to direct my first question to you. A couple of weeks ago, the President sent out a tweet claiming that if my home State of Nevada—and I am going to quote here—“thinks that they can send out illegal vote-by-mail ballot,” unquote, then he, the President, thinks that he—and I will quote again—“can hold up funds to the State,” unquote. The President directed the tweet to you, Mr. Vought. At the end, he tagged you via @RussVought45.

So because I have limited time and a few questions, I would just ask if you would please answer yes or no.

Did you discuss this tweet with the President before it went out, sir?

Mr. VOUGHT. Senator, I do not make it a practice to talk about my conversations with the President, suffice it to say he wanted me to be aware of his tweet, and so he chose that as the mechanism for letting me know.

But the President has also indicated that we have not made that—he has not made a decision to move in that direction, and OMB has not done anything on that front to begin to withhold funding as it pertains to those two States.

Senator ROSEN. Thank you.

Do you know what the President meant when he said he could hold up funds to Nevada?

Mr. VOUGHT. Again, I am not going to get into any kind of deliberations that we might have, but in general—

Senator ROSEN. You do not know what he meant by that? We do not have any direction there?

Mr. VOUGHT. I cannot give you any direction. It pertains to the ability to look at a program by program, consistent with the law, and to identify what flexibilities are there. But, again, we have not done that, and the President has not—

Senator ROSEN. So I know—

Mr. VOUGHT [continuing]. Consistent to move in that direction.

Senator ROSEN. So have you had any discussion with the President? You had no discussion with him at all as to what funds he was referring to?

Mr. VOUGHT. Senator, I am not going to get into the conversations that I have with the President or our deliberations at the White House.

Senator ROSEN. So you will not say that you have ever advised the President, then, as to what funds he could hold up in retaliation for a policy he might not agree with in my State?

Mr. VOUGHT. Senator, again, I think I have been forthcoming with sharing that we have not moved forward in any effort to make an assessment about what discretionary authorities we would have, but I cannot get into the conversations that I have with the President of the United States.

Senator ROSEN. Mr. Vought, I just want to be clear that I believe it is never right for the President to threaten to unlawfully withhold critical funds from States, but it is particularly troubling to us now in the midst of a global pandemic and the economic crisis that has killed over 100,000 Americans and has led to my State, the State of Nevada, having the highest unemployment in the Nation.

States across the country are spending billions of dollars to help their residents in this time of need, and at the same time, our overall tax revenue has taken a major hit. This tweet has created such anxiety in our State and for people up and down, like I said, Nevada and across the country, people who depend on Federal funding right now, small business owners, our unemployed workers, our rural hospitals, domestic violence service providers, so many others.

So I just want to say I urge you, if confirmed, to ensure that the law is followed and that OMB is not used as a tool to hash out political disagreements.

But I am going to move on to two final questions on this topic. As Acting Director of OMB, do you believe that funding should be withheld from my State as a result of instituting a wholly legal vote-by-mail policy, and if so, what funding do you think my home State of Nevada should be denied?

Mr. VOUGHT. It is not my role to have an opinion on that, Senator.

I would say that I do not have an opinion as it pertains to what funds would be eligible because we have not done the review, which is what I had said earlier.

But I would say as a response to the very end of your last question that OMB is dogged in accomplishing the President's objectives consistent with the law.

Senator ROSEN. Let me stop you because I have limited time. I just want to ask you this final question on this topic. If the President asked you to withhold funding, will you comply with his order, or will you follow the law?

Mr. VOUGHT. Again, we are always at OMB trying to accomplish the President's objectives consistent with the law and the belief we—

Senator ROSEN. So you will not follow the law? You will follow the President's order, regardless of the law?

Mr. VOUGHT. Consistent with the law is what I said, Senator.

Senator ROSEN. Consistent with the law. Thank you.

I would like now in the few minutes I have remaining to talk a little bit about Yucca Mountain, another very important subject to the State of Nevada.

For more than 30 years, we have been fighting against a misguided effort to dump all the Nation's nuclear waste at the Yucca Mountain site in Nevada, despite the fact that we have never consented to storing other States' waste in our State. So instead of wasting more taxpayer money on this project, we should find alternative uses for the site, creative uses, without threatening the health and safety of Nevadans.

That is why last year, I introduced the Jobs Not Waste Act, which would prohibit the Secretary of Energy from taking any action related to the licensing, planning, development, or construction of a nuclear waste repository at Yucca Mountain until two things happen. One, the Director of OMB, which would be you if confirmed, submits a study to Congress on the economic viability and the job-creating benefits of alternative uses of the Yucca Mountain site; and two, that Congress would hold a hearing on these economic benefits and alternative uses.

And so what I would like to ask you is this. As you have noted, unlike several past budget requests, the President's fiscal year 2020 budget did not request funding for Yucca Mountain. Can you commit that if confirmed, your future budget proposals will also not request funding to store the Nation's nuclear waste at Yucca Mountain?

Mr. VOUGHT. Thank you for the question and for noticing that the President did not request funding for Yucca Mountain in part because one of the reasons is that the State for so long has opposed it.

Look, I am happy to ensure that the President's positions are reflected in the budget and take a look at your bill, but I think the President agrees with you. And we are going to ensure that future budgets continue to reflect where his head is at.

Senator ROSEN. Thank you very much. I appreciate it.

Chairman JOHNSON. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chair and Ranking Member Peters, for having this hearing today, and to Mr. Vought and Mr. Leen, thank you for being here, and thank you for your interest in service.

Mr. Vought, I want to start with a couple questions to you. As the coronavirus pandemic unfolded across the United States, the President released his fiscal year 2021 budget request that called for a \$9.5 billion cut to the Department of Health and Human Services, including massive cuts to the Centers for Disease Control and Prevention and the National Institutes of Health (NIH).

He later amended the budget request for CDC and pandemic response, but you are still requesting billions of dollars in cuts to the Department of Health and Human Services for fiscal year 2021. And you are still requesting less money for the National Institute of Allergy and Infectious Diseases (NIAID), the agency headed by

Dr. Fauci, the agency that is taking the lead in responding to COVID-19.

In the middle of this pandemic, how can you possibly justify cutting spending from Dr. Fauci's agency and cutting billions of dollars in Federal health spending in the next fiscal year, which starts just 4 months from now?

Mr. VOUGHT. Thank you for the question, Senator, and for noting that we both in our budget and in our budget amendment increased funding for the CDC's fight against infectious diseases.

We had originally had a 3 percent increase. We amended our budget, because resource needs change, to have a 15 percent increase. CDC under the amended budget would have an increase of 8 percent.

In that amendment, we had an increase as well for NIAID within NIH.

In terms of overall from HHS's perspective, they are about a \$100 billion agency, and we believe that even places like NIH—and I support and the President supports basic health research—that it is important for all agencies to be able to look and find out where they can do things more efficiently. We have found that even at CDC, there are things on the occupational health side, various studies that have been done that we do not think are as much of a priority, given their important work to fight infectious diseases, and that is the conversation we wanted to have with the Hill.

Senator HASSAN. Mr. Vought, thank you for the answer, but let me just be really clear. It is one thing to watch a careful cost-efficiency kind of review of an agency. I would suggest to you that in the middle of a pandemic, where most people think that the Executive Branch's efforts have been stretched, to say the least, and ineffective and wanting in some areas, the thought of underfunding the agency at this critical time instead of looking at what the needs are to meet this moment is inappropriate and reflects poor judgment.

Let us move on to another issue. As we discussed spending priorities and the government's role in responding to a public health crisis, I want to emphasize how important it is for agencies to commit resources to improving the quality of Federal information technology. These improvements will allow the government to more efficiently and effectively deliver on its mission, maintain a robust cybersecurity posture, and prepare for and respond to unexpected circumstances.

Recently, we have seen how the Federal response to COVID-19 was hampered by aging IT systems across the government, whether it was the Internal Revenue Service (IRS) struggling to disburse millions of economic relief payments or SBA's E-Tran website crashing as it tried to roll out the Payroll Protection Program.

Do you agree that the Federal Government's aging technology slowed its response to COVID-19 and delayed critical aid in services from getting to the American people?

Mr. VOUGHT. I would just say that I agree that the aging information technology is a problem for all of government. It had its implications with regard to this response in recovery. We have seen it personally because there is a small portion of OMB that is called the U.S. Digital Service that works hand in hand with agencies to provide technical assistance, and they have been deployed with

States to help out on the user interface (UI) front and with various agencies throughout this.

Your concern continues to be our concern, and we want to make sure we work together to make sure that when we spend \$80, \$90 billion per year for IT maintenance and improvement that when we are in the midst of a crisis and when we are in a steady State that we have every opportunity to have the American people get the service that they deserve.

Senator HASSAN. Can you elaborate and fairly briefly, please, on what steps you will take, if confirmed, to prioritize Federal IT modernization investments and help agencies achieve their modernization goals? Because in my experience, this is one of the things that gets pushed to the side. Again, when broad cuts are made without being thoughtful about them, this is the type of thing that gets delayed and delayed. So what specific steps can you take?

Mr. VOUGHT. Sure, and I would just say—and I will try to do it briefly—when we have constructed budgets on behalf of the President, we have never shorted IT when an agency has come forward and said this is important from that standpoint.

We have also prioritized the Technology Modernization Fund because we think it is a vital way to move around some of the legacy issues that we have, but Office of the Federal Chief Information Officer (OFCIO), one of the office's at OMB, will continue to make a push to move beyond these old systems and move things toward digitally and cloud-based services. And you have my commitment to work on that.

Senator HASSAN. Well, thank you for that.

I am going to turn now to a couple of questions for Mr. Leen. Mr. Leen, in recent weeks, President Trump has removed several Inspectors General and Acting Inspector General for doing their jobs, the jobs that they were assigned under Federal law, giving honest assessments about failures in Federal agencies and among Federal officials.

This comes at a time when at least 100,000 Americans have died from the COVID-19 pandemic. Millions have lost their jobs, and Congress has dedicated trillions of dollars to recovery. Taxpayers are depending on all of us to make sure that it is acting appropriately, and Inspectors General are vital to accountability. But given the President's recent actions, I am skeptical that he is nominating independent individuals to these roles.

You have stated that when necessary, you are willing to speak truth to power. Do you stand by this statement even now as Inspectors General across the government are being targeted for their findings?

Mr. LEEN. I do commit to that, speaking truth to power. That is something I have done my entire career.

Senator HASSAN. If you are confirmed, how do you plan to navigate the tension between performing your duties and an administration that is trying to block oversight?

Mr. LEEN. I am not going to necessarily accept that premise. I have been nominated, and I believe that I am being asked to be an Inspector General, to do my work. It is really between the President and Congress about Inspectors General as a matter of policy.

What I can promise you is that I am—the main thing is you cannot be worried about keeping your job. You just have to go into it, do your work, and if I lose my job because any President decides to remove me with the 30 days notice under the IG Act, then I will get another job. But the main thing is to keep my reputation and to do my work well, and I will. I commit to you.

Senator HASSAN. Thank you, and I see that I am out of time, Mr. Chair.

I would look forward to further discussion with you, Mr. Leen, about why you do not accept the premise, but I will leave that to another day.

Thank you very much, Mr. Chair.

Chairman JOHNSON. Thanks, Senator Hassan.

Senator Portman.

OPENING STATEMENT OF SENATOR PORTMAN

Senator PORTMAN. Thank you for having this hearing, Chairman Johnson.

Russell, welcome to the Committee. Congratulations on your nomination. I am glad that you will now be nominated for the job, and as a former OMB Director, I am glad that we are going to be moving from Acting soon, I hope, to a confirmed position. You have done a good job, in my view, in your Acting role and in your prior roles, and so I am happy to be supportive.

I do have some questions for you today. The first one is just about oversight of the COVID-19 funding. We have not had the opportunity as a Congress to do the kind of oversight that I wish we had and certainly not that you would normally do on four pieces of legislation, now totaling \$3 trillion.

But in the legislation called the CARES Act, we actually did provide some measure of oversight. One thing we asked is that we need to know whether the CARES assistance is helping to preserve or create jobs, and I think that is important. We required that people who receive \$150,000 or more report how many jobs they are creating or preserving. I am quoting now from the statute: “Each covered participant shall submit to the agency a report that contains a detailed list of all projects or activities for which funds were expended, obligated, and including the estimated number of jobs created or retained by the project or activity.”

OMB recently received—or released some guidance that in my view seems to contradict what the legislation clearly says. I just wanted your comment on that. It says that the OMB anticipates that in most instances, centrally available economic data will provide sufficient information, quarterly reports without the need for recipients of relief funds to report the estimated number of jobs clearly retained.

So you are Acting Director now, I hope soon to be Director. I do not see how that guidance comports with the law, and I do not see why, again, in the context of spending nearly \$3 trillion, we do not have more rather than less oversight. At least the oversight that is provided in the statute ought to be followed.

Can you talk about that?

Mr. VOUGHT. Sure. And I do appreciate your comments and your question, Senator. It is high praise coming from you, a former Director, to have you reflect on my time at OMB that way.

As it pertains to more transparency versus less, OMB wants to be the partners of Congress with regard to that. That portion of M-20-21, which was our management guidance, was an attempt to be able to communicate to agencies the balance that we believe we saw reflected in the law between the oversight and transparency requirements that you all enacted or you all voted for along with the speed at which you all wanted us to be able to get this funding out the door to those who would benefit from it. So it was not an attempt to ignore the law as it was an attempt to figure out what is the best way to ascertain whether a particular program is actually leading to jobs and our attempt to do it and not have too much paperwork built up on behalf of agencies and the recipients.

But we are happy to continue the conversation with Congress as it pertains to its view of how that provision was written.

Senator PORTMAN. Yes. We would like to have that conversation. I mean, the fact that you say we can rely on macroeconomic data, the question is, What is the correlation between that and what we have done? So the macroeconomic data may indicate that there is an improvement or not, but without going through the process of getting the data from recipients, it is very hard to know what effect our actual expenditures had.

So I would hope that you would reconsider that and you work with us on that.

Senator Carper and I are about to introduce some legislation that came out of our Permanent Subcommittee on Investigations (PSI). It has to do with China. It has to do with the China talent program stealing our technology, innovations, internet protocol (IP). It has to do with Federal funding because this is taxpayer money going to NIH or National Science Foundation (NSF) or Department of Energy (DOE) or elsewhere and then being given out to research universities. China finds promising research through its programs. It effectively takes that research and sometimes the researchers back to China, often commercializing this research long before we do. So it is something that everybody, I think, views as a problem.

One of the ways we, I think, can hit it off is to have the Office of Management and Budget be more involved in coordinating between these Federal agencies like NIH, NSF, and Department of Energy.

We establish a new council. I think you are aware of this because your folks were very helpful in providing us technical information to be able to put this together properly and technical advice as to how it could work going forward. The Federal Research Security Council is the name of it.

Can you tell me, one, what your familiarity is with that and whether you are familiar with it or not? We would love to work with you going forward, should we be able to enact this legislation to make sure it is effective, which would mean working with the Office of Science and Technology Policy. They have already begun establishing some standards, but really requiring these agencies to have transparency between themselves, to share information, to let

grant-writing, grant-giving agencies know who some of the problematic recipients are, so that there is shared information. Can you speak to that, Russell?

Mr. VOUGHT. Sure. And I am aware of the bill, and that we have been participating and trying to give you all technical assistance.

Without speaking on behalf of the administration, I would just say that this has been a theme, a priority in general about ways that we can tackle this problem, and so many of the ideas are things that I think OMB would be well situated to help out with. We would perform this function with regard to the supply chain council, and I think that this is—our all-of-government perch allows us to play an important role here. So I am happy to continue to work with you all as you move forward in the legislative process and it gets to the President's desk.

Senator PORTMAN. Great. Our hope is that this can be even a nonpartisan exercise. It has been so far, and I think everyone is shocked by what is happening. It is one of five reforms in the bill and I think a very important one. So we thank you for that and thank you for helping us on the technical assistance to get us to this point.

There is another organization that OMB houses, and that is the Federal Permitting Improvement Steering Council (FPISC). This came out of legislation back in 2015, part of the highway bill, and it has been terrifically successful, particularly recently, saved a billion dollars, as you probably know, improving the permitting process. They have reduced permitting timelines by about a year and a half for covered projects, which is amazing. So of the very few projects that have gotten into the system that are able to be covered, they saved over a billion dollars, which just shows how much we can do with more efficient green lighting of projects through permitting.

First, are you aware of the permitting council? Have you been involved with it? Do you envision it continuing to work as it is currently operating, if you are familiar with it? And do you have any suggestions about how we can make it work better, more transparency, more accountability, and getting more projects involved?

Mr. VOUGHT. Certainly, Senator, I am aware of it and the important work that it has been doing to reduce permitting timeframes. This has been a priority of the President. Much of the work that they are doing is involved around the issue of trying to get as much as we possibly can to having one Federal decision. I think they are doing important work.

I do not have any immediate suggestions on how to improve on it, but I am happy to take your views with any follow-up to provide transparency if there is a need there and to make sure that it is bolstered, and it is important work.

Senator PORTMAN. Great. Russ, thanks very much, and again, good luck to you. We have a lot to work on going forward.

Mr. VOUGHT. Same here. Thank you, Senator.

Chairman JOHNSON. Thank you, Senator Portman.

I feel bad that I missed Senator Lankford the last time around, but, Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. The redhead is always hard to see. I just kind of blend in. I get that full well, so no problem on that.

Let me ask a couple of questions on this. Mr. Leen, let me start with you on this. Thanks for stepping out to do this. We have needed someone in this position for 4 years now, and I am grateful that you are stepping up and willing to be able to take this on.

You and I have visited before already in my office to be able to talk through a lot of these background issues. Tell me your thoughts on the retirements for Federal retirees and what your thoughts are on trying to be able to help this process because this has been a painful process for Federal retirees to be able to get into the system for a while.

Mr. LEEN. Yes.

Senator LANKFORD. So do you have additional thoughts going into this?

Mr. LEEN. Yes. And as I mentioned to you, this will be a priority for me. It is just too much of a gap in time for so many people to be able to get those retirement benefits that they have earned.

The same issue came up in Coral Gables, to some extent, regarding retirement, I think, I mentioned to you, and I oversaw a review of our auditor and issued a report. And we fixed that problem that came up there. My job as OPM IG would be to do the same, to bring attention to that specific issue, which should be fixable—it should be fixable—and do recommendations focused on that and then bring attention to it. I would make that a top priority.

Senator LANKFORD. Terrific.

Mr. LEEN. I believe we owe it to our Federal workforce.

Senator LANKFORD. Terrific. Glad to hear that because that has been something that has been hanging out there for years and years and years. Digitizing those records, getting a consistent path from every agency to be able to get all the information in, especially if someone works for two or three agencies, their retirement takes painfully long to be able to start. So I appreciate your focus on that.

Same thing, we have had a lot of recommendations from the Chief Human Capital Officers Council (CHCOCs) over the years on hiring authorities, management authorities. They seem to be floated, but I do not have a set of recommendations that I can get from an IG. Is that an area you would want to be able to look at on how we are doing hiring authorities, what is working, what is not working, what hiring authorities are seldom, if ever, used? We have 120 different authorities and just a lot of clutter out there in the process, and we need to be able to have some consistent pathways.

So I am not looking for the answer at this point, but your commitment to be able to look for how we can get to the answer.

Mr. LEEN. Senator, I really want to look at that. I want to look at Schedule A, veterans' preference, hiring of disabled veterans, and that is just three of them. There are so many, and you are right. It should be made more efficient, and we should be using them correctly. It should not be ad hoc, depending on the agency and the proclivities of a particular agency. There should be general policies.

Senator LANKFORD. OK.

Mr. LEEN. I agree with you, and I would focus on it.

Senator LANKFORD. I look forward to working with you on that one. Senator Sinema and I, that is something that we have talked about often on both of those issues. You will find in our Subcommittee, some willingness to be able to engage on that. I want to try to get that resolved. I look forward to your recommendations.

For Mr. Vought, it is good to see you again. Thanks for all the work that you have already done. You have been very responsive to our office, and I appreciate that. We have asked hard questions. We have asked, at times, for information and details and numbers. Your team has been responsive to be able to get us answers back, and I appreciate that in the way that you are working through some things.

Let me ask you a couple of things, specifically on guidance areas. This is an area that has been a long standing problem that if you are new at a business and you want to say what guidance is out there from a particular oversight agency, there is no place to go. Basically, the Federal Government says to every person in every company, "Go figure out on your own where the guidance is located."

You have been leading a structure to try to get some kind of listing of guidance out there from every agency. I want to know how that is going and what is the process. What do you expect to do with that in the future?

Mr. VOUGHT. Thank you, Senator, and appreciate the kind words.

We are making progress on that. To that particular concern, anyone who creates a business wants to know what an agency has said as it pertains to speaking authoritatively would be able to go to that agency and see a searchable public website.

Most of the agencies have already complied. The EO that the President signed last year gave the ability for OMB to grant extensions, which we have in some examples, particularly HHS that has such a monumental job to get their arms wrapped around all the guidance that they want to be reflected on that website.

And then the other aspect of that EO was the agencies would put together an actual rule about how they would attempt to consider and move through, guidance through the regulatory process, and we are making progress on that front.

We want to make sure that if guidance is being used in place of rulemaking that it go through the cost-benefit analysis and gives the same level of scrutiny and the American people the ability to notice and provide comment to that regulatory document that impacts their life.

So we appreciate your leadership, this Committee's leadership on providing bills that kind of articulate this direction, and we welcome the ongoing partnership on it.

Senator LANKFORD. Yes. There is a bill that we have worked on a while, and your team has given some technical assistance in that, the Taxpayers Right-to-Know. That bill passed unanimously through the House. It has now cleared the Republican side, and so I am not sure which one of the Democrats at this point is holding up the bill that even Speaker Pelosi was for. It is currently being

tied up on the Democratic side. We are trying to be able to get that resolved.

One of the No. 1 issues for GAO for years has been that it takes them a very long time to be able to compile information. That should be readily available.

The first time that that gets started, I know it will be a burden to get it started, but once it started from every agency, it would be extremely helpful to GAO, the American people, and certainly to Congress to be able to know what each agency does, full-time equivalent (FTEs), what the programs are, what the costs on those things are, which we do not know at this point. My suspicion is it even takes your team a long time to be able to compile that. Certainly, that is dark to us. So I appreciate your team's help on trying to get the Taxpayers Right-to-Know done and to be able to get it right in the process.

Let me ask you another question, though, about Corps of Engineers. You and I have spoken specifically because this has been a longstanding issue. The Corps of Engineers will say they make recommendations to OMB that goes into a black box. Members of Congress, myself included, would talk to the Corps and would say, "OK. What are your top priorities?" They will say, "This particular project in your State is a life safety issue. It is a top priority for us," and then when it all pops out as far as administration proposals, it is not on the list.

That black box of how decisions are made for Corps of Engineers' projects around the country as it gets into the OMB part has been hard to be able to get our arms around. It is not a partisan issue. It is just an issue of how decisions are made.

I would like to be able to work with you and your team in the days ahead and the Corps of Engineers to try to figure out how to make this a more transparent process. Are you open to that?

Mr. VOUGHT. Certainly open to it. In the area of reformed Army Corps, I would love to work with you. Often what is involved there is reflecting the President's views on these important decisions as well and making sure the Corps itself has that reflected in their plans, but certainly want to be as transparent in this as possible. And we believe that OMB is actually a part of the process that makes it go more smooth and that helps provide information to Congress in a transparent manner.

Senator LANKFORD. Yes. Look forward to that. Thanks again for your willingness to be able to serve on it. Thanks.

Chairman JOHNSON. Thank you, Senator Lankford. Senator Romney.

OPENING STATEMENT OF SENATOR ROMNEY

Senator ROMNEY. Thank you, Mr. Chairman, Ranking Member Peters. My questions also are going to be directed mostly to Mr. Vought.

I appreciate your service already and your willingness to take this further.

I think there is wide bipartisan agreement that during the economic crisis and the health crisis that we are undergoing that we have to provide the funding necessary to help families that need relief and try and keep businesses operating so that we are able to

have a recovery. So even though a lot of us that are spending hawks and debt hawks are concerned about all the debt, we recognize that now is the time—if there ever is a time, now is the time to be borrowing.

But I guess the question is as we think about the next phase—and whether or not there is going to be another rescue package, I do not know, but if there were to be another rescue package, do you or does the administration think it would be important to include in that rescue package some provision for dealing with the structural debt problem, the structural deficit problem that we have?

And by that, I will just note that I have spoken with a number of individuals, including a former Secretary of the Treasury, who said, “Look, the world markets that buy our debt will understand borrowing during the COVID crisis, but they do not understand an extra trillion dollars a year in excessive borrowing during good times.”

So is this a time? Would it make sense to include some provision, some process to ultimately deal with our structural imbalance?

Mr. VOUGHT. Senator, thank you for that question, and I think you know that I am someone that is very concerned about spending and debt deficits, and this President has as well been concerned about that with the budgets that he has put forward.

It often goes unnoticed that the budgets that he has put forward have had more spending reforms than any President in history, including on the mandatory side to reforms, welfare reform, direct pricing reform, and so we believe that there is an opportunity in the future to be able to identify some of these things, work with Congress, and to be able to enact them. And we would welcome that, and we would welcome any ideas that Congress has to include in the next package if it is deemed necessary, if we have implemented the first four bills, and there is a bipartisan consensus to move forward. I think this administration and the President would certainly consider anything that Congress has in mind to be able to think ahead down the road as it pertains to spending and deficits, so to consider some of the reforms that we have put in his budgets.

Senator ROMNEY. Each time the President’s budget comes out, he identifies places to economize. In many cases, these things make a lot of sense.

The final piece of legislation we are presented typically includes a whole list of things we wish were not there, programs we wish were eliminated. There is always a list of laughable spending, priorities that someone has stuffed in there. We all scratch our head and say, “Why is this?”

So one of the questions a new Senator like myself has, “Why are these strange, excessive, and unnecessary expenditures still being made?” and at the same time, “Why are some important reforms not being included?”

And I guess I would ask you, What is wrong with the process, and is there a way that you or the administration can become more involved in the process of creating the final budget, not just your proposal budget, but the final piece of legislation that gets passed? What are we missing? What is wrong with our process that we can-

not deal with the excesses, we cannot deal with the silliness of some spending programs, we cannot get some reforms done? Is it a failure of the administration to interact with Congress? Is it the failure of the Congress to work across party lines? What has made it so difficult for us to finally get a handle on the excesses and on the things that we should not be spending on, and how do we change that? Is there some way we can improve?

Mr. VOUGHT. A couple ideas, and I think one of the things we have seen that we have tried to do is to get involved earlier and more often. The President has the same view. He dislikes when bills get to his desk that are so big, and we have not had an opportunity or enough of an opportunity to participate in the process. That is one of the reasons why he was so opposed to ever doing an omnibus bill again.

So we have tried to send up letters to work with the Appropriations Committee and other committees much earlier in the process so that there is a more robust view about what we actually find problematic and what we do not.

I also wish Congress was doing budgets and passing those. I think that is a very important part of the legislative process that, unfortunately, has fallen by the wayside, because I think it helps to have a debate in the world's most deliberative bodies about what we can afford, what we cannot, and what you find wasteful in addition to what we have found wasteful. In those dynamics, our budgets can often be an idea generating documents for amendments and debate points.

We are not here to argue that the system is working. In fact, we want to be part of the conversation about how to improve it and make sure that we are not jamming the country at the end of fiscal years.

I appreciate much of the hard work that has been done by this Committee and various authors on the issue of continuing resolutions (CR). That is a very important legislative initiative, but I think there is a lot of things that we could be working on to improve the process, Senator.

Senator ROMNEY. Thank you. I will let you go here, but I just note that with regards to these relief packages associated with COVID that Secretary Mnuchin has been able to insert himself in relationships with both the House and the Senate that has helped guide, in some respects, the structure of the package. I wonder whether it is not possible for OMB and the administration to play a much more active role in the process, the appropriations process, the budget-creating process so that we end up with some of the reforms that the administration is looking for.

With that, Mr. Chairman, I will yield back to you.

Chairman JOHNSON. Thanks, Senator Romney. You definitely asked the \$64 question: Why are things so screwed up, and what can we do to unscrew it, I guess? So I appreciate that.

Next, Senator Sinema.

OPENING STATEMENT OF SENATOR SINEMA

Senator SINEMA. Thank you so much, Mr. Chairman.

I appreciate the nominees who have joined us today, and I look forward to our discussion.

My question today will focus on Mr. Vought, and I will have a couple questions for Mr. Leen that I will submit for the record.

Federal spending is a critical topic as our Nation grapples with how best to respond and recover from the virus. It is important that we make wise decisions on how best to apply Federal resources to issues ranging from acquiring personal protective equipment; to support for our State, Tribal, and local government partners; to how best to manage the PPE program.

So, in Arizona, we need the Federal Government to be an effective partner in these initiatives. Over the past several months, the United States has been under significant stress. We have seen over 100,000 tragic deaths in our country, which has led to an economic downturn that impacts every family across the Nation.

So my question for you, Mr. Vought, is based on your observations and as the chief official responsible for managing Federal spending and ensuring agencies effectively implement the administration's priorities and initiatives, what parts of the Federal Government need improvement to be more effective and efficient during times of crisis such as this?

Mr. VOUGHT. Senator, I appreciate the question. I do not want to lay blame anywhere in responding, but I do think we can always get better in how we work as agencies within the interagency to remove barriers to get things done, to move faster.

I think one of this administration's success points has been the Vice President's task force that has allowed someone like me who has a role to play with regard to the glue amongst all the interagency process to be able to help remove barriers and work on those issues.

So I think that it is incredibly difficult when you have different agencies with different statutes with different stakeholders to get them all moving in the right direction, to be able to identify barriers that need to be pulled down, regulatory or otherwise, and that is one of the reasons we were so proud about the 600 different regulatory initiatives that we have taken during the coronavirus response and recovery and hope to continue that. And one of the reasons why the President does an EO is so that he gets the pulse of the administration moving in this direction, but happy to continue to work with you in how it is being distributed at the State level.

Senator SINEMA. Thank you for your response.

I just want to be clear. I want to make sure that I understand correctly. You have not observed any part of the Federal Government that needs improvement as it relates to the coronavirus?

Mr. VOUGHT. No, I would not say that. When I respond that way, where we have been at our best as an administration is when the agencies have been all getting in a room and moving forward and identifying burdens, and I have many successes on that front in terms of how we have scaled the production of ventilators, to the production of testing, to ensuring that States have the PPE that they need. And I think we can always do things better, but nothing immediately comes to mind as something that has been broken.

Senator SINEMA. OK. Thank you for clarifying.

So I think celebrating victories of what we have been able to do well is certainly a good thing to do at a later time, but now as Americans are still dying and as we are facing a potential resur-

gence of the virus in the fall, in some States like mine, the virus is still moving around very strongly. I just wanted to be clear that nothing comes to mind about what the Federal Government needs to do better to be more effective or efficient during a time of crisis such as the one we are in. You cannot think of any area where we could do better?

Mr. VOUGHT. Again, from my vantage point, Senator, I have seen an administration and task force that is working as expeditiously as we possibly can to meet challenges as they arise.

I remember early on in the process, what it would be for a State like New York, and we were seeing numbers that were just astronomical, and this administration worked the problem. And we have ensured that no one did not have a ventilator who needed one, and I think that given where we were, it is an example of how we have worked problems in the moment and tried to think as much as we possibly can until the next problem comes our way. Nothing comes to mind that is structural that could have been done better.

When this is all over, we will try to find and identify areas that we can get better and work with Congress for identifying things that you have seen and have you speak into the process, but we are still in the midst of trying to combat this effectively from a public health standpoint and ensure that we get the economy recovering as fast as possible.

Senator SINEMA. Thank you.

So I want to follow up with a very specific question, then. As you are probably aware, a \$3 million contract was awarded to a company established by a former senior official in the White House. He had no prior Federal contracting experience. It turns out that the company he created provided a large number of substandard KN95 respirator masks to the Indian Health Service (IHS), and these were all directed to the Navajo Nation. As you are, I am sure, aware, the Navajo Nation now has the most severe outbreak in the country, even worse than the State of New York.

So do you believe that the Federal response to the outbreak on the Navajo Nation and the obligation to provide working PPE was both effective and efficiently met?

Mr. VOUGHT. Again, I do not know the specifics of that particular scenario. I did see the news article with regard to it. I would refer you to the agency that presumably had made that decision.

But, again, I think there are things like that that we can do better. I do not think that is an indication of a structural issue in any way about our response in the recovery.

Senator SINEMA. OK. That is an area where I think we could probably have further discussion. It sounds like there could be a structural problem with failing to adequately vet vendors and perhaps awarding contracts to vendors who do not have a proven track record, especially in a case as dire as that on the Navajo Nation where, again, we are seeing the per capita infection and death rates to be the highest in the entire Nation.

I see that my time is expiring. So, Chairman Johnson, I will submit the rest of my questions for the record. I do have some more concerns around telehealth services, and again, I will submit those for the record. Thank you, Mr. Chairman.

Chairman JOHNSON. OK. Thank you, Senator Sinema.

As usual, I think our Committee Members have asked some great questions. We have covered a lot of topics, and I would have to say the nominees, I think, have done an extraordinary job of answering with a great deal of confidence and knowledge. So I want to thank you for that.

I will close this thing out with just two questions, one apiece.

Mr. Leen, as I stated in my opening comments, OPM is undergoing a significant restructuring. As it has an Inspector General's office there, that is going to be something that I think you are going to be dealing with and grappling with and doing inspections and investigations on.

Can you just kind of talk a little bit about how you plan to handle that situation?

Mr. LEEN. Yes, certainly. OPM obviously is facing a lot of challenges at this time, and of course, I believe you are referring also to the potential merger with the General Services Administration (GSA), which I know is on hold at this moment while a report is being done.

I do believe—and my view is consistent with what OPM IG is presently doing—that the IG's office has a significant role in overseeing—if there were to be a merger, overseeing that merger to protect the core equities of OPM, including the human resource (HR) function, Federal Employees Benefits Program (FEHB), retirement, the charitable giving. There are so many different things that OPM does, and you do not want that to be lost within the larger, much larger structure of GSA.

So there is definitely a role to play for the OPM IG, and I plan to play it.

Chairman JOHNSON. Thank you, Mr. Leen.

Mr. Vought, I want to join Senator Peters in his questioning and request for more information on PPP. We may have different questions.

I share the concern about the number of businesses that obtained PPP loans because there is no effective demonstration of need. As a result, PPP loans went to, I mean, many businesses that really did not need them.

Again, the criteria was simply it becomes an economic uncertainty if you felt you needed a loan for the ongoing operations of your business, step up to the plate and try to be first in line. So I am not accusing any businesses of any kind of fraudulent activity. They did what they thought was best in very uncertain times, but now I think we need to make sure that any additional money we spend is not allocated or disbursed to businesses that really do not need it.

We do not have an unlimited checking account here, and we certainly need to direct future assistance to help open up the economy to only those businesses that are viable and really do need the support. So I will join Senator Peters in trying to develop as much information on PPP.

But we spoke earlier. I was just trying to get a handle on how much of the \$2.9 trillion in the first, we will say, three and a half phases, but four phases of financial relief, how much was actually spent. My own staff has been able to detail, working with agencies, about \$1.12 trillion of the 2.9.

We are really going to need a very detailed accounting of where the money is spent. To the extent that money has not gone out, what is the roadblock? By the way, if it is not needed, that is good that we have not spent it, but maybe we need to reconsider what has not been spent, remedy some of the problems. As I mentioned, in PPP, there is really no control over people who do not need it.

What can you tell us in terms of OMB's role of how much information you can provide us, whether you are kind of looking at doing the same type of analyses? So that we might need to redirect and repurpose part of that \$2.9 trillion as opposed to talking about a phase four, which is really phase five.

Mr. VOUGHT. Sure. I appreciate that question. I know that you have been asking for that information. It is a priority for me to get that information to you.

Right now, I am trying to make sure that we get the May information as to how much has gone out in the month of May before we would be able to provide a presentation. So that is something that we are in the midst of trying to complete for you, and I do believe it is vital for us as we head into any consideration of the next piece of legislation.

The figures that you are using are not dissimilar to the ones that we are seeing based on the end of May as it pertains to what has been legally obligated. Sometimes that does not necessarily reflect the fact that UI is going to be spent out over the next year when you are given 52 weeks of benefits or whether Treasury is only having to obligate for the credit subsidy amount to some of the loans. So I think there is a story to tell with regard to each of these programs, but we are hearing you loud and clear, Senator. And we are going to get you the information that you have requested.

Chairman JOHNSON. I appreciate that. The House already passed a \$3 trillion spending package. Again, we probably have not spent—certainly less than half of what we have already appropriated. We really need to carefully take a look at that. So we will be looking to OMB plus, I think, the agencies as well.

Again, I am not being critical. We had to do something massive. We had to do something fast. We all knew this was going to be far from perfect, but now is the time to take at least some measure of pause here and really analyze what we have done and how we can do it better. So, again, we really appreciate your cooperation on that.

I will close out the hearing by just saying the nominees have made financial disclosures.

Senator PETERS. Mr. Chairman.

Chairman JOHNSON. Senator Peters, sure.

Senator PETERS. I have just one last question, if I may. Thank you, Mr. Chairman.

Mr. Vought, something we spoke about before, I would just like to reiterate with you today and get your response, and that is the FEMA cost share. As you know, States have been hit in a major way. Michigan is certainly an example of that but other States across the country. What the administration can do is increase the FEMA cost share to basically 100 percent, so States do not have to put up their portion.

I know you were concerned about a precedent that that set, but we are certainly—and something that is unprecedented, and you can certainly make a distinction when you are dealing with a hurricane that is basically blowing across the entire country that is being hit by natural disaster or a flood or a wildfire, that helping States who are impacted in a significant and dramatic way would make sense for FEMA to pick up 100 percent of the cost.

So where is the administration on that, particularly in this unprecedented time? If you could respond to that question, I would appreciate it.

Mr. VOUGHT. Sure. Thank you, Senator, for that.

We are in the same place that we were when we talked last. We are aware of the request. The President is aware of it. The administration has not decided to grant any request yet for 100 percent cost share. We are considering issues like precedent issuing—considering issues where it is always helpful to have the States to have a little bit of a share in the cost. It helps them to be an important vetter about what is needed and what is not at the local. You do not want them to not have the important resources that are necessary, but we do want them to be partners in ensuring that the Federal Government is not on the hook for something that is inappropriate.

But it is part of the administration's list of things that we will continue to work through, and we have not made an announcement—or the President has not made a decision on that.

Senator PETERS. Is there a timeline?

Mr. VOUGHT. We are working through it. There is no timeline at this point right now, but we recognize the requests that have come in and how passionately you and other members of the delegations have spoken on, into the process on it.

Senator PETERS. Very good.

Thank you, Mr. Chairman.

Chairman JOHNSON. Sure. Thanks, Senator Peters.

This really is the perfect example of why we need information and data. I have seen various estimates in terms of the projected loss revenue and then plus COVID costs; in other words, the budgetary impact of States. Some are being no more than \$350 billion into fiscal 2021. I think we have already authorized something like \$240 billion—some for the States. In many cases, we do not quite know how that is all being spent.

So I am not saying those are hard-and-fast numbers. What I am saying is that we need the data, which was kind of the point in raising this issue with Mr. Vought as well. So I guess it is just the accountant in me. I really want some information before we start making some of these big decisions.

But with that, the nominees have made financial disclosures and provided responses to biographical and prehearing questions¹ submitted by the Committee. Without objection, this information will be made part of the hearing record,² with the exception of the financial data, which are on file and available for public inspection in the Committee offices.

¹ The information of Mr. Vought appears in the Appendix on page 44.

² The information of Mr. Leen appears in the Appendix on page 185.

The hearing record will remain open until 5 p.m., tomorrow, June 3, for the submission of statements and questions for the record.

This hearing is adjourned. [Whereupon, at 4:19 p.m., the Committee was adjourned.]

A P P E N D I X

**Opening Statement of Chairman Ron Johnson
Nominations Hearing for Russell “Russ” Vought to be Director of the Office of
Management and Budget and Mr. Craig Edward Leen to be the Inspector General of the
Office of Personnel Management
June 2, 2020**

As prepared for delivery:

Today, the Committee will consider the nominations of Mr. Russell “Russ” Vought, nominated to be the Director of the Office of Management and Budget, and Mr. Craig Leen, nominated to be the Inspector General of the Office of Personnel Management.

Director, Office of Management and Budget

The Office of Management and Budget has a broad mission to assist the president in the development and execution of his or her policies and programs. While OMB is perhaps best known for its role in overseeing the coordination, production, and administration of the president’s annual budget, the Office is also responsible for coordinating the president’s legislative agenda, regulatory and information policy, and management of the Executive Branch. The OMB Director is a member of the president’s cabinet and oversees a staff of close to 500 employees.

Inspector General, Office of Personnel Management

The Inspector General of the Office of Personnel Management (OPM) audits and investigates waste, fraud, and abuse. OPM issues policy guidance and regulations governing the federal civilian workforce and manages the health and retirement benefits offered to the millions of current and former employees, and their families. As it continues to struggle to recover from the catastrophic 2015 cybersecurity breach, OPM is undergoing a radical reorganization: the National Background Investigations Bureau, which accounted for over one-third of OPM’s employees, was transferred to the Department of Defense late last year; and there are serious questions about whether OPM is still fit to serve a workforce so fundamentally different from when it was established in 1979.

Russell “Russ” Vought, OMB Director Nominee

Mr. Vought is the Acting Director of the Office of Management and Budget, a position he has held since January 2019. In February 2018, Mr. Vought was confirmed by the Senate as Deputy Director of OMB. Prior to his service at OMB, he worked as a congressional staffer to several members of Congress, including Rep. Jeb Hensarling, Senator Chuck Hagel, Senator Phil Gramm, and Senator Dan Coats; and eventually became the Policy Director for the House Republican Conference. Mr. Vought received his Juris Doctor from George Washington University Law School and his Bachelor of Arts from Wheaton College.

Craig Leen, OPM IG Nominee:

Mr. Leen is the Director of the Office of Federal Contract Compliance Programs at the Department of Labor. Prior to federal government service, Mr. Leen served as the City Attorney for Coral Gables, Florida for six-and-a-half years. Before that, he was the Assistant County Attorney in Miami-Dade County and the Chief of the Federal Litigation Section. If confirmed, Mr. Leen would be only the second Senate-confirmed nominee to hold the position of Inspector General at the Office of Personnel Management since 1990. Mr. Leen received his Juris Doctor from Columbia University and his Bachelor of Arts from Georgetown University.

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Nomination of Russell Vought to be Director, Office of Management and
Budget, Craig L. Leen to be Inspector General, Office of Personnel
Management**

OPENING STATEMENT OF RANKING MEMBER GARY C. PETERS

June 3, 2020

AS PREPARED FOR DELIVERY

Thank you, Chairman Johnson, and thank you to the nominees for being here today and for your willingness to serve.

Today we are considering nominees for two very different positions, both critical to ensuring that the federal government is effectively serving the American people.

These are both challenging roles under any circumstances.

As our country faces an unprecedented public health and economic crisis, we need a federal government that works strategically and effectively and that puts the American people first.

States, businesses, workers, and families are looking to the federal government for guidance, resources, and leadership as we work toward safely reopening the economy.

Mr. Vought, you have served as the Acting Director of the Office of Management and Budget, or “OMB,” for the past year-and-a-half. In this role you have helped shape spending and policy decisions government-wide. And you currently play a central role in overseeing how agencies across government are implementing the \$2.2 trillion relief package in the CARES Act.

That responsibility includes swiftly getting economic relief to those in most need while ensuring that taxpayer dollars are protected from waste, fraud, and abuse.

Chairman Johnson and I worked to include bipartisan oversight and accountability provisions in that legislation. And I am disappointed by the Administration’s failure to cooperate with that oversight.

Mr. Leen, if confirmed, you will have a key oversight role.

As the Inspector General for the Office of Personnel Management, you will be the agency’s independent watchdog, charged with rooting out waste, fraud, and abuse.

To be successful, you must be relentlessly independent. You must follow the facts wherever they may lead, and you must not allow political pressure to interfere with your work.

As you know, this may not be easy.

Over the past two months, the President has removed two Senate-confirmed Inspectors General and replaced a number of Acting Inspectors General with political appointees. These actions threaten the integrity and independence of oversight across the federal government.

I encourage you both to look to Congress and to this Committee as a partner.

While we may not always agree on specific measures or policies, we all want to protect the health and safety of the American people and reopen the economy safely.

Mr. Vought, I appreciate the commitments you have made to work with Congress and cooperate with oversight efforts and I hope to see those commitments in action.

Mr. Leen, if confirmed, I hope you will also see this Committee as a resource, especially if you encounter challenges in carrying out your oversight work.

Thank you both again, and I look forward to your testimony.

Senator Rick Scott
Statement for the Record
6/2/2020 HSGAC Nomination Hearing
Introduction, Craig Leen

Thank you, Mister Chairman, Ranking Member, and Members of the Committee.

It is my pleasure to introduce Craig Leen, who has been nominated to serve as the Inspector General of the U.S. Office of Personnel Management.

Mr. Leen currently serves as the Director of the Office of Federal Contract Compliance Programs with the U.S. Department of Labor, where he oversees audits of federal contractors and ensures compliance with federal civil rights requirements. Prior to joining the Department of Labor, Mr. Leen served as the City Attorney for the City of Coral Gables, Florida, where he oversaw the enforcement of the city code, conducted reviews and investigations at the direction of the city council, and provided legal opinions and guidance to the city's public officials.

In addition to his current professional duties, Mr. Leen also serves on the Special Education Advisory Board for the District of Columbia Public Schools, and is a lecturer at the George Washington University Law School.

Mr. Chairman, Inspectors general serve a critical oversight function in our federal agencies to ensure they operate in accordance with the law and to safeguard the use of taxpayer dollars against fraud, waste, and abuse.

I am confident Mr. Leen will honorably fulfill these important duties as the Inspector General, and I am proud to support his nomination before this Committee today.

Thank you.

Testimony of Russell T. Vought
to be Director, Office of Management and Budget
June 2, 2020

Thank you, Mr. Chairman. And, thank you, the Ranking Member, and the members of the Committee for the honor of appearing before you today.

I also want to thank my family, my wife Mary and my daughters, Ella and Porter, for the unconditional support they have given me not only throughout this confirmation process but throughout my tenure at OMB.

I am honored that the President has nominated me to serve as Director for the Office of Management and Budget, following in the footsteps of some very distinguished public servants. Working at OMB has long been an aspiration. I came to OMB at the very beginning of this Administration. I have had the privilege of helping to lead this agency, first as Deputy Director and for the last year and a half as Acting Director. I know the caliber of the men and women who work there. I know the importance of their mission. I know the awesome responsibility of the work that OMB does.

My mantra at OMB throughout my years in leadership there has been "One OMB," in order to create a culture, not of silos, but of collaborators so that the best expertise gets heard. I have had management positions in my career, but none so equally challenging and rewarding as the management of this agency. The portfolios of the various components of this agency are so diverse, and each one of a critical nature fundamental to the functions of our government.

The men and women I work with at OMB thrive on information-gathering and problem-solving. They are innovative and smart and, frankly, tenacious. They do their best work when they work together, bridging the gaps between their management and their budget and their regulatory functions to find holistic answers to complicated challenges.

There are roughly 500 full-time employees at this agency. But, I have seen them do remarkable things. It has been a privilege to work with them and to lead them for the last three and a half years. And I will consider it an even greater privilege to do that as their Director.

I have spent my entire career caring about taxpayers and their families. I have fought to save them money and ensure that their tax dollars are well spent. I come from a blue-collar family, the son of an electrician and a school teacher. I know what they went through to balance their budget and save for the future. My parents worked long, hard hours to put me through school. They worked long, hard hours to pay for the government in their lives. I have often wondered what else they would have been free to build and give without such a high burden.

My parents represent the forgotten men and women of this country. They have always been the yardstick by which I have tested government spending. And, I am grateful to work for an Administration that has made the eyes and heart of the forgotten man the lens through which we see policy.

These men and women live and work in every city and every town of every state in this great country. I believe in their dreams and I believe that our government ought to let them pursue those dreams. The very phrase, "Office of Management and Budget," may not be part of their daily lexicon, but I know that the work of OMB has the ability to impact them in immeasurable ways. If the Senate confirms me to be the Director of OMB, know that I will be serving for their betterment.

Thank you for considering my nomination. I look forward to answering your questions.

REDACTED

**HSGAC BIOGRAPHICAL QUESTIONS FOR
EXECUTIVE NOMINEES**

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>
Director, Office of Management and Budget	May 4, 2020

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Russell	Thurlow	Vought	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1650 Pennsylvania Avenue NW		
<u>City:</u> Arlington	<u>State:</u> VA	<u>Zip:</u> 22204	<u>City:</u> Washington	<u>State:</u> DC	<u>Zip:</u> 20502

<i>Other Names Used</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</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (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
1976	Mount Vernon, NY

<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</i> (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Mary	Grace	Vought	

<i>Spouse's Other Names Used</i> (current spouse only)						
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)
Mary	Grace	MacLean		X	11/1982 <input type="checkbox"/> Est <input type="checkbox"/>	03/08 <input type="checkbox"/> Est <input type="checkbox"/>
					<input type="checkbox"/> Est <input type="checkbox"/>	<input type="checkbox"/> Est <input type="checkbox"/>

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

• **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>
The George Washington University Law School	Law	09/00 <small>Est</small> <input type="checkbox"/>	05/04 <small>Est Present</small> <input type="checkbox"/> <input type="checkbox"/>	JD	5/23/04
Wheaton College	College	09/94 <small>Est</small> <input type="checkbox"/>	05/98 <small>Est Present</small> <input type="checkbox"/> <input type="checkbox"/>	BA	8/31/98

• **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.

Type of Employment (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	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Other Federal Employment	Office of Management and Budget	Acting Director	Washington, DC	1/17	Present
Non-Federal Employment	Heritage Action for America	Vice President, Grassroots Outreach & Policy Initiatives	Washington, DC	08/10 <input type="checkbox"/> Est	01/17 <input type="checkbox"/> Est
Other Federal Employment	House Republican Conference	Policy Director	Washington, DC	01/09 <input type="checkbox"/> Est	07/10 <input type="checkbox"/> Est
Other Federal Employment	Republican Study Committee	Executive Director	Washington, DC	05/04 <input checked="" type="checkbox"/> Est	12/08 <input type="checkbox"/> Est
Other Federal Employment	Rep. Jeb Hensarling	Policy Director	Washington, DC	02/03 <input type="checkbox"/> Est	12/06 <input type="checkbox"/> Est
Other Federal Employment	Senator Chuck Hagel	Legislative Assistant	Washington, DC	09/02 <input checked="" type="checkbox"/> Est	01/03 <input type="checkbox"/> Est
Other Federal Employment	Senator Phil Gramm	Legislative Assistant	Washington, DC	01/99	08/02 <input type="checkbox"/> Est <input checked="" type="checkbox"/> X
Other Federal Employment	Senator Dan Coats	Staff Assistant	Washington, DC	07/98 Est	12/98
Non-Federal Employment	B. Dalton Bookseller	NA	Washington, DC	09/98	12/98 <input type="checkbox"/> Est <input checked="" type="checkbox"/> X
Other Federal Employment	Rep. Chris Shays	Intern	Washington, DC	05/98	07/98 <input type="checkbox"/> Est <input checked="" type="checkbox"/> X

Non-Federal Employment	Deerfoot Lodge	Section Chief	Speculator, NY	06/94- 97 (Summers)	08/94-97
Non-Federal Employment	Safe and Sound Security	NA	Wheaton, IL	09/97 Est	05/98 Est
Non-Federal Employment	Wheaton College	Teachers Assistant	Wheaton, IL	9/97	5/98
Non-Federal Employment	Microboard Process Inc.	N/A	Seymour, CT	12/96 Est	1/97 Est

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

None

<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)
		Est <input type="checkbox"/>	Est <input 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"/>

• 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.

Although I was not a registered federal lobbyist, I spent 7 years engaged in grassroots lobbying at Heritage Action for America for the purpose of directly influencing the passage, defeat, and modification of a wide array of legislation, based on the research of The Heritage Foundation.

• **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.

The Heritage Foundation Leadership Development Program, 2016

Lincoln Fellowship, The Claremont Institute, 2011

Kingsmen Alumni Award, 2007

• **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>
Cherrydale Baptist Church	2011-2019 (Elder, Deacon) 2011-Present (Member)	Elder, Deacon, Member
Capitol Hill Baptist Church	2002-2011	Member
Army Navy Country Club	2019- Present	Member

• **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>

(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>

(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>
Cordasco for Delegate	\$300	2016
Cordasco for James City Supervisor	\$200	2015
Scalley for Delegate	\$200	2014
Mike Lee (via Senate Conservative Fund)	\$100	2015

• **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>
House Republicans Need a Bold Spending Proposal	Redstate	8/2/10
Time to Go After Democrats on Repeal of Obamacare	Redstate	8/3/10
"Historic" and "Bipartisan" Normally Means It's Bad	Redstate	8/9/10
Walt Minnick is Not Willing to Repeal Obamacare	Redstate	8/9/10
Senate Republicans Getting Played on the Russian-Friendly Strategic Arms Treaty	Redstate	8/16/10
Congress Needs Reforms, but Committees Don't Need More Power	Redstate	9/6/10
Only 31 House Democrats Willing to Offer Soft Support for Small Businesses	Redstate	9/16/10
Who Dares to be the Next Democrat Defection on Obamacare Repeal?	Redstate	9/16/10
Senator Bob Corker, Unacceptable	Redstate	9/17/10

Idaho Congressman Misleads Constituents on Repeal...Again	Redstate	9/29/10
It's Time to Make GOP Leadership Less Powerful	Redstate	8/26/10
Mike Pence is Ready for the Next Fight	Redstate	11/3/10
Senate Republicans Must Not Use National Security as a Bargaining Chit	Redstate	12/1/10
Bowles-Simpson is a Massive Tax Hike	Redstate	12/2/10
Stop Start: Whip List	Redstate	12/3/10
Senate Republicans and the Lost Art of Negotiation	Redstate	12/6/10
House Rules Package is a Nice First Step to Control Spending	Redstate	12/30/10
The Return of the Lunch Bunch	Redstate	1/19/11
YouCut Can't Cut \$100 Billion?	Redstate	1/31/11
House Republicans Attempt to Extend "Stimulus" Trade Benefits	Redstate	2/7/11
How House Leadership Can Fix Their Mess	Redstate	2/9/11
Movement Towards \$100 Billion, But Not There Yet	Redstate	2/10/11
Parsing the Pledge, House Leadership Still Not Compliant	Redstate	2/10/11
Speaker Boehner Throws Down the Gauntlet	Redstate	2/18/11
House Leadership Let Obamacare Expansion Pass	Redstate	3/9/11
Rep. Tim Huelskamp Stands Tall in Budget Showdown	Redstate	3/12/11

The Problem with One Last Vote for Flawed Strategy	Redstate	3/14/11
This is What Leadership Looks Like	Redstate	3/15/11
The Strategy of Short-Term CR Opponents: A Response to Keith Hennessey	Redstate	3/16/11
Stop the Natural Gas Streaker	Redstate	5/11/11
Corporate Welfare Gets New Life in the House	Redstate	7/5/11
Message to RSC Members: Get In or Get Out	Redstate	7/27/11
House Republicans Ram Highway Bill Through Without a Roll Call Vote	Redstate	9/13/11
Darrell Issa and the Ongoing Fight Against Postal Bailouts	Redstate	9/14/11
The Crusade to Cave	Redstate	9/15/11
Reid Goes Nuclear to Block the President's Stimulus Plan	Redstate	10/6/11
House Republicans Set to Again Violate Their Pledge to America	Redstate	11/15/11
Debunking the Election Myths of the Republican Establishment	Redstate	12/6/11
Ramesh Ponnuru Moves the Goal Posts	Redstate	12/7/11
House Conservatives Need to Block the Coming Highway Bailout	Redstate	1/30/12
Why Every House Conservative Should Oppose the Highway Bill	Redstate	2/14/12
Incrementalism Doesn't Work for the Right, Look at the Food Stamp Bill	Redstate	7/12/12
Our Daughter was Born with Cystic Fibrosis, We Can't Imagine Life Without Her	Daily Signal	7/30/14

Wheaton College and the Preservation of Theological Clarity	Resurgent	1/17/16
Congress Must Join the President in Cutting Spending	Real Clear Politics	2/25/19
Spending Addiction Threatens American Economic Resurgence	Fox News	3/11/19
The White House Announces Its Rescission Package	Wall Street Journal	5/7/19
Trump keeps promise to tame bureaucracy that runs roughshod over Americans	Fox News	10/9/19
Booming Trump economy is right time for able-bodied adults to trade food stamps for jobs	USA Today	12/11/19
The Most Pro-life President in History	The Daily Wire	1/22/20
Trump Takes Aim at Bureaucratic Bullying	Real Clear Politics	2/21/20

(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>
Hearing on the Office of Management and Budget Request for FY 2021	House Appropriations Committee Financial Services and General Government Subcommittee	3/10/20
Hearing on The President's 2021 Budget	House Committee on the Budget	2/12/20
Federalism From the Executive Branch Perspective (transcript unavailable)	Conference on Federalism and the Trump Administration	7/17/19
Hearing on Office of Management and Budget Request for FY 2020	House Appropriations Committee Financial Services and General Government Subcommittee	3/26/19
Hearing on President's Fiscal Year 2020 Budget Proposal	U.S. Senate Committee on the Budget	3/13/19
Conservative Policies (transcript unavailable)	Conservative Action Project's Leadership Summit	5/17/18

Policy Issues, Budget, Deficit (transcript unavailable)	Council for National Policy	5/18/18
Hearing on The President's 2021 Budget	House Committee on the Budget	3/12/19
Future of the Conservative Movement	Buckley Awards	11/14/17
Nomination Hearing for Deputy Director of White House Budget Office	U.S. Senate Committee on the Budget	6/7/17
Nomination Hearing for Deputy Director of White House Budget Office	U.S. Senate Committee on Homeland Security & Government Affairs	6/7/17
Budget (transcript unavailable)	Budget Line of Business Spring Forum	5/1/17
Statesmanship at the Local Level; The Sentinel Program	Sentinel Summit, San Antonio, TX	11/18/16
Untitled Opening Comments (transcript lost)	Sentinel Summit, Greenville, SC	9/19/15

(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>
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Building Dedicated Leaders with Relentless Optimism	Sentinel Summit, Atlanta, GA	11/13/14
Know, Grow, Go	Values Voter Summit	12/22/11
Kingsmen Alumni Award Acceptance	Trumbull, CT	12/5/07

• **Criminal History**

Since (and including) your 18th 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 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:

• 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>
9/99	Circuit Court of the 18 th Judicial Circuit, Dupage County, IL	Fernando O. Ruiz vs. Russell Vought	Lawsuit arising from a motor vehicle accident	Settled on 2/25/00

(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?

No.

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>

(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.

- **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

- **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

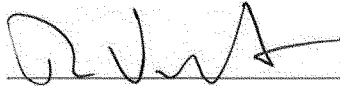
All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

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.


A handwritten signature in black ink, appearing to be 'D. J. W.', is written over a horizontal line.

This 5th day of May, 2020

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

May 27, 2020

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 Russell Vought, who has been nominated by President Trump for the position of Director, Office of Management and Budget.

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
Date: 2020.05.07 13:55:39
-0400

David J. Apol
General Counsel

Enclosures

REDACTED

March 24, 2020

Laurie Adams
Alternate Designated Agency Ethics Official
Office of Management and Budget
725 17TH Street, NW
Washington, D.C. 20503

Dear Ms. Adams:

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 of the Office of Management and Budget.

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.

My spouse is a member of Vought Strategies LLC. 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 Vought Strategies LLC, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). I also will not participate personally and substantially in any particular matter involving specific parties in which I know a client of my spouse is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, for the duration of my appointment to the position of Director, my spouse has agreed not to communicate directly with the Office of Management and Budget on behalf of Vought Strategies LLC or any client.

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 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 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 dark ink, appearing to read "R. Vought", written over a faint, circular embossed seal.

Russell Vought

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Russell Vought to be
Director, Office of Management and Budget**

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to be the next Director of the Office of Management and Budget (OMB), 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?
Since the beginning of this Administration, I have served in senior leadership at OMB, including as Acting Director for the last year and a half. Prior to that, I spent 12 years working on public policy in Congress, including senior, cross-cutting roles such as the Executive Director of the Republican Study Committee and the Policy Director for the House Republican Conference. I have a background specifically in budget policy and process, having served as the RSC's Budget Director and compiled its budget resolutions. I have also managed all aspects of a large national organization with staff and volunteers spread throughout the country.
6. Please describe:
 - a. Your leadership and management style.
My leadership style is to set a vision, encouraging people to buy into that vision through coaching and leading by example. I am a hands-on manager, getting into the details and asking questions, while at the same time giving employees the space to be creative. I highly value receiving feedback from people up and down the organization about what they think is or is not working.

- b. Your experience managing personnel.
I have managed the nearly 500-person staff of the OMB as Acting Director and before that Deputy Director. I also managed the Grassroots Department at Heritage Action for America, a policy team at the House Republican Conference, and the entire Republican Study Committee.
- c. What is the largest number of people that have worked under you?
There are currently 477 full-time employees at the OMB.

III. Role of the Director of OMB

- 7. What do you consider to be the mission of OMB, and what would you consider to be your role and responsibilities if confirmed as the Director?
The mission of OMB is to serve the President by providing the necessary information and analysis to properly assess policy options and then to execute those policy decisions government-wide.
 - a. How have your views on these questions changed, if at all, since becoming Acting Director?
Particularly in light of the role that OMB has been taking in executing trillions of dollars in spending and new programs with speed and efficiency as part of the government's Coronavirus response, I consider OMB's mission more vital than ever.
- 8. What do you anticipate will be your greatest challenges as OMB Director, and what will be your top priorities? What do you hope to accomplish during your tenure?
As Deputy Director, I focused on infusing OMB with a spirit of "one OMB" to ensure against a silo mentality. This is a challenge endemic to any agency with such diverse responsibilities, but we have made great strides in my tenure as Deputy and Acting Director and it will continue to be a priority for me.
 - a. How have your views on these questions changed, if at all, since becoming Acting Director?
I have greater insight, but my views have not changed.
- 9. How do you view the responsibilities of the Deputy Director and the Deputy Director for Management, and how do you plan to delegate responsibilities to these respective positions? Do you anticipate their roles and responsibilities changing?
The roles are well defined, with the Deputy Director for Management acting as the primary deputy for all management issues, with oversight of statutory offices, including the Office of Federal Procurement Policy and the Office of Federal Financial Management. The Deputy Director focuses on the budget portfolio and exercises general oversight over the entire agency. I anticipate those roles and responsibilities remaining as they are.

- a. How have your views on these questions been affected by your own experience as Deputy Director?
My views were affirmed in that role.
 - b. How have your views on these questions changed, if at all, since becoming Acting Director?
My views were affirmed in that role.
10. What do you see as the most important management challenges facing the federal government, and if confirmed as OMB Director, what would you do to address those challenges?
- a. Are there any actions you would take to address these challenges if confirmed as OMB Director that you feel you have not been able to adequately address as Deputy Director or Acting Director? Please explain.
In my opinion, the top management challenge continues to be the size and scope of the federal government. The government engages in so many activities, in so many different places, that it is difficult to manage it well. Many of the proposals in the President's budgets have been designed to lead to leaner, more efficient government.

IV. Policy Questions

Budget

11. Do you support biennial budgeting? Please explain why or why not.
- a. Do you foresee any obstacles for OMB in implementing biennial budgeting if it chose to do so in the future? How could those obstacles be overcome?
I support making the budget process more efficient, and biennial budgeting is an idea that deserves consideration. I think it could lead to more oversight in the second year.
12. If confirmed, what preparatory steps will you take to minimize risks surrounding debt-ceiling negotiations and ensure the federal government does not threaten default?
- I have found that one of the challenges involved with debt-ceiling negotiations is that there is too little attention paid to the issue until the last minute, specifically attention to the sorts of reforms or reductions that should be carried out or considered as part of increasing the debt ceiling. I will help ensure there is a policy development process where the President has the information needed to make wise decisions early enough to minimize risks.**
13. The Committee has worked to pass legislation to end government shutdowns. What are your views on the End Government Shutdowns Act?
- I support legislative proposals to provide automatic continuing resolutions as a general rule to prevent government shutdowns.**

Regulatory Affairs

14. Please describe how you view the mission of the Office of Information and Regulatory Affairs (OIRA).

OIRA serves the crucial and central role in coordinating regulatory activity and ensuring that agencies take seriously their duty to consider the costs, as well as the benefits of proposed regulations. OIRA is the driver of a unified regulatory agenda to ensure that agencies are forecasting where they intend to take regulatory action.

15. Do you believe OIRA has adequate resources to meet its mission? Please explain.

OIRA has a critical function in the efficient and effective functioning of regulatory government and I continue to evaluate the need for additional resources so it can meet the expansive regulatory state. The President's most recent Budget proposes an increase for OMB in part to provide for additional OIRA staff.

16. What actions will you take to ensure that cost benefit analyses have integrity, are accurate, and that costs and benefits of proposed regulations are properly estimated?

As Acting Director, I have supported OIRA in its adherence to longstanding principles of regulatory impact analysis found in executive orders and OMB guidance. If confirmed, I would continue to do so, including continuing to implement Executive Order 13891, which extends the principles of cost-benefit analysis to many guidance documents.

17. Do you support the use of non-administration or non-federal sources to ascertain costs and benefits of proposed regulations?

Cost-benefit analyses, or information that can be used in such analyses, submitted by third parties in the notice-and-comment process conducted by agencies under the Administrative Procedures Act, can be a helpful resources for rulemakings.

18. Of the practices listed in Executive Order 12866, both Republicans and Democrats agree that more emphasis should be placed on reviewing existing regulations to ensure they are achieving their regulatory objective.

- a. Do you support future administrations also undertaking a retrospective review process? If so, what role do you believe OMB should play in this process?

A number of regulatory reforms undertaken consistent with Executive Order 13771 are the result of a retrospective review that discovered unanticipated costs, inefficiencies, or opportunities for improvement. I would support future administrations engaging in such forms of retrospective review, with OMB bringing its considerable expertise in regulatory affairs and cost-benefit analysis to bear in such efforts.

- b. As OMB Director, how would you ensure that retrospective reviews become an integral part of agencies' culture, and embedded as a regular part of the rulemaking process?

I would continue to direct that retrospective reviews be a priority for OIRA and its work with agencies.

- c. In your view, have previous retrospective reviews of existing policies been successful? Please explain why or why not.
Under E.O. 13771, agencies have undertaken a thoughtful assessment of the realized costs and benefits of a number of their regulations. More work remains to be done, however, in ensuring uniform pursuit of regulatory reform, including through retrospective analysis, at agencies across the government, and in making retrospective analysis a routine agency practice. E.O. 13563 attempted the latter, with moderate success.

19. OMB is required by law to annually submit to Congress an “accounting statement” reflecting an estimate of total federal regulatory benefits and costs of the most recent fiscal year, as well as estimates of expected benefits and costs for future years. What steps will you take to ensure this report is completed and submitted to Congress in a timely fashion and also reflects complete and consistent estimates from each contributing agency?

Under my supervision, OIRA has instituted a workflow plan to achieve timeliness in the submission of these reports and that includes submission of complete and accurate information from contributing agencies.

20. Are there any major reform proposals of the regulatory process for proposing, adopting, and reviewing federal regulations that you would like to see enacted by Congress or fulfilled through executive action or OMB guidance?

The Administration has no specific recommendations for legislative reform of the regulatory process at this time. I strongly support transparency and accountability, as well as application of cost-benefit principles, in the regulatory process. Those are the policy objectives underlying the President’s recent executive orders on transparent guidance and enforcement, signed during my tenure as Acting Director, and enshrined in some of the legislative reform proposals that Congress has considered in recent years, such as the GOOD Act.

21. What are your thoughts on including economic, pricing, or other models used during the OMB evaluation of a proposed rule as part of the public rulemaking record?

As a matter of information quality, agencies that author regulations should make as much of their data and models available to the public as is consistent with law and confidentiality and privacy protections. I support that objective.

Management

22. What are the most important steps that OMB can take to enable the federal government to perform its essential functions more efficiently and for less cost? Please explain any system or standard you intend to use to measure success or identify problems.

In March 2018, the Administration released the President’s Management Agenda (PMA), which set out a long-term vision for more efficient and effective government. The PMA established 14 Cross-Agency Priority (CAP) Goals, each with specific

performance objectives and milestones, and we have been reporting progress each quarter through Performance.gov.

23. What is your opinion of the current status of government performance management, as implemented under the Government Performance Review Modernization Act, and how to you believe it can be improved? Please explain.
The Federal Performance Framework, established in OMB Circular A-11 to fulfill the requirements of the GPRA Modernization Act and improve organizational performance improvement more broadly, established processes by which agencies set clear goals, conduct regular internal management reviews, and report publicly through Performance.gov and agency Annual Performance Plans and Reports. Improving performance across government is a shared goal between the Executive Branch and Congress. I am committed to improving government performance through the creation and use of more and better data that drives improved results.
24. How can OMB work to ensure that the federal government is more effective and supportive of economic growth?
OMB has always played a central role in crafting the President's Budget and coordinating the inclusion of policies that would lead to economic growth, such as tax relief, energy development, and support for workers and small businesses. Additionally, OIRA plays a central role in coordinating the President's regulatory agenda, which will continue to support economic growth. In the response to the Coronavirus pandemic, OMB has coordinated numerous policy proposals to help Americans get back to work and the economy re-opened in a way that supports public health and well-being.
25. How do you view OMB's role in addressing agency high-risk or duplicative programs highlighted in the Government Accountability Office's (GAO) annual "High Risk List"?
 a. Of the areas identified by GAO as "high risk," which do you find to be most concerning and why?
Reform of the U.S. Postal Service is in GAO's High Risk report and has been an OMB priority as well.
 b. Are there any specific recommendations from GAO's High Risk report that you plan to pursue if confirmed?
See Question 25a.
26. Protecting whistleblower confidentiality is of the utmost importance to this Committee:
 a. Have you implemented policies within the agency to encourage employees to bring constructive suggestions forward without the fear of reprisal? Please explain.
Yes, during this Administration, we instituted a number of initiatives to create a culture in which employees are encouraged to bring constructive suggestions forward without fear of reprisal. These include formal policies, such as issuing OMB's first-ever anti-harassment policy and instituting mandatory anti-

harassment training, issuing annual notices and widely distributing information to all OMB employees of their rights and protections under discrimination, whistleblower and retaliation laws. The initiatives also include informal policies and procedures, including numerous mechanisms for employees to provide input on workplace improvements, and promoting and encouraging employees to raise issues, concerns, and interests with our Management and Operations Division and leadership across OMB.

- b. What avenues are available to employees to report waste, fraud, or abuse within OMB?

First, I model a leadership approach that welcomes information about what is not working and creates a culture where all employees, at every level, are rewarded for trying to make the agency better. Additionally, all employees are notified of their rights under the Whistleblower Protection Act of 1989 and the Whistleblower Protection Enhancement Act of 2012 to make whistleblower disclosures, and that they are protected from whistleblower retaliation. Employees are directed to the Office of Special Counsel and the Merit Systems Protection Board for filing and other information.

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

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

27. Federal inspectors general (IGs) face unique obstacles as they do their work, including budget challenges and disputes with agency heads over access to information. How do you view OMB's relationship to the statutory IGs, and if confirmed what efforts would you make to engage with this community and support their work?

I highly value the work of the IG community and have spent much of my career gleaning information from their reports on waste, fraud, and abuse. OMB routinely utilizes IG reports in our work. The Deputy Director for Management, as the Vice Chair of CIGIE, also plays a crucial role in facilitating a discussion among the IG community itself about its responsibilities.

28. How can OMB efforts to improve government be integrated with the budget process and with the work of congressional authorizing and appropriating committees?

OMB proposals are frequently the basis for many Congressional initiatives. Even if Congress refuses to vote for an exact replica of the President's Budget, often many of the proposals and spending levels are assumed in the Congressional budget resolutions and annual appropriations bills. Authorizers can also use these efforts to inform their oversight activities and vice versa.

29. The Digital Accountability and Transparency Act of 2014 (DATA Act), Public Law 113-101 (2014), was a priority for the Committee during the 113th Congress. Key implementation deadlines are approaching. What steps will you take to ensure that the DATA Act implementation stays on track?

In 2018, OMB implemented the last statutory requirements of the DATA Act.

30. The Committee has worked to pass the Taxpayers Right to Know Act for several years now. What is your opinion of the Taxpayers Right to Know Act?

I have always been frustrated by the difficulty in locating information about administrative costs, expenditures, and beneficiaries, and support the goals of this bill. The Administration has raised concerns about the numerous new responsibilities OMB would take on under this bill. Without additional resources, these new responsibilities would necessitate tradeoffs, and we will continue to assess that balance.

31. What do you believe OMB's role should be in improving financial management in the federal government?

OMB's Office of Federal Financial Management is the statutory leader in setting the standards for agencies' financial management.

32. Until 2018, the Department of Defense had been unable to complete and pass a financial audit as required by the Government Management Reform Act of 1994. In its first ever financial audit issued in FY 2018, auditors made over 2,400 findings and recommendations. In DOD's FY 2019 financial audit, more than 1,800 of those findings and recommendations remain open, in addition to 1,300 new findings and recommendations. If confirmed, what steps, if any, will you take to address DOD's longstanding financial management challenges?

OMB supports DOD's efforts to continue annual audits and use the resulting recommendations to implement corrective actions towards achieving a clean audit opinion for the entire Department. OMB will continue to engage with DOD's senior leadership on the status of the audit and DOD components' efforts to address findings. We expect to see demonstrable progress by the end of FY 2021 in closing prior year audit findings with the goal of increasing the number of components with clean audit opinions. Overall, the audit process has created opportunities for DOD to improve decisionmaking, transparency and accountability, as well as identify cost savings.

Acquisition and Federal Property Management

33. How do you view OMB's role in providing guidance to agencies on strategic sourcing?

OMB has a key role in ensuring that agencies implement effective acquisition practices, and in March 2019, issued guidance institutionalizing category management (CM) to better leverage the government's vast buying power. By applying leading category management practices under OMB guidance, the federal government has been able to save taxpayers over \$27 billion since 2017 and eliminate 31,000 duplicate contracts, all while continuing to exceed annual small business contracting goals.

34. What role do you believe OMB should play in determining the size of the federal government's property portfolio?

OMB has played a leading role in the Administration's efforts to downsize the federal government's property footprint by cataloging and recommending the disposal of unneeded properties. In November 2019, OMB issued Memorandum M-20-03, *Implementation of Agency-wide Real Property Capital Planning*, which required all agencies to implement agency-wide capital planning and to complete and submit an annual capital plan to the Federal Real Property Council for its review beginning in 2020.

35. The Federal Property Management Reform Act became law in 2016. Do you believe that the law has been successfully implemented and what additional steps do you think are necessary to improve the government's management of its property portfolio?

OMB and GSA have met the requirements of the Federal Property Management Reform Act and consider their implementation work successful. OMB and GSA continue to work with the Federal Real Property Council to identify administrative and legislative reforms needed to further improve the management of the government-wide real property portfolio.

Cybersecurity and Information Technology

36. Congress has passed several laws aimed at increasing cybersecurity at federal agencies, including the Federal Information Security Modernization Act of 2014 and the Federal Cybersecurity Enhancement Act of 2015. OMB, too, has demonstrated an increased level of attention to the networks, systems, and data at civilian agencies.

- a. What is your assessment of OMB's role in defending against cyberattacks, like the 2015 cyber breach suffered at the Office of Personnel Management?
Pursuant to the Federal Information Security Modernization Act (FISMA), OMB has three key roles: (1) developing and overseeing the implementation of government-wide cybersecurity policies; (2) requiring agencies to identify and provide protections for federal information and systems commensurate with the risk of harm from a potential compromise; and (3) overseeing agencies' compliance with government-wide laws, policies, directives, standards, and guidance around cybersecurity. OMB has demonstrated increased focus through these actions and tracks and publicly reports agency performance through the President's Management Agenda Cross Agency Priority Goals, regular FISMA metrics submissions, and Inspector General annual FISMA audits.
- b. If confirmed, how will OMB work with the Department of Homeland Security to further enhance cybersecurity at federal agencies?
Over the past three years, OMB, through the Federal Chief Information Security Officer, has built a strong partnership with the Department of Homeland Security to enhance cybersecurity at federal agencies. OMB will continue to work closely with the Cybersecurity and Infrastructure Security Agency (CISA) on the issuance of OMB cybersecurity policies and the DHS issuance of Binding Operational Directives or Emergency Directives. We will

also work together on agency engagements to both prevent and respond to cybersecurity incidents.

- c. Do you support GAO's recommendation to OMB to coordinate with the Secretary of Homeland Security to establish guidance or facilitate through other means sharing of successful approaches across federal agencies to manage competing priorities between cybersecurity and functionality, implement consistent cybersecurity risk management policies across federal agencies, incorporate cyber risks into enterprise risk management at federal agencies, and establish agencies' risk management practices? Please explain.

These mechanisms include interagency forums such as the Federal CISO Council, Cross Agency Priority Goals for cybersecurity featured in the President's Management Agenda (PMA), and the FISMA reporting process, which includes OMB updates per E.O. 13800 to provide a risk assessment and help agencies identify targeted areas for improvement. We will continue to work across agencies to mature cybersecurity risk management practices while driving integration and automation of existing mechanisms and reduction of reporting burdens.

37. The Federal Information Technology Acquisition Reform Act empowered and made accountable agency Chief Information Officers (CIOs) for all major technology purchases and maintenance at agencies. While progress has been made, some CIOs remain walled off from the program side of the agency mission. What is your view of the role of the CIO in federal agencies?

The CIO should have the authority necessary to meet its responsibilities under FITARA, the Modernizing Government Technology Act, and the executive order, *Enhancing the Effectiveness of Agency Chief Information Officer*.

38. The federal government collects and maintains significant volumes of Personal Identifiable Information. What do you believe OMB's role should be regarding ensuring federal agencies are fully protecting the privacy of this information?

OMB's privacy role, in accordance with its statutory responsibilities, is and should provide agencies with privacy policy guidance and oversight. In fact, OMB has taken steps to strengthen and institutionalize the federal government's privacy capacity, such as through the establishment of the Privacy Branch within OIRA and the interagency Federal Privacy Council.

39. The U.S. Digital Service is described as "a startup at the White House that pairs the country's top technology talent with the best public servants, to improve the reliability of the country's most important digital services." Similarly, the General Services Administration also has a group called 18F described as a "team of innovators, recruited from the private sector" to "partner with agencies to deliver high quality in-house digital services." What is your view of the role of these two programs in recruiting private sector technology talent to the federal workforce?

I am more familiar with USDS, as it is a part of OMB, and it has been very successful in

recruiting private sector technology talent to the federal government to address real IT challenges.

Improper Payments and Government Transparency

40. In fiscal year (FY) 2018, GAO's government-wide estimate of improper payments was \$151.7 billion, attributable to 88 programs across 19 agencies. In FY 2019, improper payments rose to \$174.8 billion. If confirmed, how do you anticipate OMB ensuring agencies are in compliance with improper payments law and following OMB guidance in this area?
Protecting taxpayer money and making sure it is serving its intended purpose has been and will continue to be a fundamental responsibility of the federal government. The Getting Payments Right Cross Agency Priority Goal is a key part of the President's Management Agenda. Progress toward this goal has paved the road for improved prevention of improper payments by: (1) improving the transparency of payment integrity data on <https://paymentaccuracy.gov>; (2) identifying 160 new data sets currently being used by Federal programs for pre-check of payment eligibility; (3) identifying root causes of monetary losses across 57 programs; and (4) identifying 8 mitigation strategies with potential for broad impact across multiple programs.
41. What role, if any, should OMB play in ensuring agency collaboration and greater sharing of data helpful for curbing waste and fraud? If confirmed how do you plan to carry out this role?
Particularly through our Management components, OMB utilizes all tools at our disposal – including cross-cutting agency guidance and the President's Budget – to promote greater agency collaboration on best practices for fighting waste, fraud, and abuse.
42. Currently, information on recipients of federal grants, contracts, and loans is required to be posted online for public review, pursuant to the Transparency Act. Do you support making subcontracts and sub grants transparent in this same manner?
Yes.
43. Do you agree with the importance of publicly disclosing the federal government's performance goals and the results achieved?
Yes.
44. If confirmed, will you commit to fully and promptly cooperate with requests made by GAO?
I continue to stand by my commitment to provide GAO the information it needs to do its work.

V. Relations with Congress

45. 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, working with OMB's Office of General Counsel, I will work to ensure OMB provides Congress with information responsive to its requests.

46. 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, working with OMB's Office of General Counsel, I will work to ensure that OMB provides Congress with the information responsive to its requests.

47. 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, working with OMB's Office of General Counsel, I will work to ensure that OMB provides Congress with the information responsive to its requests.

VI. Assistance

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

These answers are my own. I have at times consulted with the OMB staff to inform my thoughts and responses.

**Minority Supplemental Pre-hearing Questionnaire
For the Nomination of Russell Vought to be
Director, Office of Management and Budget**

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, Administration, or any other government official?
No.

II. Background of Nominee

3. Why do you want to serve as the Director of the Office of Management and Budget (OMB)?
In my opinion, there is no better position to execute the President's agenda on a broad range of issues than as the Director of OMB. In particular, it is uniquely positioned to lead on fiscal restraint and deregulatory efforts.
4. What would you consider your greatest successes as a leader?
I am proud of the way this past year OMB was an effective implementer of the President's policy agenda amidst many challenges. The agency maintained its professionalism and stability throughout.
5. What would you consider your greatest failure as a leader? What lessons did you take away from that experience?
There is wisdom in a multitude of counselors and past mistakes can often be traced to not ensuring enough visibility by all those with expertise in a given subject. As a result, this is why I am so passionate about our "One OMB" culture.
6. Please give examples of times in your career when you disagreed with your superiors and aggressively advocated your position. Were you ever successful?
As someone who has played various staffing roles in the public policy space, I have routinely disagreed with superiors, aggressively advocated my position, and won and lost those arguments. Out of respect for these former superiors, I don't believe it would be appropriate to give examples in this forum.
7. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so
Yes. One of my greatest frustrations is what I call "false consensus" within an organization. I prefer that competing or alternate views be elevated and worked out amongst staff in the open. It provides the best work product.

8. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country or your organization.
The Budget proposals each year are chockful of “politically difficult decisions,” as one person’s cut in the public interest is another person’s critical project. But, I evaluate and weigh the competing interests to provide recommendations that I believe are in the best interests of the nation.
9. Please describe how you build credibility and trust among staff as a leader.
My goal is to look at issues from their perspective and identify “win-win” solutions to accomplish our objectives.
10. During your career, has your conduct as a federal employee ever been subject to an investigation or audit by the Office of Special Counsel, Department of Justice, agency Equal Opportunity office or investigator, agency Inspector General, or any other federal investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).
No.
11. You were confirmed as Deputy Director of OMB on February 28, 2018 and you currently serve as Acting Director of OMB.
 - a. Please provide the exact date on which you began service as OMB’s Acting Director.
January 2, 2019.
 - b. Have you continuously carried out all of the responsibilities of the OMB Director since that time? If not, please explain.
Yes.
12. Please clarify whether you continued to carry out the duties of the OMB Deputy Director following the start of your tenure as Acting Director.
 - a. If you continued to perform the duties of the Deputy Director, please describe any challenges you have encountered in simultaneously performing both roles.
OMB has a diverse and large portfolio of responsibilities. I have been fortunate to have a strong team of leaders to help successfully navigate the challenges while I held both roles.
 - b. If you did not continue performing the duties of the Deputy Director, please identify the individual(s) and/or offices who took over the duties of the Deputy Director.
I continued to perform the duties of Deputy Director.
13. Please provide your official calendars – including each day’s scheduled appointments and the list of attendees (and their affiliations) – for all dates since the beginning of your

employment with OMB.

I have referred this request to the OMB Office of General Counsel.

III. Role of the Director of OMB

14. What do you consider to be your greatest accomplishment as Acting Director of OMB?
In addition to advancing the President's policy priorities, I am proud of the way that our senior leadership team has led the agency through a challenging year, including the longest government shutdown in history and the response and recovery related to COVID-19.
15. What has been your greatest challenge or setback as Acting Director of OMB?
Some of the greatest challenges as Acting Director have been the government shutdown and the response required by the public health and economic demands of the COVID-19 pandemic.
16. You are currently serving as Acting Director of OMB.
 - a. Are you aware of any limitations to your current authority imposed by statute, regulation, or OMB policy, which will no longer apply if you are confirmed? If so, please describe those limitations.
No.
 - b. In your view, is Senate confirmation necessary for you to achieve your goals as the leader of OMB?
I believe the Senate's constitutional role of advice and consent to be essential for a more effective OMB.
 - c. Other than any differences attributable to statutory, regulatory, or policy restrictions, do you expect your approach to leading OMB to change if confirmed as Director? If so, please explain.
No.
17. Please provide a copy of any formal delegation of authority or similar document(s) issued by the President or OMB, in connection with your official responsibilities while employed by OMB.
Attached
18. OMB's most recent Deputy Director for Management (DDM), Margaret Weichert, also served as Acting Director of the Office of Personnel Management (OPM) from October 2018 – September 2019. Please explain how, if at all, your responsibilities as Deputy Director or Acting Director changed as a result of DDM Weichert serving in two roles simultaneously.
My role was unaffected.

19. Please explain how, if at all, your responsibilities as Deputy Director or Acting Director changed as a result of DDM Weichert's departure from OMB in March 2020.
My role was unaffected.

IV. Policy Questions

COVID-19 Response

20. Please describe OMB's overall roles and responsibilities relating to the federal government response to the COVID-19 crisis.
OMB continues to actively work with federal agencies and Congress on an aggressive response to COVID-19, including providing assistance in regards to government-wide execution.
21. What has OMB's role been with respect to the implementation of the financial assistance made available through the Coronavirus Aid, Relief, and Economic Security (CARES) Act?
OMB continues to actively work with federal agencies and Congress on an aggressive response to COVID-19, including helping to stand up new programs and assist agencies in distributing funding.
22. Do you believe that additional funding will be necessary to support continuing efforts to combat the public health threat and economic impact of the COVID-19 pandemic? Please explain why or why not.
We continue to monitor and evaluate the spending of currently appropriated funds to make the best possible assessment.
23. Do you commit, both in your role as Acting OMB Director and if confirmed, to work with Congress to ensure that individuals, businesses, and communities impacted by the COVID-19 pandemic receive adequate federal assistance?
OMB continues to actively work with federal agencies to provide timely relief while ensuring we do not place undue burden on the intended recipients of the relief.
24. How will OMB ensure that reporting requirements under Sec. 15010 and 15011 of the CARES Act for federal financial assistance will be inclusive of assistance received by subrecipients?
OMB Memorandum M-20-21 provides guidance on how OMB plans to meet the reporting requirements under Sec. 15010 and 15011, specifically leveraging existing reporting requirements under the Federal Funding and Transparency Act (FFATA) and the DATA Act.
25. The President's Fiscal Year (FY) 2020 budget would have cut over \$4.5 billion to select offices that combat pandemics, a reduction of nearly 20% FY 2019 levels.
- a. What was the reasoning for these proposed cuts?

- b. If confirmed, what steps will you take to ensure the country is better prepared to respond to such crises?

In FY 2020, the President and Congress agreed to aggregate funding levels that were higher than both FY 2019 and the levels contemplated in the FY 2020 President's Budget request that were developed months before this agreement. The Administration's amended FY 2021 request for CDC is 8% higher than the FY 2020 enacted level and requests a 15% increase for infectious disease and emergency preparedness activities across the CDC. The Budget Amendment also prioritized funding for the National Institute of Allergy and Infectious Diseases (NIAID), NIH's leading infectious disease institute. If confirmed, I will continue to take all necessary and prudent steps to ensure that the country is prepared to respond to such crises.

26. Please describe the role that OMB has played in determining whether, and to what extent, the Administration should use the Defense Production Act in relation to the COVID-19 response. Has OMB instructed agencies (i.e. DOD, FEMA, HHS, or others) not utilize the authorities of the Defense Production Act to increase supply of medical supplies or equipment for the government's response to COVID-19? If so, why?
OMB has not instructed any agencies not to use the DPA authorities. DPA authorities are not vested in or delegated to OMB. We have worked as part of the interagency process to coordinate actions across government to ensure all relevant and appropriate authorities and programs are being brought to bear in response to COVID-19. While OMB is working as part of the interagency effort to coordinate DPA actions, the Assistant to the President for Trade and Manufacturing Policy serves as the National DPA Policy coordinator, pursuant to E.O. 13911.
27. What analysis has OMB performed on the possible adjustment to the 75/25 cost share for the emergency declarations and major disaster declarations the President has granted as part of the COVID-19 response? Has OMB made a recommendation to the President on adjusting the cost-share?
FEMA is closely tracking COVID-19 obligations and providing daily updates to OMB. To date, FEMA has obligated approximately \$6 billion to states, territories, and tribes, and spending will continue to increase as response efforts continue. At this point, no state, territory, or tribe has met the per-capita threshold that triggers a cost share adjustment pursuant to FEMA regulations. That said, the Administration recognizes that COVID-19 is unprecedented, and continues to closely monitor the situation with the understanding that the President has the ability to take action on cost share outside of FEMA's regulatory framework if circumstances warrant.
28. OMB Memorandum M-20-21 indicates that recipients of relief funds will not be required to report on the estimated number of jobs created or retained by a project or activity funded by federal financial assistance. Why is OMB unsupportive of collecting this data?
Consistent with the intent of the statute to minimize recipient reporting burdens and leverage existing reporting mechanisms through user-friendly means, OMB will rely on reporting from applicable programs and macroeconomic analysis for the purposes of estimating the number of jobs retained and/or created. Based on OMB's

previous experience, including experience implementing similar provisions of the American Recovery and Reinvestment Act, we do not believe additional direct reporting from all agencies and recipients would add meaningful value to the economic analysis of the impact of the CARES Act and other supplemental funding on employment, economic growth, or other indicators.

29. What factors is the Administration currently taking into account to determine the types and amounts of assistance that will be provided to states in response to the COVID-19 crisis?
The Administration has secured over \$500 billion for State, local, tribal, and territorial governments since the public health emergency began. This corresponds to roughly 25% of all State operating budgets combined. The programs making the largest payments to state, local, tribal, and territorial governments are unemployment insurance, the Coronavirus Relief Fund, and the Disaster Relief Fund.
30. OMB Memorandum M-20-21 indicates that recipients of relief funds will not be required to report on the estimated number of jobs created or retained by a project or activity funded by federal financial assistance. Why is OMB unsupportive of collecting this data?
Consistent with the intent of the statute to minimize recipient reporting burden and leverage existing reporting mechanisms through user-friendly means, OMB will rely on reporting from applicable programs and macroeconomic analysis for the purposes of estimating the number of jobs retained and/or created. Based on OMB's previous experience, including experience implementing the American Recovery and Reinvestment Act, we do not believe additional direct reporting from all agencies and recipients would add meaningful value to the economic analysis of the impact of the CARES Act and other supplemental funding on employment, economic growth, and other indicators.
31. On February 7, 2020, Ranking Members of four Senate Committees wrote to OMB to urge the Administration to fully fund infectious disease and pandemic preparedness and response in the President's FY 2021 budget proposal. Did you receive and review this letter? Please describe any actions that OMB took in response to the concerns raised in this letter.
OMB received the letter after the President's FY 2021 Budget was submitted to Congress. By early February, however, the Administration had taken a number of steps to address the Coronavirus pandemic. In March, the Administration amended its 2021 Budget for key HHS infectious disease and pandemic preparedness and response activities at CDC and for infectious disease research at NIH's NIAID.
32. On March 19, 2020, several Senators sent a letter to you and Acting OPM Director Rigas asking OMB and OPM to make agency continuity of operation (COOP) plans available to the public online, consistent with how OMB has done for lapses in appropriations. Did you receive and review this letter? Please describe any actions taken to respond to the letter or otherwise address the Senators' request for transparency.
Yes, I received and reviewed this letter. Continuity information is shared within the

executive branch, legislative branch as appropriate, and within operational security and security classification guidelines. Aggregating department and agency COOP information in one location is not recommended due to operational and national security concerns as discussed in E.O. 13526 (Classified National Security Information). OMB and the Office of Personnel Management are coordinating with FEMA National Continuity Programs, which coordinate the executive branch continuity activities and COOP guidance.

33. On May 11, 2020, Ranking Member Peters sent a letter to you and other Administration officials regarding potential plans for emergency executive actions that may exceed the President's authority under the Constitution, and requesting all current Presidential Emergency Action Documents. Did you review and receive this letter? Please describe any actions taken in response to this request.
Yes. OMB can work to ensure Congress has any "Emergency Action Document." The Administration does not have any plans for emergency executive actions that exceed the President's authority under the Constitution.
34. Please explain OMB's role in the development and implementation of Project Airbridge. How did the Administration decide how much discretion to give private sector participants in determining how to allocate vital supplies through Project Airbridge?
OMB had no role in the development or implementation of Project Airbridge. According to FEMA, Project Airbridge was designed to rapidly bring critical supplies from overseas to the United States, reducing the time it takes to receive shipments from weeks to days.
35. Please explain OMB's role in reviewing guidance or other materials related to COVID-19 that are issued or drafted by executive branch agencies. Under what circumstances is approval by OMB or the White House required before an agency may publically release guidance or other documents?
Materials related to COVID-19 that are regulations would be reviewed by OIRA under E.O. 12866 unless an exception to that Order applies. Materials that are guidance may also be reviewed by OIRA under authorities including longstanding interpretations of E.O. 12866 and President Trump's more recent E.O. 13891.
 - a. Did OMB review or approve recent CDC re-opening guidance or related decision tree documents?
Yes, OMB recently concluded its review of CDC's decision tree documents. With regard to news stories referring to earlier versions, Dr. Redfield has publicly stated a final version of the CDC's guidance had not yet circulated for a policy process.
 - b. Did you have any direct involvement in OMB's review or approval of recent CDC re-opening guidance or related decision tree documents?
See Question 35a.

36. Do you commit, both in your role as Acting OMB Director and if confirmed, to cooperate with any audits, reviews, investigations, and other actions taken by the Pandemic Response Accountability Committee (PRAC)?
Yes.
37. Do you commit, both in your role as Acting OMB Director and if confirmed, to be responsive to request from the PRAC or its members in the course of an audit, review, or investigation in a timely manner?
Yes.
38. How will you, both in your role as Acting OMB Director and if confirmed, facilitate federal agency compliance with the PRAC?
If confirmed, I will continue to ensure OMB works with the PRAC to ensure the IGs can carry out their statutory responsibilities.
39. How will you, both in your role as Acting OMB Director and if confirmed, ensure agencies are accountable to the PRAC's recommendations?
If confirmed, I will continue to ensure OMB works with the PRAC to help the IGs carry out their statutory responsibilities.
40. How are OMB, the Council of Economic Advisors, the Department of the Treasury, and the Small Business Administration collaborating on the quarterly reports required by section 15011(c)(1) of the CARES Act and where will these reports be posted publicly?
OMB is coordinating with staff from CEA, Treasury's Economic Policy and Office of Tax Analysis divisions, and SBA's evaluation office to develop a methodology to quantify the employment and economic growth effects of the CARES Act. The reports are expected to be posted to the OMB or CEA website when complete.
41. What guidance/requirements (including memoranda, letters, or emails), if any, has OMB provided regarding program integrity, fraud risk management and Enterprise Risk Management to agencies as they respond to COVID-19 and its impacts? Please provide a copy of the guidance/requirements/FAQ responses indicating which agencies were provided this information and the date(s) provided.
OMB has provided agencies with considerable guidance in OMB Circular A-123 to assist them in upholding the integrity of their programs and address risk, which will assist them in carrying out their response to the COVID-19 pandemic.

Additionally, OMB continues to work with agencies through its normal and frequently used communications channels, which includes program-specific discussions around program integrity, fraud risk management, and enterprise risk management (ERM) as related to COVID-19. In addition, we applied ERM to prioritize guidance issued to agencies as posted on OMB's website.
42. What efforts has OMB taken (either independently or in conjunction with other agencies) to identify programs that might be particularly vulnerable to fraud as the federal government responds to COVID-19?

We are working closely with agencies through various channels. For example, we are working with the Chief Financial Officers Council and through the Getting Payments Right Cross Agency Priority goal working group to identify and address fraud risk as related to COVID-19. Additionally, the DDM serves as the Executive Chair of CIGIE and has been working with the IGs to address this issue. This is not the end of OMB's efforts however. As described in the answer to Question 41 above, OMB routinely works closely with agencies through its normal communications channels, which includes which includes program-specific discussions around program integrity, fraud risk management and Enterprise Risk Management as related to COVID-19. OMB has provided agencies with considerable guidance and requirements regarding management of their programs to uphold the integrity of their programs and address risk in carrying out their response to the COVID-19 pandemic.

Examples of existing guidance leveraging an integrated ERM approach can be found in the following OMB memos: M-18-14, Implementation of Internal Controls and Grant Expenditures for the Disaster Related Appropriations; M-18-16, Appendix A to OMB Circular No. A-123, Management of Reporting and Data Integrity Risk; and M-18-20, Transmittal of Appendix C to OMB Circular A-123, Requirements for Payment Integrity Improvement. OMB memos M-17-26, Reducing Burden for Federal Agencies, and M-18-23, Shifting From Low-Value to High-Value Work, collectively seek to reduce agency burden by shifting from low-value to high-value work. OMB has issued the following guidance and memoranda to specifically address potential risk areas for agencies as they quickly react to the COVID-19 emergency:

- M-20-22 Preserving the Resilience of the Federal Contracting Base in the Fight Against the Coronavirus Disease 2019 (COVID-19) (April 17, 2020) (7 Pages, 6,473 KB)
- M-20-21 Implementation Guidance for Supplemental Funding Provided in Response to the Coronavirus Disease 2019 (COVID-19) (April 10, 2020) (9 pages, 13,104 KB)
- M-20-20 Repurposing Existing Federal Financial Assistance Programs and Awards to Support the Emergency Response to the Novel Coronavirus (COVID-19) (April 09, 2020) (2 pages, 653 KB)
- M-20-19 Harnessing Technology to Support Mission Continuity (March 22, 2020) (5 pages, 190 KB)
- M-20-18 Managing Federal Contract Performance Issues Associated with the Novel Coronavirus (COVID-19) (March 20, 2020) (7 pages, 6,685 KB)
- M-20-17 Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations (March 19, 2020) (5 pages, 5,575 KB)

43. What actions has OMB taken (either independently or in conjunction with other agencies) regarding program integrity, fraud risk management and/or Enterprise Risk Management

in response to COVID-19, its impacts, and the changing environment?

See Question 42.

44. How is OMB helping agencies balance expediency and the need to mitigate fraud, waste, abuse, and improper payments (e.g., resources that could include ongoing technical assistance, weekly conference calls, FAQs or other mechanisms to facilitate intragovernmental cooperation)?
Proper stewardship of taxpayer dollars is a priority for the Administration at all times, especially during the pandemic when there is an increased risk of improper payments and fraud. OMB issued M-20-21, which provides high level guidance to agencies to balance costs, risks, and program performance. Additionally, please see responses to Questions 41 and 42 above.
45. Section 15011 of the CARES Act requires OMB to coordinate with agencies and the Pandemic Response Accountability Committee to facilitate reporting by recipients of “large covered funds” (over \$150,000) as well as aggregate reporting on awards under \$50,000. Please describe OMB’s plans and timelines for accomplishing this.
Accurately tracking and reporting CARES Act funding is a priority for the Administration. OMB Memorandum M-20-21 lays out OMB’s plans and timelines for accomplishing the requirements in section 15011, leveraging existing data where possible and maximizing transparency to the public while minimizing burden for the recipients of these funds who are on the front lines of the pandemic response. Recording and tracking of funds for awards under the new relief legislation is essential to providing relief to citizens and businesses, facilitating oversight, and creating accountability for results.
 - a. To what extent will the information agencies report to OMB on “large covered funds” be publicly available and in what form and manner does OMB plan to report this information?
The information reported to OMB on “large covered funds” will be publicly available on USASpending.gov.
 - b. When does OMB plan to start reporting this information?
OMB has already begun making information available on USASpending.gov. Also, as described in OMB Memorandum M-20-21, agencies are required to report COVID-19 spending. As we obtain additional information for the June 2020 reporting period, OMB will make additional information available on USASpending.gov in July and August.
 - c. What processes are planned or in place for OMB/Treasury to reasonably estimate obligations and/or expenditures of “large covered funds” if they are not timely reported by the agencies?
We anticipate agencies will timely report pursuant to OMB guidance and direction in OMB M-20-21.

- d. Please provide a list of the agencies OMB staff plan to or are coordinating with to submit these required reports.

OMB is currently coordinating with all executive branch agencies for purposes of maximizing transparency of spending.

46. What, if any, guidance does OMB plan to issue regarding internal controls related to COVID-19-related funding and programs?
See responses below to 46a and 46b. We will continue to monitor the need for additional guidance and issue it as needed.
- a. Does OMB plan to issue additional guidance on agency's internal controls over payment integrity for COVID-19-related funding?
Not at this time. There is a strong foundation in existing guidance for internal control issued in A-123 which implements GAO's Standards for Internal Control in the Federal Government and GAO's Framework for Managing Fraud Risks in Federal Programs.
- b. Does OMB plan to require agencies to estimate and report on improper payments related to COVID-19-related funding?
Yes, in accordance with existing payment integrity laws and OMB implementing guidance, agencies will consider improper payment risk assessments to determine whether the program is likely to be susceptible to significant improper payments. Programs that are likely to be susceptible to significant improper payments will be required to report annual improper payment estimates.
47. On April 10, 2020, OMB issued M-20-21 implementation guidance to agencies defining the Disaster Emergency Fund Code (DEFC) values for COVID-19-related funding. How will agencies identify and report on COVID-19-related funding processed prior to the date of the guidance?
OMB Memorandum 18-08, Guidance on Disaster and Emergency Funding Tracking, requires agencies to track spending of amounts designated in appropriations Acts as emergency or for disaster relief pursuant to section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, or from accounts that received such amounts visa non-expenditure transfer. Standard practice dictates that upon signing of an emergency and/or disaster supplemental, OMB provides agencies with the unique DEFC. As such, upon signing of the COVID-19 relief bills (Pub.L.No. 116-123, Pub.L.No. 116-127, Pub.L.No. 116-136), OMB alerted agencies to use a unique DEFC for those supplemental appropriations with emergency funding before the OMB Memorandum M-20-21 was issued.
48. M-20-21 states that "agencies should work with their OMB representative to identify situations where a DEFC value cannot be used to track spending provided in the CARES Act." How will OMB report spending that is not tracked using a DEFC value and which agencies, if any, have contacted OMB in this regard?

OMB is in the process of identifying these types of situations and how best to address them.

Budget and Economic Policy

49. Please explain your views on the increase in federal spending and the deficit under the current administration.
I support the Administration's efforts to restrain spending and balance the budget. President Trump has proposed more deficit reduction than any president in history.
50. What policies do you believe would best help constrain the growing long-term deficit and national debt?
Reducing federal spending and pro-growth economic policies are key to constraining deficits and debt. Such proposals have been proposed in each of the President's Budgets.
51. Please explain whether you believe that there should be alterations to Social Security and Medicare.
The President has made clear we will protect Social Security and Medicare beneficiaries, and there are no spending cuts proposed to either program in any of the Administration's budgets. The President's budgets have proposed reforms that would, for instance, reduce the costs of prescription drugs in Medicare, lower Part D premiums, and rationalize the way we pay for care through site-neutral payments.
52. Do you commit, both in your role as Acting OMB Director and if confirmed, to oppose any cuts to Social Security and Medicare?
The President has made clear that he will protect Social Security and Medicare. All four of his budgets have done so and future ones will as well.
53. Please explain your views on federal support of scientific research. What is the federal government's role in funding domestic research agencies and international public health programs?
The Federal government's proper role is in basic research, not in end-stage or commercialization, which should largely be left to the private sector. The President's budgets have reflected that overarching position.
54. As Deputy Director or Acting Director of OMB, have you advocated to cut funding for federal research and public health agencies, such as the CDC and NIH?
We have proposed focusing these agencies on their core missions, with targeted increases in some areas, like combating infectious diseases, while reducing funding in other areas that represent mission creep for the respective agencies.
55. Do you commit, both in your role as Acting OMB Director and if confirmed, to oppose any cuts to federal research and public health agencies?
See Questions 53 and 54.

56. Please explain your views on federal financial support for the Special Olympics. Do you commit, both in your role as Acting OMB Director and if confirmed, to oppose any cuts to the Special Olympics?
The 2021 Budget provides nearly \$14 billion for special education programs, a \$100 million increase over 2020 funding levels. This amount includes \$20 million for the Special Olympics. The President has been clear about his support for the Special Olympics and I expect that support to continue.
57. Which federal agencies, if any, should have their budgets cut and why?
Unsustainable federal spending is a serious threat to America's prosperity, and it is imperative that we take meaningful action to refocus federal priorities, seek out efficiencies, and rein in spending. Thus, the President's budgets have included proposals to eliminate spending that is duplicative of other government spending, spending that is inefficient or wasteful, spending that has no proper federal role, and spending that is improper or fraudulent.
58. Do you consider the reports, analysis and data produced by the Congressional Budget Office to be reliable? If not, why not?
Yes, the CBO provides important and useful information. The Administration sometimes disagrees with its conclusions, but respects its role in the process.
59. Do you believe that federal agencies should be required to report Antideficiency Act violations identified by GAO to Congress even if the administration does not agree that the spending violated the law? Please explain.
Under OMB guidance, if a federal agency wants to report a matter that GAO finds is an Antideficiency Act violation, that agency may choose to report that matter to Congress. Under the constitutional principle of separation of powers, however, executive branch agencies are not bound by the opinions of legislative branch agencies and thus should not be required to report where the executive branch has concluded that the law has not been violated.
60. Please explain OMB's role in recommending, approving, or implementing holds or "freezes" on foreign security aid or assistance. What policies or procedures does OMB follow when determining whether to hold congressionally appropriated security funds?
When funds are appropriated by Congress, they are provided for particular purposes, for a specified time period, and in a specified amount. OMB is statutorily required to apportion funds appropriated for a definite period to ensure that they last for the entirety of the period for which they were appropriated by Congress, and to apportion funds appropriated for an indefinite period to achieve the most effective and economical use. Those same laws expressly provide OMB with the authority to apportion funds for any time period or purpose authorized by the appropriation. Based on its express authorities, OMB may temporarily pause an agency's ability to incur obligations until the need for the obligation arises. In fact, OMB has regularly used this apportionment authority, across decades and administrations, to temporarily pause agency obligations to obtain additional information needed to

determine the best possible use of the funds consistent with the law. This is part of OMB's responsible stewardship of funds.

Management & Federal Workforce

61. Do you believe that a thorough cost-benefit analysis is necessary prior to implementing major organizational changes within the federal government?
Yes.
62. In June 2018, the Administration announced a reorganization proposal that would dismantle OPM in its current form and transfer most of its functions to the General Services Administration (GSA) and OMB. Following a July 18, 2018 hearing before this Committee, OMB DDM Weichert stated answers to Questions for the Record: "The Administration continues to examine what additional statutory authorities are required to implement elements of the reorganization proposals." Similarly, in response to Questions for the Record following a July 26, 2018 Subcommittee hearing, former OPM Director Jeff Pon stated that "OPM is currently reviewing legal authorities" and "attorneys from the relevant agencies and OMB are engaged in interagency discussions to review current authorities."
 - a. Have OPM and the relevant agencies completed their review of current authorities related to the merger proposal? If so, please explain the outcome of that review. If not, please explain the current status of the review.
As acknowledged from the start, the full proposed merger will require Congressional action. OMB transmitted proposed legislation to provide necessary authorities. On October 1, 2019, functions of the National Background Investigations Bureau were successfully transferred from OPM to DOD. This transfer of over 3,300 staff demonstrates a merger of this scale can be successfully executed should Congress pass the legislation authorizing the OPM-GSA merger.
 - b. What role have you had, as OMB's Deputy Director or Acting Director, in developing, reviewing, or implementing proposals related to the transfer of functions from OPM to GSA or OMB?
I have provided leadership direction and oversight, in coordination with OPM, GSA, and OMB teams.
63. The FY 2020 National Defense Authorization Act prohibits the transfer of functions from OPM to GSA until at least 180 days after a report by the National Academy of Public Administration (NAPA), and subject to the enactment of any required legislation.
 - a. Do you commit, both in your role as Acting OMB Director and if confirmed, to ensuring that the NAPA study proceeds efficiently and OPM complies with this provision of law?
Yes.

- b. Do you commit, both in your role as Acting OMB Director and if confirmed, to ensuring that any actions taken to transfer functions from OPM to GSA do not exceed the agencies' existing authorities?

Yes.

64. As you are aware, last year over 800,000 Federal employees were impacted by the 35-day partial government shutdown. Many of these employees were furloughed while other excepted workers were required to work without pay. Traditionally, according to the Antideficiency Act, excepted workers were only those whose responsibilities were essential to protecting life and property. However, as the shutdown wore on, the administration recalled over 50,000 federal workers to process tax refunds, farm loans, etc.
- a. What are the respective roles of OPM and OMB during a government shutdown?
To ensure an orderly shutdown, OPM and OMB work together closely to provide guidance and communications to agencies and employees. OMB provides overarching leadership and guidance on the use of resources, including human capital resources, to ensure agencies adhere to existing laws and policies. OPM provides policy guidance and technical assistance on the administration of human resources and agency operational issues, such as the continuation of the FEHBP and payroll administration.
- b. How would you improve upon the guidance provided to Federal employees during the most recent shutdown?
The 2019 shutdown was unprecedented. OMB and OPM provided the best possible guidance available to federal employees, and did so in a timely manner. I am always interested in feedback and suggestions for continued improvement.
- c. What guidance would you provide Federal employees for shutdown furloughs during a funding lapse of this duration in the future?
OMB has established policies, procedures, and communications routines with agency leadership. The most recent shutdown was of unprecedented length and agencies encountered new issues. Going forward, we would expect to leverage the established policies, procedures, and routines while incorporating lessons learned from the most recent shutdown.
- d. In your opinion, is it appropriate to recall federal workers to perform tasks that are not essential to protecting life and property?
Federal workforce and operational decisions during a shutdown depend on a variety of factors. Any decisions regarding the recall of federal workers during a shutdown are made within the bounds of existing law and take into account those essential tasks that are needed to protect life and property.
- e. As OMB's Deputy Director and Acting Director, what steps have you taken to assess the recent shutdown's short and long-term impacts on the federal

workforce? What additional steps, if any, would you pursue if confirmed?
The OMB and OPM teams are continually assessing the federal workforce, and have worked diligently to develop policy proposals designed to strengthen the workforces in the near- and long-term. Specifically, OMB and OPM worked together to incorporate new questions into the 2019 Federal Employee Viewpoint Survey on how the shutdown impacted individual employees. OMB, OPM, and agencies are following up on these findings.

65. During your nomination to be OMB Deputy Director, you stated: “Developing a performance review of [tax] expenditures is something that I support in theory, but I recognize the sizable resource requirements that it would entail and a potential concern that it might prove redundant with the efforts of Treasury’s Office of Tax Analysis.”¹ How, if at all, has your view changed since you were confirmed as Deputy Director?
My view has not changed.
66. Please describe any revisions you have made to OMB Circular A-136, *Financial Reporting Requirements* during your tenure as OMB’s Deputy Director or Acting Director. Are there additional revisions you are considering?
A-136 is updated annually, and will be updated again this year, as well as during my tenure as Director, if confirmed, to reflect changes required by financial accounting standards issued by the Federal Accounting Standards Advisory Board, changes necessary to support the audit of the government-wide financial report, and changes required by law. In addition, streamlining and clarifying edits are and will continue to be made to A-136 annually.
67. OMB updated Circular A-123 in July 2016, to adopt a more integrated risk management structure. The updated Circular A-123 requires Agencies to implement an enterprise risk management capability coordinated with the strategic planning and strategic review process established by the GPRA Modernization Act, and the internal control processes required by the federal Managers’ Financial Integrity Act (FMFIA) and GAO’s Green Book. What is your assessment of agencies’ compliance with the current risk management requirements? As Deputy Director and Acting Director, what steps have you taken to ensure agencies maintain appropriate risk management practices?
OMB continues to support agencies in developing and maturing an ERM capacity as required by A-123 and A-11. We are cognizant effective risk management requires a cultural change, therefore OMB has worked closely with agencies on an implementation strategy that can gradually mature agencies’ policies and practices over time.
68. During your tenure as OMB Deputy Director and Acting Director, what have the respective roles of OMB and OPM been with respect to developing, implementing, and ensuring compliance with federal workforce policy?

¹Response to U.S. Senate Committee on Homeland Security and Governmental Affairs, Minority Supplemental Pre-hearing Questionnaire for the Nomination of Russell Vought to be Deputy Director, Office of Management and Budget, Question 13 (May 15, 2017).

OMB and OPM work in a positive and collaborative way on issues of federal workforce policy. OPM is the primary agency for federal personnel policy, while OMB provides overall guidance consistent with the PMA.

69. During your confirmation to be OMB's Deputy Director, you stated that you had not considered what challenges the federal government faces in addressing skill gaps, but that, "if confirmed [you would] be briefed and assess any skill gaps in the federal government and work with the DDM to address these gaps through the Office of Performance and Personnel Management and the Office of Personnel Management."²
- a. Please describe what steps you have taken since your confirmation as Deputy Director to assess and address skill gaps in the federal government.
During my tenure as Deputy Director, I have emphasized a "One OMB" approach that emphasizes the inter-relationship of OMB responsibilities. A good example of where this has been critical would be closing skill gaps in cybersecurity. OMB staff covering personnel policy, IT policy, and DHS and other agency RMO teams have worked closely together to formulate a government-wide approach to reducing skills gaps in this area.
 - b. What do you now believe to be the biggest challenges are in addressing skill gaps in the federal government? What role should OMB play in efforts to improve human capital management across the federal government?
The biggest challenge remains an inverted workforce with an average age of nearly 50 years old, with fewer than 6% of the workforce younger than 30 (compared to 23% in the private sector). Our hiring, compensation, and performance management systems are still too heavily based on outdated statutes that limit our managers' ability to recruit and retain a workforces with skills and competencies needed now and in the future.
70. What do you believe the role of the Senior Executive Service (SES) should be in the federal workforce? Please describe any steps you have taken as Deputy Director or Acting Director to evaluate or reform the SES system. If confirmed, what, if any, additional measures would you take?
A robust SES leadership corps is essential to the efficiency and effectiveness of the federal government. If confirmed, I would focus on reforming the SES selection process and ensuring there are meaningful distinctions based on performance. In addition, over half of the SES are eligible to retire today, which means we should be focused on recruitment and succession planning.

Government Transparency

71. Sec. 1222 of GPRAMA instructs that the OMB director "shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all federal programs, and the performance of the federal government as well as individual

² *Id.*, Question 32.

agencies.” The statute also states that the standards set for transparency and frequency of updates are the minimum. During your nomination to be OMB’s Deputy Director, you stated: “If confirmed, I would work with the DDM to comprehensively assess how OMB is complying with [Sec. 1222 of GPRAMA] and any related statutes.”³

- a. Please describe what steps you have taken since your confirmation as Deputy Director to comprehensively assess how OMB is complying with GPRAMA and related statutes. What is your current assessment?

The Federal Performance Framework, established by OMB Circular A-11, is the vehicle through which OMB enforces the requirements of the GPRA Modernization Act. We are continually working with agencies to assess and improve their public reporting of performance data.

- b. What steps have you taken since your confirmation as Deputy Director to ensure that disclosures to the public are provided in a coherent and easily accessible manner?

Over the past two years, we have made improvements to reporting through Performance.gov, which has led to a 37% increase there. In addition, we have initiated pilot projects to improve the integration with spending information on USASpending.gov and the reporting of more granular performance data, which you can see on Performance.gov/data. We have also worked to improve agency performance reporting by moving to “performance dashboards” for agency reporting of the results from their annual Strategic Reviews.

- c. Do you plan to pursue additional measures to improve transparency of federal programs and performance?

Yes, we plan to continue these efforts and scale improvements across agencies as they are identified.

72. The Paperwork Reduction Act, the electronic amendments to the Freedom of Information Act (FOIA), the E-Government Act, and current OMB circulars, together have led to a government-wide policy that supports the dissemination of government information and access to that information via the internet. During your confirmation to be Deputy Director, you stated: “If confirmed, I will work with the DDM to review the appropriate amount of public information required under current law.”⁴

- a. Please describe the results of your review.
- b. What standard should be applied in determining the circumstances under which the federal government should be proactive in its dissemination of information to the public or when the dissemination of information should require a FOIA request?

³ *Id.*, Question 22.

⁴ *Id.*, Question 26.

The statutes Congress has enacted, including FOIA and OPEN Government Data Act, strike the balance between the public's right to know and the Government's need to protect certain information, fostering transparency (both proactive and responsive) while protecting specific legitimate interests. In order to provide responsible proactive disclosure, agencies must ensure that legally protected information is not disclosed, an exercise that often may require the expertise of data scientists and statisticians, amongst others, to look at the information, not only in isolation, but in the context of an ever-increasing supply of publicly available information and increasingly sophisticated data analysis capabilities. I discuss the various considerations that inform these questions in a 2019 memorandum, M-19-15, *Improving Implementation of the Information Quality Act*.

Contracting and Procurement Policy

73. During your nomination to be OMB Deputy Director, you stated: "If confirmed, I will ask for a briefing on the reasons for ongoing [contract] cost overruns and work with the DDM to propose improvements that save taxpayers money."⁵
- a. What are the main reasons for contract cost overruns?
In my opinion, the main reasons for many cost overruns can be traced back to poorly defined or unclear requirements and overly optimistic cost estimates. Also, agencies do not consistently use the appropriate tools to track contract spend rates early in the acquisition life-cycle.
 - b. Please describe any steps you have taken since your confirmation as Deputy Director to address cost overruns. Have those efforts been successful?
Under my direction, the Deputy Director for Management established a Cross-Agency Performance Goal under the PMA to improve the management of major acquisitions and leverage the requirements of the Program Management Improvement Accountability Act (PMIAA) to support better use of program management in the development, award, and administration of large dollar contracts. These efforts have been supported by the appointment of agency Program Management Improvement Officers, the establishment of the Program Management Policy Council, and the issuance of guidance to implement PMIAA (M-18-19).
 - c. If confirmed as Director, what additional measures would you pursue to prevent cost overruns?
If confirmed, I will ask the Acting Deputy Director for Management and Administrator for Federal Procurement Policy to continue efforts under the PMA to strengthen program management of major acquisitions. I will also ask the OFPP Administrator to explore promising innovative tools to facilitate better requirements development, which can support more accurate

⁵ *Id.*, Question 14.

cost estimates. Existing capabilities in artificial intelligence and process automation can enhance our abilities to monitor contract expenditures against schedules and performance to anticipate cost overruns and take prompt corrective action, and help acquisition professionals quickly harvest cost data on the commercial and non-development items that contribute to the costs of major systems.

74. What factors should OMB and OFPP consider when reviewing federal agencies' business cases for the award of new government-wide acquisition contracts?
As outlined in its 2019 guidance on category management (CM), OMB seeks to ensure that (1) new government-wide acquisition contracts (GWACs) are unique in their offerings and do not duplicate existing capabilities, (2) pricing data is provided and shared so government buyers have better market intelligence, (3) small business participation is maximized, and (4) cost and fees are transparent.
75. What do you see as the appropriate relationship between OFPP and the acquisition policy functions of GSA?
OMB's OFPP has statutory authority for developing government-wide acquisition policies that ensure consistency and promote efficiency throughout the federal acquisition system. GSA is a critical partner in supporting these policies and in operationalizing many acquisition management functions, such as issuing regulations, collecting and managing procurement data, developing the workforce, and saving taxpayer dollars through category management.

Cybersecurity and Information Technology

76. Which agency do you believe should have primary responsibility for protecting the federal government from cybersecurity threats?
In accordance with FISMA, the head of each agency is responsible for providing information security protections commensurate with the risk and magnitude of the harm resulting from any compromise within their agency. FISMA also lays out key government-wide responsibilities for OMB, DHS, DOD, and the Director of National Intelligence. While other agencies, such as the FBI, play key roles, DHS's CISA has a significant role in coordination with OMB to protect civilian information and systems from cyber-threats.
77. What steps have you taken as OMB's Deputy Director and Acting Director to ensure that federal agencies are taking the steps necessary to hire the cyber talent they need to meet the growing threat our country faces in cyberspace? What additional efforts would you pursue if confirmed?
Through the PMA, OMB has focused specific efforts to recruit, retain, and reskill cyber talent. We have continued to pilot programs to train a cybersecurity workforce, build data skills, raise cybersecurity awareness, and support the development of new hiring and retention techniques, such as DHS' Cyber Talent Management System. OMB will continue to mature these pilot programs while

working with Congress to create additional pathways to address cybersecurity workforce challenges.

78. What do you view to be the most significant current and potential cyber security threats facing our federal networks and critical infrastructure owners and operators? What steps have you taken as OMB's Deputy Director and Acting Director, to improve the nation's cyber security, both with respect to the government and private networks? What additional efforts would you pursue if confirmed?

China and Russia pose the greatest espionage and cyber-attack threats, but we anticipate that all our adversaries and strategic competitors will increasingly build and integrate cyber espionage, attack, and influence capabilities into their efforts to influence US policies and advance their own national security interests. The President's Budget includes \$18 billion for cyber security, split evenly between Defense and civilian agencies, ensuring that we are able to project our strength as a nation, protect our systems and critical infrastructure, and respond quickly to cyber incidents. If confirmed, I will continue to recommend appropriate funding levels to address these threats and oversee and report on agency information security efforts.

Improper Payments

79. During your tenure as OMB's Deputy Director and Acting Director, how have you worked to combat improper payments across government?

During my tenure at OMB, we released the Getting Payments Right Cross Agency Priority (CAP) Goal as part of the PMA. This CAP Goal is focused on reducing monetary loss by making payments correctly the first time. In addition, the President's Budget each year prioritizes the reduction of improper payments.

80. In your opinion, what are the top challenges to combatting improper payments across the government?

The top challenges for combatting improper payments pertain to outdated technology, data quality and access issues, and the need for key data analytic skills in the workforce. We are working on those challenges through the Getting Payments Right CAP Goal. The DDM serves as the executive chair of CIGIE and will continue to engage with the IGs on this matter and in this forum.

81. While individual agencies must have tailored strategies to combat improper payments, we must also solve cross-cutting problems, such as differential access across agencies to up-to-date information about payment recipients who are deceased. During your tenure as OMB Deputy Director and Acting Director, what steps have you taken to advance cross-cutting solutions for preventing improper payments? What additional work do you plan to do in this area if confirmed?

We need to solve cross-cutting problems, such as data access. I will continue to pursue preventing improper payments through our CAP Goal, Getting Payments Right.

Executive Orders

82. Under Executive Order 11030, as amended, OMB substantively reviews and clears all draft Presidential Executive Orders and Memoranda to agency heads prior to their issuance. What, in your view, is the appropriate use of executive orders? What criteria will you use when evaluating proposed executive orders?
Executive orders are an effective tool for the President to drive his policy agenda throughout his Administration. Some of the criteria for evaluating proposed executive orders include whether the text accomplishes the President's intent, as well as whether they comport with existing statutes.
83. Of the existing executive orders concerning OMB's responsibilities and operations, are there any you believe should be repealed or replaced? If so, describe which executive orders and your reasoning. If not (or if you do not yet have a view), describe what approach you will take to evaluating the current executive orders that apply to OMB.
I have not undertaken such a review.

Health Care Policy

84. Publicly available documents indicate that OMB blocked the VA from including three health conditions – bladder cancer, Parkinson's-like symptoms, and hypothyroidism – on the agency's list of presumptive illnesses for Vietnam War veterans suffering from Agent Orange exposure. Do you commit, both in your role as Acting OMB Director and if confirmed, to revisit this decision?
On November 1, 2017, before my confirmation as Deputy Director, then VA Secretary Shulkin announced, "After thoroughly reviewing the National Academy of Medicine's (NAM) latest report regarding Veterans and Agent Orange, and associated data and recommendations from the NAM Task Force, I have made a decision to further explore new presumptive conditions for service connection that may ultimately qualify for disability compensation." In response to a recent Congressional inquiry on this same topic, the VA advised that it was still deliberating over this policy. OMB will thoroughly, but expeditiously review all aspects of any VA proposal that is submitted.
85. What role did you have in the administration's proposed changes to the ACA's premium indexing methodology for plan year 2020?
OMB coordinates Executive Branch review and consideration of all major rulemaking, including the rule that included changes to the premium indexing methodology for 2020.
86. Do you commit, both in your role as Acting OMB Director and if confirmed, to support the re-opening of health care enrollment for the Affordable Care Act during the COVID-19 pandemic?
The Administration is committed to ensuring that Americans are protected against financial obstacles that might prevent them from getting the treatment they need for COVID-19. The Administration worked rapidly to make initial distributions from the \$100 billion appropriated in the CARES Act to support healthcare related

expenses or lost revenue attributable to Coronavirus and to ensure uninsured Americans can get the testing and treatment they need without surprise billing. In terms of the Federal Exchange, there are existing special enrollment periods for people who have lost their jobs and coverage due to COVID-19 or other reasons.

Regulatory Affairs

87. What is your opinion of the rulemaking process? Are there changes to the process that you would recommend?
The APA has served the nation well as a foundational structure for the rulemaking process. The principles embedded within the notice and comment process and opportunities for judicial review have served to prevent arbitrary government and to provide the public with due process. The Administration has offered views on legislative proposals and offered technical assistance.
88. Are there any major reform proposals for proposing, adopting, and reviewing rulemakings that you would like to see enacted by Congress or fulfilled through executive action or OMB guidance?
See Majority Question 20.
89. What has your role been in the interagency rulemaking review process during your time as Deputy Director and Acting Director of the OMB? If confirmed, would you change your approach in any way?
The interagency preview process is a vital part of the regulatory process. It promotes reasoned decision making and ensures that the Executive speaks with one voice. While Deputy Director and Acting Director, I have worked to ensure that agencies with relevant expertise and missions are able to participate in the interagency process for particular regulatory actions. If confirmed, I would continue to support and promote that process.
90. Do you believe that federal agencies should select the least-costly regulatory option when developing regulatory actions? Please explain.
Agencies very often should select the least-costly regulatory option when developing regulatory actions. However, certain reasons, including but not limited to statutory mandates, warrant an agency issuing a regulation that incorporates an approach other than the least-costly.
91. OMB Circular A-4 explicitly states that agencies “should look beyond the direct benefits and direct costs of [their] rulemaking and consider any important ancillary benefits and countervailing risks.” Do you agree or disagree with this policy? Please explain.
Generally, an agency should consider the ancillary costs and benefits of a rulemaking as well as countervailing risks, except if prohibited by statute. The weight to assign to those ancillary costs and benefits and countervailing risks depends on the statute.

92. Should agencies consider co-benefits when developing regulations? Please explain.
See Question 91.
93. When should agencies account for co-benefits and when should they not?
See Question 91.
94. Should OMB have a greater role in reviewing guidance and regulations promulgated by independent agencies? Please explain.
OMB's review of agency guidance and regulations, other than with regard to the Paperwork Reduction Act and the Congressional Review Act, is determined by executive order and such a determination would be made by the President.
95. What role, if any, have you had in implementing Executive Order 13771?
My responsibilities have included implementing presidential directives with regard to the regulatory review process, including E.O. 13771. For instance, I have supervised the preparation of transparent and accurate reporting of deregulatory cost savings and regulatory costs created by agency regulations.
96. Do you commit, both in your role as Acting OMB Director and if confirmed, to require agencies to maintain on their websites a list of and a link to all guidance documents that have been rescinded since the implementation of Executive Order 13891?
Transparency is critically important to the regulatory process, including in the context of guidance. Both in my role as Acting Director and, if confirmed, as Director, I commit to studying this issue, which I note E.O. 13891 does not expressly address.
97. Please describe your role been in the implementation of OMB Memorandum M-19-14.
As with OMB Memoranda generally, I have supervised the implementation of Memorandum M-19-14.
98. Do you commit, both in your role as Acting OMB Director and if confirmed, to post OMB reviews of independent agency rulemakings under OMB Memorandum M-19-14 on www.reginfo.gov?
OMB does not review regulations under the Congressional Review Act and M-19-14, which implements the Act. Instead, OMB provides major determinations. Agencies that issue regulatory actions determined to be "major" per the Act are directed to submit a report on the action, which includes the major determination, to Congress to enable review.
99. Please explain your views on whether it is appropriate for federal agencies to continue issuing non-essential proposed and final rulemakings during the COVID-19 pandemic.
It is important for agencies to continue to carry out their statutory missions to serve the American people in all regards, even while prioritizing time-sensitive responses to this pandemic.

100. On March 17, 2020, you issued a memorandum directing agencies to “prioritize all resources to slow the transmission of COVID-19.” The memo asks agencies to “reduce and re-prioritize non-mission-critical services to free up capacity for critical services.” However, during this time, many agencies have proposed or finalized regulatory actions not related to the COVID-19 response and not required by statutory or judicial deadlines. How do these actions comport with the direction in your memo?
See Question 99.
101. Do you commit, both in your role as Acting OMB Director and if confirmed, to ensuring that federal agencies robustly enforce public health, worker safety, environmental, and consumer protections?
Yes.
102. Has OMB issued any guidance or instructed agencies in any other way to focus on completing their highest priority rulemakings over the course of 2020? If so, do you commit, both in your role as Acting OMB Director and if confirmed, to providing the Committee with that guidance or memorandum?
OMB has not issued any such memorandum.
103. Please provide the Committee a list of rulemakings or other regulatory actions that you reviewed or provided feedback on as Deputy Director and Acting Director of the OMB.
I supervised or assisted in the supervision of all regulatory actions reviewed within OMB during my time in leadership roles there.
104. Since February 2018, has OMB either formally or informally requested an agency to withdraw a rulemaking submitted for White House review? If so, please identify the regulatory action(s).
In July 2019, OMB asked that HHS withdraw the following rule from review: “Fraud and Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees,” (RIN 0936-AA08. This request was made pursuant to a determination by the President not to proceed with the rulemaking (see White House press release on same).
105. Please provide a list of guidance documents reviewed by OMB under Executive Order 13891.
Please see [reginfo.gov](https://www.reginfo.gov) for a list of agency guidance documents submitted for OIRA review under E.O. 12866 and E.O. 13891 since issuance of E.O. 13891 in October 2019.
106. Please provide a list of regulations reviewed by OMB under OMB Memorandum M-19-14.
OMB does not review regulations under the Congressional Review Act and M-19-14, which implements that Act. OMB provides major determinations.

107. For each regulatory action or rulemaking proceeding identified below, please describe with specificity your involvement, if any, in the development or decision-making process associated with the action or proceeding.

Regulatory Identification Numbers: 2050-ZA15; 2060-AU28; 2060-ZA29; 2060-AT99; 2060- ZA28; 2050-AG95; 2050-AH07; 2040-AF77; 2050-AHIO; 2060-AU09; 2040-AF74; 2040- AF75; 2040-AF86; 2040-ZA28; 2060-AT90; 2070-AK07; 2070-AK48; 2060-AT56; 2060- AM75; 2060-AT54; 2060-AP80; 2060-AT89; 2060-AT99; 2060-AU07; 2060-AU33; 2060- AT92; 2060-AT67; 2060-AT81; 2060-AU33; 2010-AA12; 2040-AF15; 2050-AHOO; 2040- AF28; 2050-AG88; 2050-AG98; 2050-AH03; 0648-BH42; 1018-BC88; 1018-BC97; 0648-BH41; 1018-BC87; 1018-BD76; 0331-AA03; 2080-AA14; 2070-AJ99; 2040-AF15; 2060-AS50, and 0596-AD31.

See Question 103.

108. For each regulatory action or rulemaking proceeding identified in Question 98 above, please provide the following:

- a. A list of all meetings or appointments you participated in while employed by OMB and a description of any substantive or procedural changes to regulatory actions or other agreements resulting from each meeting or appointment; and
- b. Copies of any written materials provided by any non-governmental attendees or participants in those meetings or appointments.

There are no regulatory actions or rulemakings identified in Question 98. Please see [reginfo.gov](https://www.reginfo.gov) for a list of any meetings in which I participated as a part of E.O. 12866 and for documents provide as part of such reviews.

Great Lakes

109. Why did the administration propose significantly reducing funding for the Great Lakes Restoration Initiative in the FY2019 and FY2020 budget requests? What was your role in the administration's proposed reductions to the Great Lakes Restoration Initiative?
In FY 2019, the Budget proposed limited funding for the continuation of long-term federal monitoring efforts in the Great Lakes watershed, including monitoring for algal blooms and invasive species, while eliminating funding for local ecosystem protection activities. The final FY 2020 Budget did not propose a reduction in funding for the Great Lakes Restoration Initiative, fully funding the program at \$300 million, as announced by the President on March 28, 2019.
110. Do you commit, both in your role as Acting OMB Director and if confirmed, to fully fund the Great Lakes Restoration Initiative in future proposed budgets?
Future Budget proposals, including those related to restoration and other efforts in the Great Lakes watershed, will include sufficient funds to maintain priority efforts and ensure federal responsibilities are fully funded.

111. Why did the administration propose reducing funding for the Great Lakes Fishery Commission in FY2020? What was your role in the administration's proposed cuts to the Great Lakes Fishery Commission?
The Administration's FY 2020 request included \$21M for the Great Lakes Fisheries Commission to fund the U.S. share of commission operations and baseline sea lamprey control activities. The Congress annually provides funding in excess of the Administration's request and includes specific report directives for programming in the Lake Champlain Basin.
112. Do you commit, both in your role as Acting OMB Director and if confirmed, to fully fund the Great Lakes Fishery Commission in future proposed budgets?
The Administration's budget requests fully support the U.S. obligations under the bi-national treaty for FY 2020 and FY 2021. However, I should note that Lake Champlain is not part of the Commission's mandate.
113. Do you commit, both in your role as Acting OMB Director and if confirmed, to support the Great Lakes Coastal Resiliency Study?
We have proposed significant funding for the Great Lakes, including \$320 million for the Great Lakes Restoration Initiative, and hope to see that supported by Congress. I will consider this proposed study for future funding along with other programs, projects, and activities across the nation competing for federal resources.
114. According to OMB's November 2019, federal funding for priority programs and projects in the Great Lakes watershed has significantly decreased. What is the justification for this significant decrease? Do you commit, both in your role as Acting OMB Director and if confirmed, to support increased federal funding for priority programs and projects in the Great Lakes watershed?
The most recent Great Lakes funding crosscut shows a slight reduction (less than 15%) from FY 2019 enacted levels to the FY 2020 proposed Budget. Because the FY 2020 Budget proposed full funding for this initiative, this overall reduction resulted from slight adjustments to individual agency base program funds. Within these levels, priority programs and projects would still be funded and long-term work could continue within the Great Lakes watershed.

PFAS

115. Please specifically describe your involvement in the development or decision-making associated with EPA's proposed guidelines to address groundwater contaminated with PFOA and PFOS (RIN 2050-ZA15).
- a. What steps did OMB take to resolve any interagency conflicts with respect to this draft guidance?
 - b. Why did the interagency review process take more than 8 months?

- c. Why was the SBA involved in the interagency review of a guidance that would apply to federal agencies?

Consistent with E.O. 12866, I supervised the resolution of the interagency review of this regulatory action. In this review, as in all interagency reviews, OMB worked to facilitate resolution of interagency deliberations in a timely manner; sometimes, particularly for regulatory actions of significant consequence, deliberations may be relatively lengthy. Consistent with E.O. 13272, SBA's Office of Advocacy participates in interagency review of regulatory actions and provides comments.

116. Please specifically describe your involvement in the review of ATSDR's toxicological profile of perfluoroalkyl substances.
OMB reviewed the Pease Study under the PRA.
117. Do you commit, both in your role as Acting OMB Director and if confirmed, to support the phasing out of the Department of Defense's use of fluorinated fire-fighting foam?
Yes. The Department of Defense and the President's budget both support aggressively pursuing per- and polyfluoroalkyl substances (PFAS)-free firefighting technologies in anticipation of an impending ban on use of PFAS-containing foams. Today's currently available Aqueous Film Forming Foam (AFFF) does not contain detectable amounts of perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA), but they still contain PFAS. None of the commercially available PFAS-free foams meet DOD's strict safety standards to protect the lives of Service Members to rapidly extinguish dangerous fuel fires.
118. Last year, the CDC and ATSDR announced that they would be studying the human health effects of exposures to PFAS through drinking water across the country. However, reports indicate that OMB is holding up progress on this health study. Did you participate in the review for this project?
I have not had any involvement in such a review.
119. Do you commit, both in your role as Acting OMB Director and if confirmed, to expedite any current or future OMB reviews of the CDC and ATSDR's multi-site PFAS study?
I commit to ensuring that reviews are conducted expeditiously insofar as consistent with compliance with relevant law and executive orders, as well as good regulatory principles.
120. What specific steps will you take as Acting OMB Director and if confirmed, to ensure transparency over OMB's review of any assessment, regulation, or other agency action regarding PFAS?
I will ensure compliance with E.O. 12866 to ensure transparent reviews of significant regulatory actions.
121. Do you commit, both in your role as Acting OMB Director and if confirmed, to expedite OMB review of any assessment, regulation, or other agency action regarding PFAS?
See Question 119.

122. Please provide copies of all substantive documents and communications exchanged between OMB and DOD, EPA, SBA, or NASA related to the Executive Order 12866 review of the proposed groundwater cleanup standards for PFOA and PFOS.
I have referred this request to the OMB Office of General Counsel.

Climate Change

123. Do you believe that climate change is real?
My views on this question or on any questions of science are not relevant. The position for which I have been nominated, OMB Director, does not interject his own personal views into the policy process, but rather respects the views of the Administration and the authority given by Congress to manage agency activity within the constraints of the Constitution and the statutes enacted by Congress.
124. Do you believe that humans contribute to the causes of climate change?
Humans contribute to greenhouse gas emissions, but also to clean energy technology. While some countries have chosen to regulate as a way to reduce emissions; we have chosen to innovate. For example, fracking has given us more clean natural gas which we domestically source and also export to others. We have also developed the best nuclear energy technology.
125. Do you believe that the impacts of climate change are worse for vulnerable populations, such as children, the elderly and the poor?
See Question 123.
126. Do you believe that your views on climate change are relevant to the role of OMB Director? Please explain.
See Question 123.
127. There have been instances in which language referring to climate change in EPA rulemakings reviewed by OIRA was deleted during the interagency review process. Are you aware of any such instances during your time as Deputy Director and Acting Director of OMB? If yes, please describe your involvement, if any, in deleting references to climate change.
OMB does not remove language that is relevant and valuable to a regulatory or agency action.
128. Do you commit, both in your role as Acting OMB Director and if confirmed, that OMB will ensure that references to climate change are not removed from any regulatory or other agency actions under interagency review?
I have no intention of removing language that is relevant and valuable to a regulatory or agency action.

US Postal Service

129. During your tenure as OMB's Deputy Director and Acting Director, what involvement has OMB had in evaluating or recommending proposals to reform the Postal Service?
As a member of the President's Task Force on the United States Postal System, OMB along with Treasury and the Office of Personnel Management, was involved in the formulation of recommendations for reform of the U.S. Postal Service informed by a thorough examination of financial data and extensive outreach to a wide range of stakeholders. Additionally, opportunities for reform were summarized in OMB's 2018 Reform Plan and Reorganization Recommendations. Each year, OMB re-evaluates policy recommendations and budget projections based on the most recently available financial information provided by the USPS and emerging market trends. The Major Savings and Reforms Volume of the President's Budget for FY2021 includes a summary of the Administration's current proposal.
130. What is your understanding of the proper roles of OMB and the Treasury Department with respect to the financial condition and operations of the Postal Service?
OMB plays a central role in coordinating formulation of government-wide policy with respect to the Postal Service. Treasury is a major creditor for the Postal Service and has a significant financial interest in the efficiency and effectiveness of its operations.

V. Accountability

Whistleblower Rights

131. During your confirmation to be Deputy Director of OMB, you stated: "I have no previous experience with handling whistleblower complaints, but I value whistleblowers and have always encouraged a leadership culture that seeks to alleviate the need for them because employees know they can communicate up the chain of command about what is being mismanaged."⁶ Please describe your experience handling whistleblower complaints during your tenure as OMB's Deputy Director and Acting Director.
There have been no whistleblower complaints during my tenure as Deputy Director or Acting Director.
132. During your confirmation to be Deputy Director of OMB, you stated: "If confirmed, I will be sure to assess what whistleblower protections we have in place and make any improvements. I will also personally ensure that complaints are made known to senior officials and investigated."⁷
- a. Please describe the steps you have taken to assess what whistleblower protections were in place at OMB following your confirmation as Deputy Director.
 - b. What did you conclude regarding the existing whistleblower protections?

⁶ *Id.*, Question 27.

⁷ *Id.*, Question 28.

- c. What steps have you taken as Deputy Director or Acting Director to improve upon whistleblower protections at OMB?
- d. Please describe what steps you have taken as Deputy Director or Acting Director to ensure that whistleblowers did not face retaliation and that their claims were thoroughly investigated.

See Majority Question 26.

133. Please describe what steps you have taken as Deputy Director or Acting Director to ensure officials in your agency do not retaliate against federal employees, officials and contractor employees who communicate with representatives from this Committee, the GAO, IGs, the Office of Special Counsel, and any other statutorily protected channels for disclosure.
- See Majority Question 26.**

Role of Inspectors General

134. During your nomination to be OMB Deputy Director, you stated: "I highly value the work of the [Inspector General] Community. One of the challenges they face is getting policymakers to take seriously their findings, and OMB is well situated to incorporate their findings into the budget and oversight processes."⁸
- a. Has your view of the oversight work performed by Inspectors General changed since your confirmation as Deputy Director? If so, please explain.
No, my views remain the same.
 - b. Please describe any steps you have taken as OMB Deputy Director or Acting Director to incorporate the work of IGs into the budget and oversight process.
The work of the IGs informs OMB about the weaknesses and waste in various programs across the federal government.
135. Under what circumstances, if any, is it appropriate for OMB to refuse to provide a complete response to a request from an Inspector General for information, documents, or testimony? Please provide copies of any formal policies or guidance used by OMB in responding to such requests.
OMB has a long-standing protocol of working with the Inspector General community to provide the information they need to do their work.
136. Do you commit, both in your role as Acting OMB Director and if confirmed, to complying with any request made by an Office of Inspector General (OIG) for information, documents, testimony, or other materials related to an OIG investigation, audit, or review?
See Question 135.

⁸ *Id.*, Question 25.

137. On April 25, 2019, the EPA Inspector General sent a letter to OMB Director Mick Mulvaney stating that OMB had not been responsive to four specific questions it asked related to a request for an EPA IG investigation Senators Carper and Udall made.⁹
- a. Please provide the Committee with a complete response, with any requested documents, to each question the EPA IG asked OMB on April 25, 2019.
OMB provided sufficient information to EPA's IG to complete its review. OMB does not provide deliberative information in response to such requests and explained those limitations.
 - b. Please provide a list of each instance, since January 21, 2017, in which OMB refused to provide a complete response to any Inspector General or Government Accountability Office request for information. For each such instance, please include the date of the request, the identity of the requestor, the topic of the request, and a specific explanation for why the requested information was not provided.
With respect to other OIG and GAO inquiries, OMB works with OIGs and GAO, in a manner similar to previous administrations, to provide them information responsive to their requests, consistent with the constitutional principles of deliberative process and separation of powers.

Role of the Government Accountability Office (GAO)

138. Under what circumstances, if any, is it appropriate for OMB to refuse to provide a complete response to a request from GAO for information, documents, or testimony? Please provide copies of any formal policies or guidance used by OMB in responding to such requests.
OMB has consistently provided information to GAO, consistent with the constitutional principles of deliberative process and separation of powers. OMB has not refused to cooperate with GAO's requests.
139. Please provide a list of each instance since February 2018 in which OMB refused to provide a complete response to any Inspector General or GAO request for information. For each instance, please include the date of the request, the identity of the requestor, the topic of the request, and a specific explanation for why the requested information was not provided.
OMB has consistently cooperated with and provided information to GAO and OIGs, consistent with the constitutional principles of deliberative process and separation of powers.
140. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving OMB's operations and

⁹ That letter and the four questions that were asked can be accessed at https://www.epw.senate.gov/public/?_cache/files/2/6/266a361d-4812-4cf6-b0c9-67ed4ace3a4d/998C6AF5626F5126F045C423F5C538AA.epa-acting-ig-to-director-mulvaney-04-25-19-002-.pdf

effectiveness?

Yes, we will continue to work with GAO.

141. Do you commit, both in your role as Acting OMB Director and if confirmed, to meet with GAO on a regular basis and to make OMB staff available for regular meetings with GAO?
Yes, we will continue to work with GAO.

142. Do you commit, both in your role as Acting OMB Director and if confirmed, to provide GAO any information and documents they request in a timely manner?
Yes, we will continue to provide information to GAO, consistent with the constitutional principles of deliberative process and separation of powers.

143. Do you commit, both in your role as Acting OMB Director and if confirmed, to fully cooperate with GAO requests, including responding to such requests in a timely manner?
Yes, we will continue to provide information to GAO, consistent with the constitutional principles of deliberative process and separation of powers.

VI. Relations with Congress and the Public

144. During your nomination to be Deputy Director of OMB, you responded to several questions about congressional oversight by stating that your cooperation would be “subject to the discretion of Director Mulvaney and the advice of legal counsel.”¹⁰
- a. Please explain your understanding of the discretion available to the OMB Director in determining whether OMB will fully comply with congressional requests for information, documents, or testimony?
I believe it is important to provide information to Congress, consistent with the constitutional principles of separation of powers and deliberative process
 - b. As Acting Director, have you taken a different approach than Director Mulvaney with respect to congressional oversight? Will your approach change if you are confirmed as Director?
I don’t believe I have taken a substantively different approach. I commit to being responsive to congressional oversight if confirmed.
145. During your nomination to be Deputy Director of OMB, you stated that that you believed the May 1, 2017 opinion issued by the Department of Justice Office of Legal Counsel (OLC) to be controlling guidance for executive branch agencies. You also stated:

While the [May 1, 2017 OLC opinion] describes the Executive Branch’s affirmative obligations in responding to certain Congressional requests, it does not prohibit sharing information with individual members of Congress. I can assure you

¹⁰ Responses to U.S. Senate Committee on Homeland Security and Governmental Affairs, Pre-hearing Questionnaire for the Nomination of Russell Vought to be Deputy Director, Office of Management and Budget, Questions 44-46; Minority Supplemental Pre-hearing Questionnaire, Questions 39-41 (May 15, 2017).

that, if confirmed, I am committed to working with Congress so that it has the information it needs to perform its oversight functions and accordingly will work with the Director to respond to reasonable requests for information that OMB receives from members of Congress.¹¹

- a. Please explain whether your understanding of the substance or applicability of the May 1, 2017 OLC opinion has changed in any way since your confirmation as Deputy Director.

My understanding has not changed.

- b. Please describe any internal OMB policies or guidance related to congressional oversight developed or issued during your tenure as Deputy Director or Acting Director.

While respecting separation of powers, OMB works with Congress daily on a myriad of issues, including oversight matters.

146. During your nomination to be Deputy Director of OMB, you also stated: “In accommodating [requests from members of Congress], I will ensure OMB weighs all appropriate circumstances, including determining whether it can respond in a manner that is not overly burdensome and does not interfere with its ability to respond in a timely manner to duly authorized oversight requests.”¹²

- a. What does OMB consider to be a “duly authorized oversight request”?

Consistent with past administrations, OMB respects Congress’ oversight responsibilities, and relatedly, its requests, and will continue to ensure OMB provides Congress with information responsive to its requests, consistent with the constitutional principles of separation of powers and deliberative process.

- b. How many duly authorized oversight requests has OMB received and responded to during your tenure as Deputy Director and Acting Director?

OMB has received many such requests, to which OMB has responded appropriately.

- c. As Deputy Director or Acting Director of OMB, what criteria have you used to determine whether a response by OMB would be “overly burdensome” or “interfere with its ability to respond in a timely manner to duly authorized oversight requests”?

OMB respects Congress’ oversight responsibilities, and relatedly, its requests, and will continue to work to ensure OMB provides Congress with information responsive to its requests, consistent with the constitutional principles of separation of powers and deliberative process.

¹¹ Senate Committee on Homeland Security and Governmental Affairs, *Hearing on Nominations of Russell Vought, et al.* (June 7, 2017) (Response to Questions for the Record from Sen. Heidi Heitkamp).

¹² Senate Committee on Homeland Security and Governmental Affairs, *Hearing on Nominations of Russell Vought, et al.* (June 7, 2017) (Response to Questions for the Record from Ranking Member Claire McCaskill).

147. Following the June 6, 2017 hearing on your nomination to be OMB Deputy Director, confirmation hearing, you provided the following additional statement:

I have read the OLC opinion 'Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch.' If confirmed, I will recommend that OMB strive to voluntarily respond to all Congressional requests, including Ranking Member requests, exercising its discretion under the OLC opinion and regardless of whether any compulsory process has been triggered.¹³

- a. Please describe the specific actions you have taken since your confirmation as OMB's Deputy Director to promote compliance with all congressional requests. **Since my confirmation, I have emphasized the importance of responding to Congress and providing Congress with what it needs to do its job.**
 - b. Please provide examples of how OMB has voluntarily cooperated with congressional oversight during your tenure as Deputy Director or Acting Director. **See Question 147a.**
 - c. During your tenure, has OMB provided substantive written responses to requests for information made by committee chairmen? If so, please identify specific examples. **See Question 147a.**
 - d. During your tenure, has OMB provided substantive written responses to requests for information made by individual members of congress or committee ranking members? If so, please identify specific examples. **See Question 147a.**
 - e. During your tenure, has OMB provided non-public documents in response to requests made by committee chairmen? If so, please identify specific examples. **See Question 147a.**
 - f. During your tenure, has OMB provided non-public documents in response to requests made by individual members of congress or committee ranking members? If so, please identify specific examples. **See Question 147a.**
148. The May 1, 2017 OLC opinion states: "When a committee, subcommittee, or chairman exercising delegated oversight authority asks for information from the Executive Branch, that request triggers the 'implicit constitutional mandate to seek optimal accommodation . . . of the needs of the conflicting branches'(citation omitted)."

¹³ Statement of nominee Russell Vought, transmitted via email from OMB Legislative Affairs to HSGAC Staff (June 16, 2017).

- a. Do you believe that executive branch agencies should only seek accommodation of requests made by a congressional committee, subcommittee, or chairman?
No.
 - b. Is it OMB's policy or practice to seek accommodation of all requests made by individual members or committee ranking members?
Yes.
149. On November 26, 2019, Members of this Committee sent you a letter regarding the nomination of Paul Ray to be the Administrator of OMB's Office of Information and Regulatory Affairs (OIRA).
- a. On what date did you review this letter?
I was supportive of Paul Ray and his successful confirmation, but I was not directly involved in its process.
 - b. Please explain why OMB did not provide a response to this letter.
See Question 149a.
 - c. Please describe your direct involvement, if any, in OMB's review of the specific requests referenced in the November 26, 2019 letter.
See Question 149a.
 - d. Please describe your familiarity with the requests made in connection with this Committee's consideration of Paul Ray's nomination.
See Question 149a.
 - e. Please describe any involvement you had in OMB's response to these requests.
See Question 149a.
150. Under what circumstances, if any, is it appropriate for OMB's Director or Acting Director to refuse to comply with a subpoena issued by the chairman of a congressional committee?
If I were to receive a subpoena, I would ensure that OMB is as responsive as possible, consistent with the constitutional principle of separation of powers, to providing the information requested in the subpoena.
151. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?
Yes, working with OMB's Office of General Counsel, I will work to ensure OMB provides Congress with information responsive to its requests.
152. 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, working with OMB's Office of General Counsel, I will work to ensure OMB

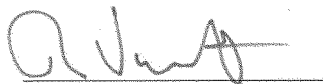
provides Congress with information responsive to its requests.

153. Do you agree without reservation to identify to the Committee all Presidential appointments (regardless of Senate confirmation requirements) within OMB? Do you agree without reservation to allow Committee staff, as requested, an opportunity to interview such appointments?
Yes, working with OMB's Office of General Counsel, I will work to ensure OMB provides Congress with information responsive to its requests.
154. If confirmed, will you direct your agency to fully and promptly respond to Freedom of Information Act requests submitted by the American people?
Yes, OMB will continue to do this.
155. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public without requiring a Freedom of Information Act request?
Yes.
156. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?
Yes.

VII. Assistance

157. Are these answers completely your own? If not, who has provided you with assistance?
These answers are my own.
158. Have you consulted with OMB or any other interested parties? If so, please indicate which entities.
I have at times consulted with the OMB staff to inform my thoughts and responses.

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


(Signature)

This 14th day of May, 2020.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

December 21, 2018

To: Russell T. Vought
Deputy Director

FROM: Mick Mulvaney
Director

SUBJECT: Delegation of Responsibilities

By virtue of my authorities, including 31 U.S.C. § 502(a) and 5 U.S.C. § 302(b), I hereby assign and delegate to you all authorities and responsibilities of the Director of the Office of Management and Budget that are not prohibited from being so assigned or delegated and not already assigned or delegated to other officers.

This assignment and delegation shall be in effect immediately while I am preparing to assume the duties of the White House Chief of Staff, and will remain in effect for so long as I am performing the duties of White House Chief of Staff and you remain a senior officer at the Office of Management and Budget. This delegation shall not limit my authority to exercise any of the delegated functions.

**Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to Russell Vought**

**Nominations of The Honorable Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management
Tuesday, June 2, 2020**

COVID-19 Response

1. Please describe OMB's role and responsibilities in relation to the White House Coronavirus Task Force, including which officials participate in task force activities and what those activities include.

OMB has played a supporting role for the White House Coronavirus Task Force. I and various staff, as needed, participate in activities, including data collection and conducting interagency processes.

2. Please identify any specific steps or actions OMB has taken to address the disproportionate effect that the Coronavirus has had on communities of color.

This Administration has worked directly with thousands of leaders/stakeholders in the African American, Hispanic, and tribal communities to mitigate the effects of COVID-19 on these populations. CDC continues to collaborate with hospitals, academic institutions and state, local, territorial, and tribal public health partners to gather and report more racial/ethnic data. HHS has awarded \$583 million to 1,385 FQHCs which are located in medically underserved communities and are often the main source of affordable and accessible healthcare in those communities. HHS's Office of Minority Health is facilitating the coordination of a strategic network of national, state, territorial, tribal, and local organizations to deliver important COVID-19-related information to racial and ethnic minority, rural and socially disadvantaged communities hardest hit by the pandemic, and to support linkages to COVID-19 testing, vaccination, other healthcare services and social services in communities highly impacted by or at greater risk for COVID-19.

3. Please identify any specific policies, guidance, or directives that OMB has provided to federal agencies to address the disproportionate effect that the Coronavirus has had on communities of color.

See Question 2.

4. In your view, is OMB in compliance with the requirements of Sec. 15010 and 15011 of the CARES Act if it does not collect new information from recipients of large amounts of federal financial assistance?

OMB is collecting large amounts of information using already-established reporting mechanisms in order to ensure compliance with the reporting requirements of the CARES Act while at the same time minimizing unnecessary burdens on recipients who

urgently need financial aid. OMB plans to make all of its information publicly available.

5. What specific existing reporting requirements collect the “estimated number of jobs created or retained by the project or activity” from recipients of federal financial assistance?
OMB expects that this information will be collected at the agency level for a set of programs administering covered funds, where the reporting requirement is applicable.
6. If the Administration does not collect and fail to report jobs data as specified in Sec. 15011 of the CARES Act, is it violating the law?
The Administration will be reporting on jobs data in its quarterly reports as required by Section 15011 of the CARES Act.
7. Please describe how OMB has worked with the Pandemic Response Accountability Committee, GAO, and CIGIE to conduct oversight of the federal government’s response to the Coronavirus pandemic to date.
OMB has and will continue to work and cooperate with entities statutorily responsible for oversight of the federal government’s response to the COVID-19 pandemic. For example, the Office of Federal Financial Management has regularly recurring meetings with the PRAC, which follows initial consultations on reporting requirements after the legislative creation of the PRAC. Similarly, OMB has had multiple senior-level engagements with the Chair of CIGIE, Michael Horowitz, and Comptroller General Gene Dodaro to coordinate on effective implementation of the reporting requirements.
8. If confirmed, how do you anticipate working with the Pandemic Response Accountability Committee (PRAC), GAO, CIGIE, and the Special Inspector General for Pandemic Recovery on continued oversight of operations and spending in response to the Coronavirus pandemic?
See Question 7. Further, the Office of Federal Financial Management will similarly establish a working relationship with the recently confirmed Special Inspector General for Pandemic Recovery.
9. I understand that the Federal Emergency Management Agency (FEMA) has conducted modeling of the projected need for personal protective equipment (PPE) across the country.
 - a. Please describe OMB’s involvement in developing or reviewing any PPE modeling conducted by FEMA or any other federal agency.
OMB has not participated in the development of PPE modeling conducted by FEMA or any other federal agency.
 - b. Has FEMA submitted any PPE modeling or any other material related to projected PPE need to OMB for clearance? If so, please identify the material and the current status of OMB’s review.
OMB has reviewed a slide deck from FEMA.

- c. When can the Committee expect to receive any PPE modeling conducted by FEMA?
Please provide a specific timeframe.
FEMA is better suited to answer your question.
 - d. Will you commit to providing this modeling to the Committee before June 10, 2020?
If not, please explain why not.
See Question 9c.
10. OMB and other agencies reportedly eliminated recommendations from draft CDC guidelines on reopening the economy – including recommendations for employers with vulnerable workers who are at higher risk for severe illness from COVID-19.
- a. Please explain OMB’s role in removing recommendations from the CDC’s draft guidelines on reopening the economy.
With regard to news stories referring to earlier versions and revisions to the final version, Dr. Redfield has publicly disputed the question’s premise and stated a final version of the CDC’s guidance had not yet circulated for a policy process.
 - b. Please explain how, if at all, OMB took into account requests made by governors and local health officials for specific reopening guidance.
To my knowledge, OMB officials involved in the interagency reviews have not met with governors or local health officials with respect to those specific reviews.
 - c. Was the decision to remove certain recommendations from the CDC’s draft reopening guidance driven by political considerations? If not, please explain the reasons for the removal of any recommendations.
See Question 10a.
11. On May 24, 2020 the Administration released its National Testing Plan. Although the plan does contain some needed information on testing targets, it lacks specifics on how the federal government will ramp up testing production, ensure states have access to adequate testing supplies, and address disparities in communities, as mandated by the CARES Act. Why were these guidelines published without that required information, and when can we expect a plan that includes items required by law to be provided?
The Administration believes that its National Testing Plan is in full compliance with the requirements of the CARES Act.

Regulatory Affairs

- 12. How many major determinations has OMB provided under CRA and M-19-14 during your tenure?
Hundreds, including 98 final rules designated as “major” since April 11, 2019.
- 13. Do you commit to providing the public with access to OMB’s determinations and work under M-19-14 and Congressional Review Act compliance/implementation?

Agencies that issue regulatory actions determined to be “major” per the Act are directed to submit a report on the action, which includes the “major” determination, to Congress. This provides the public with access to OMB’s determinations and work on the matter.

14. Does OMB supersede agency scientists when making decisions? How does OMB resolve interagency disputes on matters involving science?

OMB does not supersede agency scientists. OMB resolves interagency disputes on matters involving science underlying federal policy in the same way as disputes involving other subject matter; that is, by convening meetings of interested agencies, ensuring all federal partners are heard, and identifying and discussing points of disagreement.

15. On March 22, 2019, I sent OMB a letter requesting information on an interagency dispute over groundwater cleanup guidelines for PFAS chemicals.

- a. Did you receive and review the letter?
- b. Do you commit to providing a full response to this request? When should the Committee expect a complete response?

The guidance in question was released per normal interagency review and coordination. Our understanding in communication with the letter’s lead signer and Committee Chairman was that the issue in question was considered resolved and issuance of the guidance constituted resolution of the letter’s request.

16. CDC and ATSDR announced they would study the human health effects of exposure to PFAS through drinking water sources across the country, but reports indicate that OMB is holding up progress on this study. Do you commit, in your role as Acting Director and if confirmed, to expedite any current or future OMB review of this study and allow CDC and ATSDR to move forward with the study?

OMB has concluded review on requests related to this study. I commit to expediting future requests, consistent with the requirements of a thorough review.

17. Is OMB hosting, leading, or participating in a PFAS working group? If so, please identify the following:

- a. How long the group has been active;
- b. How frequently the group meets;
- c. A complete list of the working group participants; and
- d. The group’s purpose and specific objectives.

Interagency working groups and collaboration are constantly taking place on a range of issues across the federal government, including PFAS. Such coordination is crucial for facilitating exchange of perspectives, increasing cross-agency awareness, and coordinating communication.

Inspectors General

18. Do you commit, both in your role as Acting OMB Director and if confirmed, to any requests for information from an OIG?
OMB has a long-standing protocol of working with the Inspector General community to provide the information they need to do their work. If confirmed, I will maintain this practice.
19. You cite “deliberative information” in your committee questionnaire as a reason not to provide the EPA OIG information. Please explain, in your view, how this limitation applies to another executive branch entity.
OMB has a long-standing protocol of working with the Inspector General community to provide the information they need to do their work. If confirmed, I will maintain this practice.
20. Can you say specifically what efforts you would make to engage with the IG community and support their work if confirmed?
OMB has a long-standing protocol of working with the Inspector General community to provide the information they need to do their work. If confirmed, I will maintain this practice.
21. Could you please elaborate on any steps you have taken as acting OMB Director to incorporate the work of IGs into the budget and oversight process?
The work of the IGs informs OMB about the weaknesses and waste in various programs across the federal government. In turn, this informs our budget process.

Budget

22. Do you commit, both in your role as Acting OMB Director and if confirmed, to submit a mid-session review of the federal budget with updated projections on economic trends such as unemployment, inflation, growth, and a federal deficit projection? If not, why not?
OMB will meet all statutory requirements.
23. Do you commit, both in your role as Acting OMB Director and if confirmed, not to propose recessions late in the fiscal year that would in effect impound funds until they expire?
OMB has and will continue to consider every legally available tool to implement the President’s agenda, consistent with law. OMB has not and will not violate the Impoundment Control Act.
24. Has OMB taken any steps to identify whether the Administration may lawfully withhold funding from states that provide absentee ballots or absentee ballot applications to voters? If so, please describe those steps and any conclusions reached by OMB.
No.
25. Has OMB taken any steps to identify any specific federal funding that could potentially be withheld from states that provide absentee ballots or absentee ballot applications to voters? If so, please describe those steps and any conclusions reached by OMB.
No.

26. Is OMB or the Administration considering or planning to take any action to withhold federal funds to Michigan?

Not at this time.

27. Do you believe that the OMB Director has the authority to withhold federal funding to states for taking actions that do not violate any existing law?

OMB has not conducted a legal analysis of its authorities.

Paperwork Reduction Act

28. The Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Agency (CISA) needs to be able to respond and interact with private-sector stakeholders on quickly emerging cybersecurity threats. In your view, should CISA be exempt from the Paperwork Reduction Act's (PRA) requirements? If not, what can OMB and DHS do to expedite the current PRA approval processes?

I do think an expedited process may be warranted for aspects of CISA operations. If confirmed, I would consider what manner of expedition may be appropriate.

Cybersecurity

29. NIST's cybersecurity standards have become essential to help protect government and private sector entities. Delays in promulgating these standards can have a direct impact on the security of federal and non-federal systems. Reports have suggested that OIRA has been a bottleneck for the release of these standards in the past. What will you do to ensure that these essential cybersecurity standards are prioritized for review and release in a timeframe appropriate to respond to the quickly evolving cybersecurity threat landscape?

I agree that timely issuance of NIST standards is important and, if confirmed, I would direct OIRA to work with other relevant OMB components to prioritize any such reviews with these needs in mind.

Research

30. The 21st Century Cures Act requires OMB to create a Research Policy Board to advise the federal government matters related to scientific research and reporting requirements.

- a. What steps has OMB taken towards creating this entity to date?
- b. When does OMB plan to establish this entity?
- c. Do you commit, both in your role as Acting Director and if confirmed, to swiftly create this entity?

The 21st Century Cures Act directs the Director of OMB to establish a Research Policy Board to provide federal government officials with information on the effects of regulations and policies related to federal research requirements and provide recommendations to minimize administrative burden. On March 13, 2018, OMB sent a letter to Congress that raised concerns regarding inclusion of a provision in the Continuing Appropriations Act 2018 that prohibited the development of modified approaches to indirect cost policies. OMB cited in the letter that such a provision

would prohibit appropriate agency participation in the activities of the Board, thus hindering the Board's ability to meet its statutory goals, as specified in the 21st Century Cures Act. OMB remains committed to implementing the law to the fullest which is why OMB requested that Congress remove the indirect cost provision from future appropriations acts and provide dedicated funding to support the Board.

31. M-20-17 has been an important in assisting higher education institutions manage the COVID-19 pandemic. Does OMB expect to extend the application of this memo beyond the current fiscal year?

OMB is actively reviewing the existing flexibilities provided in M-20-17 in partnership with federal awarding agencies and feedback provided by the recipient community. OMB expects to make a determination prior to the current expiration date of June 18th.

32. Please describe your view of OMB's role in the federal research enterprise.

OMB serves the President in overseeing the implementation of his vision across the Executive Branch. With regard to the federal research enterprise, OMB's mission is to assist the President in meeting his policy, budget, management, and regulatory objectives. For example, OMB has worked across the government to ensure that research in the industries of the future – artificial intelligence, quantum information sciences, biotechnology, 5G, and advanced manufacturing – are appropriately prioritized within the President's Budget.

33. Please describe your involvement, if any, in discussions related to the withdrawal from the Paris Agreement.

I do not recall any specific involvement in such discussions.

Federal Workforce

34. What is OMB's process for providing guidance for the federal workforce regarding the COVID-19 crisis? Who are the officials tasked with leading that effort? To what extent are public health officials involved?

Both the Acting Deputy Director for Management and I have authored guidance to the federal workforce concerning response to COVID-19. In developing guidance in this area, OMB consults with relevant agencies as applicable, including, but not limited to, HHS, CDC, OPM, and DHS. OMB also references agency guidance where applicable, e.g., CDC guidance, and advises agencies to consult with state and local public health officials in making decisions that could impact employee health.

35. What actions has OMB taken to monitor and enforce federal agencies' compliance with the directive to "maximize telework" for workers and contractors?

OMB provided overarching guidance directing agencies to maximize telework to vulnerable populations nationwide and to extend telework flexibility more broadly where local conditions dictated a need (OMB Memorandum M-20-13). OMB then followed up with guidance specific to the DC Metropolitan area reiterating these

principles (OMB Memorandum M-20-15). OMB has also provided technical assistance to agencies as they transitioned rapidly into a more virtual work environment that utilized more videoconferencing and teleconferencing, etc. OMB has further worked with OPM in issuance of guidance to agencies describing how they could utilize various flexibilities, including pay flexibilities, to extend telework more broadly.

36. Why have government-wide memos regarding COVID-19 telework guidance been issued by OMB, when such guidance has traditionally been issued by OPM?
OMB has a broader government-wide management purview than OPM. The telework guidance in this case was issued in the context of much broader operational changes agencies were in the process of implementing in response to COVID-19. While initial operational flexibility memoranda (including those concerning telework) were issued by OMB, the workforce elements of these memoranda were drafted and issued in consultation with OPM subject matter experts.
37. Please describe OMB's role and responsibilities, if any, in providing guidance or assistance to federal agencies regarding the acquisition and allocation of personal protective equipment for federal employees.
Determination of need for PPE is an agency-by-agency decision, informed by health and safety guidance and the type of work in which agency employees are engaged. OMB has shared CDC, DHS, and Task Force guidance with agencies to help inform these agency-specific decisions. OMB has also helped to connect agencies in need of supplies with the Supply Chain Task Force and other PPE distribution efforts.
38. Please describe OMB's role and responsibilities, if any, in ensuring that federal employees are provided with adequate personal protective equipment while on the job.
Determination of need for PPE is an agency-by-agency decision, informed by health and safety guidance. OMB has shared CDC, DHS, and Task Force guidance with agencies to help inform these agency-specific decisions. OMB has also helped to connect agencies in need of supplies with the Supply Chain Task Force and other PPE distribution efforts.
39. Please describe OMB's role and responsibilities, if any, in ensuring that all federal employees who should be tested for COVID-19 are tested?
Federal employees exhibiting symptoms have been encouraged to seek testing from their personal health care provider. Employees who test positive are instructed to disclose that information if they are planning to return to the workplace, unless a sufficient quarantine period has passed. Agencies are advised to develop policies and procedures in the event that an employee suspects a workplace exposure. This may differ from agency to agency.
40. What criteria, if any, is the federal government using to determine which federal employees will be tested for COVID-19? How is OMB ensuring that all federal agencies comply with the criteria?
Federal employees exhibiting symptoms have been encouraged to seek testing from their personal health care provider. Employees who test positive are instructed to

disclose that information if they are planning to return to the workplace, unless a sufficient quarantine period has passed. Agencies are advised to develop policies and procedures in the event that an employee suspects a workplace exposure. This may differ from agency to agency.

41. How many positive cases of COVID-19 in the federal workforce is OMB aware of? How many fatalities? Please provide information on an agency-by-agency basis to the extent possible.

OMB is not currently tracking government-wide COVID-19 case numbers and fatality data for the federal workforce.

42. What actions does OMB take to ensure that it is aware of all cases of COVID-19 in the federal workforce?

OMB is not currently tracking government-wide COVID-19 case numbers and fatality data for the federal workforce.

43. What procedures has OMB implemented regarding employer and worksite requirements when there is a potential or confirmed case of COVID-19 among federal employees or contractors? How does OMB ensure those procedures are followed?

OMB has recommended agencies follow CDC and GSA guidance in instituting procedural safeguards following a confirmed case of COVID-19. This includes employee notification, as well as cleaning protocols and other safety measures.

44. Does OMB have, or is it working to draft, guidance for agencies on how to handle situations where critical and/or senior personnel are sick?

OMB is not planning to draft overarching guidance specifically on this topic as part of the COVID-19 response.

- a. Please provide any contingency plans that have been put in place for OMB, such as a depiction of possible alternative organizational structures if circumstances were to disrupt the existing chain of command.

Executive Order 13615 (2012), entitled "Providing an Order of Succession Within the Office of Management and Budget," sets forth OMB's order of succession.

45. Does OMB have, or is it working to draft, guidance for agencies to ensure that employees are protected from unsafe working conditions related to exposure to COVID-19?

OMB and OPM have issued guidance that incorporates discussion of federal workplace protections with respect to potential exposure to COVID-19. This guidance generally references guidance issued by entities such as the CDC, OSHA, etc.

46. Does OMB have, or is it working to draft, guidance for agencies to ensure that employees are protected from retaliation if they report unsafe working conditions related to exposure to COVID-19?

OMB and OPM have issued guidance that incorporates discussion of federal workplace

protections with respect to potential exposure to COVID-19. This guidance generally references guidance issued by entities such as the CDC, OSHA, etc.

47. How will OMB determine when it is safe and appropriate to roll back the telework guidance that has been issued?
- a. Will you rely solely on the Opening Up America Again guidance?
 - b. Which officials will be involved in providing information necessary to making the determination before any such determination is announced?
 - c. When and how will your agency communicate how this decision will be made to federal employees?
 - d. Will you consult with unions representing federal employees to determine the appropriate method of making this decision?
 - e. Will you consult with the state and local public health departments in areas with substantial numbers of federal workers? What if these public health officials provide different advice than the official “state assessment” referenced in your guidance?

OMB and OPM issued joint guidance to federal agencies concerning the implementation by agencies of the White House National Guidance on Reopening America again. Federal agency leadership is responsible for taking actions to implement this guidance, and bringing their agency operations through the several phases of reopening as local conditions warrant. Agencies are advised to make decisions concerning telework and other operations based on a variety of factors, including, but not limited to, state and local phasing determinations and health directives, the particular mission and workforce structure of the agency, and the availability of mass transit and childcare. Agencies are advised to act in compliance with applicable collective bargaining agreements.

48. Has OMB taken steps to reconsider its previous positions on telework moving forward more generally, in light of the obvious workability and benefits of broad telework flexibility as demonstrated by this crisis?

OMB does not intend to issue new (non-COVID-19-related) telework-related guidance to agencies at this time.

49. Has OMB undertaken or reviewed any cost-benefit analyses in relation to the Administration’s proposed merger of OPM and GSA? If so, please describe the results of the analysis in as much detail as possible. If not, why?
- As detailed in our *Qualitative Business Case and Value Proposition*, the merger proposal would provide OPM with long-term financial and operational sustainability, technological stability, and the agility to deliver on its mission. As outlined in the business case, the quantifiable financial benefits of the merger are estimated to be an average of \$23 million in savings per year.**

50. If confirmed as OMB Director, and as Acting Director, do you commit to foregoing any further actions to merge OPM and GSA until the results of the congressionally-mandated NAPA study are published? If not, which actions will OMB take before the NAPA study is complete?

Yes.

51. Please describe which portions of the proposed merger you believe can be accomplished:

- a. Only with congressional authorization
Legislation is required to merge any functions currently assigned in law to OPM.
- b. Without congressional authorization
Not all functions that OPM performs are assigned in law to OPM, such as administrative support for the Chief Human Capital Officer Council.

Cooperation with Congress

52. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-144), you were asked to explain "your understanding of the discretion available to the OMB Director in determining whether OMB will fully comply with congressional requests for information, documents, or testimony." You responded by stating "I believe it is important to provide information to Congress, consistent with the constitutional principles of separation of powers and deliberative process."

- a. During your tenure as OMB's Acting Director, what has your personal involvement been in reviewing or responding to congressional requests?
While OMB's Offices of Legislative Affairs and General Counsel are responsible for handling congressional requests, I am made aware of these requests and advised on our responses.
- b. As Acting Director, how have you determined whether compliance with a congressional request is "consistent with the constitutional principles of separation of powers and deliberative process"?
During my tenure as Acting Director, OMB's approach to congressional oversight has been consistent with prior administrations, including the last one. As the OMB Associate Director for Legislative Affairs during the Obama Administration explained to Congress, the Executive Branch has a "strong institutional interest in protecting the confidentiality of internal deliberations and legal analysis." To reach the best decisions, the Executive Branch needs frank and open dialogue. If it were to disclose these internal deliberations, it would have a "chilling effect on future deliberations." That said, the Executive Branch recognizes and respects Congress' oversight interests. Therefore, as Acting Director of OMB, I want to work with Congress to reach mutually acceptable solutions that respect Congress' oversight interests and the Executive Branch's interests in protecting internal deliberations.

(quotes from: Letter from Assoc. Dir. Of Legis. Affairs, Off. of Mgmt. and Budget, to Rep. Kevin Brady, Chairman, H. Comm. on Ways and Means, and Rep. Fred Upton, Chairman, H. Comm. on Energy and Commerce (May 3, 2016))

- c. Is it OMB's policy or practice to provide an explanation to congressional requestors if OMB decides it will not fully comply with a request? If not, why not.
OMB has and continues to engage in an ongoing dialogue with Congress, including its requests for information and documents. OMB seeks to provide the information it can consistent with the constitutional principles of separation of powers and deliberative process.
 - d. Are you aware of any instances during your tenure as Acting Director, where OMB failed to provide an explanation for not providing information requested by a member or committee of Congress?
No.
53. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-145(b)), you were asked to describe "any internal OMB policies or guidance related to congressional oversight developed or issued during your tenure as Deputy Director or Acting Director." You responded by stating: "While respecting separation of powers, OMB works with Congress daily on a myriad of issues, including oversight matters." Please answer the original question.
- a. Have there been any internal OMB policies or guidance in effect during your tenure at OMB?
No.
 - b. If so, please describe the policies or guidance.
See Question 53a.
54. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-147(b)), you were asked to "provide examples of how OMB has voluntarily cooperated with congressional oversight during your tenure as Deputy Director or Acting Director." Please answer the original question by providing at least two specific examples.
As I stated in my response, I have emphasized the importance of responding to Congress and providing Congress with what it needs to do its job. Throughout my tenure, OMB has and continues to engage in an ongoing dialogue with Congress, including its requests for information and documents. In that vein, please contact my staff to discuss specific examples.
55. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-147(c)), you were asked if, during your tenure, OMB has provided substantive written responses to requests for information made by committee chairmen. Please answer the original question by providing at least two specific examples.
See Question 54.

56. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-147(d)), you were asked if, during your tenure, OMB has provided substantive written responses to requests for information made by individual members of congress or committee ranking members. Please answer the original question by providing at least two specific examples.
See Question 54.
57. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-147(e)), you were asked if, during your tenure, OMB has provided non-public documents in response to requests made by committee chairmen. Please answer the original question by providing at least two specific examples.
See Question 54.
58. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-147(f)), you were asked if, during your tenure, OMB has provided non-public documents in response to requests made by individual members of congress or committee ranking members. Please answer the original question by providing at least two specific examples.
See Question 54.
59. In the Committee's Supplemental Minority Pre-hearing Questionnaire (Q-13), you were asked to provide your official calendars for your tenure at OMB. You stated that you referred the request to the OMB Office of General Counsel. What is the current status of this request?
This request is with OMB's Office of General Counsel.
60. Please identify former-Director Mulvaney's last day employed by OMB.
April 30, 2020.
61. Please provide copies of all notifications that OMB has provided to Congress pursuant to the Federal Vacancies Reform Act during your tenure as Deputy Director or Acting Director.
Five reports are attached.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 18, 2020

The Honorable Michael R. Pence
President of the Senate
Washington, DC 20510

Dear Mr. President:

Please find enclosed a vacancy report for the Senate-confirmed position of the Deputy Director for Management and a nomination report for the Senate-confirmed position of Director of the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349. The report for the position of Director lists a vacancy date of April 30, 2020, the date that Director John Michael Mulvaney vacated his position with OMB. The date listed for Acting Director Vought's date of service is January 2, 2019, the date that Director Mulvaney began his detail as the Acting Chief of Staff to the White House. The authority for this service is not the Vacancies Reform Act, but rather 31 U.S.C. § 502(b)(2).

Sincerely,

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 18, 2020

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Please find enclosed a vacancy report for the Senate-confirmed position of the Deputy Director for Management and a nomination report for the Senate-confirmed position of Director of the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349. The report for the position of Director lists a vacancy date of April 30, 2020, the date that Director John Michael Mulvaney vacated his position with OMB. The date listed for Acting Director Vought's date of service is January 2, 2019, the date that Director Mulvaney began his detail as the Acting Chief of Staff to the White House. The authority for this service is not the Vacancies Reform Act, but rather 31 U.S.C. § 502(b)(2).

Sincerely,

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Gene L. Dodaro and The Honorable Michael R. Pence



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 18, 2020

The Honorable Gene L. Dodaro
Comptroller General of the United States
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

Please find enclosed a vacancy report for the Senate-confirmed position of the Deputy Director for Management and a nomination report for the Senate-confirmed position of Director of the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349. The report for the position of Director lists a vacancy date of April 30, 2020, the date that Director John Michael Mulvaney vacated his position with OMB. The date listed for Acting Director Vought's date of service is January 2, 2019, the date that Director Mulvaney began his detail as the Acting Chief of Staff to the White House. The authority for this service is not the Vacancies Reform Act, but rather 31 U.S.C. § 502(b)(2).

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta", is written over a light blue horizontal line.

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Michael R. Pence

Submission Under the Federal Vacancies Reform Act

Addressees
☒ President of the
United States Senate

☒ Speaker of the U.S. House of
Representatives

☒ Comptroller General
of the United States

This Report Provides Notification of:
☒ Vacancy

☐ Designation of acting officer

☒ Nomination

☐ Action on nomination

☐ Change in previously submitted reported information

☐ Discontinuation of service in acting role

(date: _____)

Name of Department or Agency and Any Suborganization

The Office of Management and Budget

Vacancy Title

Director

Date Vacancy Began

04/30/20

Name of Acting Officer

Russell T. Vought

Date Service Began

01/02/19

Authority for Acting Designation if Other Than

Vacancies Act

31 U.S.C. 502(b)(2)

Name of Nominee for Position

Russell T. Vought

Date Nomination Submitted

05/04/20

Action on Nomination:

☐ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Shraddha A. Upadhyaya, Associate General Counsel

Contact's Address

725 17th St. N.W., Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

Shraddha_A_Upadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta

Telephone Number

(202) 456-4062

Signature



Date

5/18/20

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

Addressees
☒ President of the
United States Senate

☒ Speaker of the U.S. House of
Representatives

☒ Comptroller General
of the United States
This Report Provides Notification of:
☒ Vacancy

☒ Designation of acting officer

☐ Nomination

☐ Action on nomination

☐ Change in previously submitted reported information

☐ Discontinuation of service in acting role

(date: _____)

Name of Department or Agency and Any Suborganization

The Office of Management and Budget

Vacancy Title

Deputy Director of Management

Date Vacancy Began

03/24/20

Name of Acting Officer

Michael J. Rigas

Date Service Began

03/25/20

Authority for Acting Designation If Other Than
Vacancies Act

Name of Nominee for Position

Date Nomination Submitted

Action on Nomination:

☐ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Shraddha A. Upadhyaya

Contact's Address

725 17th Street, N.W., Washington, D.C.

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

Shraddha A Upadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta

Telephone Number

(202) 456-4062

Signature



Date

5/18/20

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 30, 2020

The Honorable Michael R. Pence
President of the Senate
United States Senate
Washington, DC 20510

Dear Mr. President:

Please find enclosed a confirmation of nomination report for the Senate-confirmed position of Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta", is located below the "Sincerely," text.

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 30, 2020

The Honorable Nancy Pelosi
Speaker of the House of Representatives
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Please find enclosed a confirmation of nomination report for the Senate-confirmed position of Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta".

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Michael R. Pence and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 30, 2020

The Honorable Gene L. Dodaro
Comptroller General of the United States
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

Please find enclosed a confirmation of nomination report for the Senate-confirmed position of Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta".

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Michael R. Pence

Submission Under the Federal Vacancies Reform Act

Addressees
☒ President of the
United States Senate

☒ Speaker of the U.S. House of
Representatives

☒ Comptroller General
of the United States

This Report Provides Notification of:
☐ Vacancy

☐ Designation of acting officer

☐ Nomination

☒ Action on nomination

☐ Change in previously submitted reported information

☐ Discontinuation of service in acting role
(date: _____)

Name of Department or Agency and Any Suborganization

Office of Information and Regulatory Affairs, Office of Management and Budget

Vacancy Title

Administrator of the Office of Information and Regulatory Affairs

Date Vacancy Began

03/18/19

Name of Acting Officer

Dominic J. Mancini

Date Service Began

10/07/19

 Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Paul J. Ray

Date Nomination Submitted

10/15/19

Action on Nomination:

☒ Confirmed

☐ Rejected, withdrawn, returned

Date of Action 01/09/20

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

OMB NEOB

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

shraddha_a_upadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 13, 2019

The Honorable Michael R. Pence
President of the Senate
United States Senate
Washington, D.C. 20510

Dear Mr. President:

Please find enclosed a nomination report for the Senate-confirmed position of Administrator of the Office of Federal Procurement Policy and a vacancy report and acting officer designation for the position of Acting Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta".

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 13, 2019

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Madam Speaker:

Please find enclosed a nomination report for the Senate-confirmed position of Administrator of the Office of Federal Procurement Policy and a vacancy report and acting officer designation for the position of Acting Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta".

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Michael R. Pence and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 13, 2019

The Honorable Gene L. Dodaro
Comptroller General of the United States
General Accounting Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

Please find enclosed a nomination report for the Senate-confirmed position of Administrator of the Office of Federal Procurement Policy and a vacancy report and acting officer designation for the position of Acting Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta".

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Michael R. Pence

Submission Under the Federal Vacancies Reform Act

Addressees
☒ President of the
United States Senate

☒ Speaker of the U.S. House of
Representatives

☒ Comptroller General
of the United States
This Report Provides Notification of:
☒ Vacancy

☒ Designation of acting officer

☐ Nomination

☐ Action on nomination

☐ Change in previously submitted reported information

☐ Discontinuation of service in acting role

(date: _____)

Name of Department or Agency and Any Suborganization

Office of Information and Regulatory Affairs, Office of Management and Budget

Vacancy Title

Administrator of the Office of Information and Regulatory /

Date Vacancy Began

March 18, 2019

Name of Acting Officer

Paul Joseph Ray

Date Service Began

March 18, 2019

Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Date Nomination Submitted

Action on Nomination:

☐ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

OMB NEOB

Contact's Phone Number

(202) 395-9255

Contact's E-Mail Address

Shraddha_a_upadhyaya@omb.eop.gov

Submitted By


Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

5/10/19

For Congressional Use Only

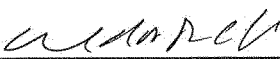
Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

Addressees		
<input checked="" type="radio"/> President of the United States Senate	<input checked="" type="radio"/> Speaker of the U.S. House of Representatives	<input checked="" type="radio"/> Comptroller General of the United States
This Report Provides Notification of:		
<input type="radio"/> Vacancy	<input type="radio"/> Designation of acting officer	<input checked="" type="radio"/> Nomination
<input type="radio"/> Change in previously submitted reported information	<input type="radio"/> Discontinuation of service in acting role (date: _____)	
Name of Department or Agency and Any Suborganization		
Office of Federal Procurement Policy, Office of Management and Budget		
Vacancy Title		Date Vacancy Began
Administrator, Office of Federal Procurement Policy		01/20/17
Name of Acting Officer	Date Service Began	Authority for Acting Designation if Other Than Vacancies Act
Name of Nominee for Position		Date Nomination Submitted
Dr. Michael E. Wooten		02/25/19
Action on Nomination: <input type="radio"/> Confirmed <input type="radio"/> Rejected, withdrawn, returned		Date of Action
Agency Contact		
Name and Title		
Shraddha Upadhyaya, Associate General Counsel		
Contact's Address		
OMB NEOB		
Contact's Phone Number	Contact's E-Mail Address	
(202) 395-9225	shraddha_a_upadhyaya@omb.eop.gov	
Submitted By		
Name and Title		Telephone Number
Mark R. Paofetta, General Counsel		(202) 456-4062
Signature		Date
		5/10/19
For Congressional Use Only		
Committee of Jurisdiction		
Date Received		
For GAO Use Only		
GAO Control Number		



GENERAL COUNSEL

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 19, 2018

The Honorable Michael R. Pence
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

Please find enclosed seven reports for Senate-confirmed positions in the Office of Management and Budget (OMB) subject to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349. These reports are for the following positions within OMB: Director, Deputy Director, Deputy Director for Management, Office of Federal Procurement Policy Administrator, Office of Information and Regulatory Affairs Administrator, Intellectual Property Enforcement Coordinator, and Controller.

Sincerely,

A handwritten signature in black ink, reading "m R Paoletta", is positioned above the typed name.

Mark R. Paoletta
General Counsel

Identical Letter Sent to The Honorable Paul D. Ryan and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

November 19, 2018

The Honorable Paul D. Ryan
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Please find enclosed seven reports for Senate-confirmed positions in the Office of Management and Budget (OMB) subject to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349. These reports are for the following positions within OMB: Director, Deputy Director, Deputy Director for Management, Office of Federal Procurement Policy Administrator, Office of Information and Regulatory Affairs Administrator, Intellectual Property Enforcement Coordinator, and Controller.

Sincerely,

Mark R. Paoletta
General Counsel

Identical Letter Sent to The Honorable Michael R. Pence and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

November 19, 2018

The Honorable Gene L. Dodaro
Comptroller General of the United States
General Accounting Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

Please find enclosed seven reports for Senate-confirmed positions in the Office of Management and Budget (OMB) subject to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349. These reports are for the following positions within OMB: Director, Deputy Director, Deputy Director for Management, Office of Federal Procurement Policy Administrator, Office of Information and Regulatory Affairs Administrator, Intellectual Property Enforcement Coordinator, and Controller.

Sincerely,

Mark R. Paoletta
General Counsel

Identical Letter Sent to The Honorable Michael R. Pence and The Honorable Paul D. Ryan

Submission Under the Federal Vacancies Reform Act

Addressees
☒ President of the
United States Senate

☒ Speaker of the U.S. House of
Representatives

☐ Comptroller General
of the United States
This Report Provides Notification of:

- ☐ Vacancy ☐ Designation of acting officer ☐ Nomination ☒ Action on nomination
☐ Change in previously submitted reported information ☐ Discontinuation of service in acting role
 (date: _____)

Name of Department or Agency and Any Suborganization

Office of Management and Budget

Vacancy Title

Director

Date Vacancy Began

01/20/17

Name of Acting Officer

Date Service Began

Authority for Acting Designation If Other Than
Vacancies Act

Name of Nominee for Position

John Michael Mulvaney

Date Nomination Submitted

01/30/17

Action on Nomination:

☒ Confirmed☐ Rejected, withdrawn, returned

Date of Action:

02/16/17

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

725 17th Street, N.W., Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

supadhyaya@omb.eop.gov

Submitted By

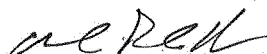
Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

11/16/18

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

Addressees
☒ President of the
United States Senate

☐ Speaker of the U.S. House of
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☒ Comptroller General
of the United States
This Report Provides Notification of:
☐ Vacancy

☐ Designation of acting officer

☐ Nomination

☒ Action on nomination

☐ Change in previously submitted reported information

☐ Discontinuation of service in acting role

(date: _____)

Name of Department or Agency and Any Suborganization

Office of Management and Budget

 Vacancy Title
Deputy Director

 Date Vacancy Began
01/20/17

Name of Acting Officer

Date Service Began

 Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Russell T. Vought

Date Nomination Submitted

05/02/17

Action on Nomination:

☒ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

02/28/18

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

725 17th Street, N.W. Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

supadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

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Signature



Date

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Submission Under the Federal Vacancies Reform Act

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 (date: _____)

Name of Department or Agency and Any Suborganization

Office of Management and Budget

Vacancy Title

Deputy Director for Management

Date Vacancy Began

01/20/17

Name of Acting Officer

Date Service Began

Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Margaret Weichert

Date Nomination Submitted

09/05/17

Action on Nomination:

☒ Confirmed☐ Rejected, withdrawn, returned

Date of Action 02/14/18

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

725 17th Street, N.W. Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

supadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

11/16/18

For Congressional Use Only

Committee of Jurisdiction

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For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

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☒ Comptroller General
of the United States
This Report Provides Notification of:
☒ Vacancy

☐ Designation of acting officer

☐ Nomination

☐ Action on nomination

☐ Change in previously submitted reported information

☐ Discontinuation of service in acting role
(date: _____)

Name of Department or Agency and Any Suborganization

Office of Management and Budget

Vacancy Title

Administrator, Office of Federal Procurement Policy

Date Vacancy Began

01/20/17

Name of Acting Officer

Date Service Began

Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Date Nomination Submitted

Action on Nomination:

☐ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

725 17th Street, N.W. Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

supadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

11/16/18

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

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☒ Speaker of the U.S. House of
Representatives

☒ Comptroller General
of the United States
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- ☐ Vacancy ☐ Designation of acting officer ☐ Nomination ☒ Action on nomination
☐ Change in previously submitted reported information ☐ Discontinuation of service in acting role
(date: _____)

Name of Department or Agency and Any Suborganization

Office of Management and Budget

Vacancy Title

Administrator, Office of Information and Regulatory Affairs

Date Vacancy Began

01/20/17

Name of Acting Officer

Date Service Began

Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Neomi Rao

Date Nomination Submitted

05/18/17

Action on Nomination:

☒ Confirmed☐ Rejected, withdrawn, returned

Date of Action

07/10/17

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

725 17th Street, N.W. Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

supadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

11/16/18

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

Addressees

- ☒ President of the United States Senate
 ☒ Speaker of the U.S. House of Representatives
 ☒ Comptroller General of the United States

This Report Provides Notification of:

- ☐ Vacancy
 ☐ Designation of acting officer
 ☐ Nomination
 ☒ Action on nomination
☐ Change in previously submitted reported information
 ☐ Discontinuation of service in acting role
 (date: _____)

Name of Department or Agency and Any Suborganization

Office of Management and Budget

Vacancy Title

Intellectual Property Enforcement Coordinator

Date Vacancy Began

01/20/17

Name of Acting Officer

Date Service Began

Authority for Acting Designation If Other Than Vacancies Act

Name of Nominee for Position

Vishal J. Amin

Date Nomination Submitted

04/24/17

Action on Nomination:

☒ Confirmed☐ Rejected, withdrawn, returned

Date of Action

08/03/17

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

725 17th Street, N.W., Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

supadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

11/16/18

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act

Addressees
☒ President of the
United States Senate

☒ Speaker of the U.S. House of
Representatives

☒ Comptroller General
of the United States
This Report Provides Notification of:
☒ Vacancy

☐ Designation of acting officer

☒ Nomination

☐ Action on nomination

☒ Change in previously submitted reported information

☐ Discontinuation of service in acting role
(date: _____)

Name of Department or Agency and Any Suborganization

Office of Management and Budget

Vacancy Title

Controller

Date Vacancy Began

01/20/17

Name of Acting Officer

Date Service Began

Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Frederick M. Nutt

Date Nomination Submitted

09/05/17

Action on Nomination:

☐ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

725 17th Street, N.W. Washington, D.C. 20503

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

supadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta, General Counsel

Telephone Number

(202) 456-4062

Signature



Date

11/16/18

For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 8, 2019

The Honorable Michael R. Pence
President of the Senate
Washington, DC 20510

Dear Mr. President:

Please find enclosed a confirmation of a nomination report for the Senate-confirmed position of Administrator of the Office of Federal Procurement Policy and a nomination report and acting officer designation for the position of Acting Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta".

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 8, 2019

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Please find enclosed a confirmation of a nomination report for the Senate-confirmed position of Administrator of the Office of Federal Procurement Policy and a nomination report and acting officer designation for the position of Acting Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta", is located below the "Sincerely," text.

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Michael R. Pence and The Honorable Gene L. Dodaro



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 8, 2019

The Honorable Gene L. Dodaro
Comptroller General of the United States
General Accounting Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

Please find enclosed a confirmation of a nomination report for the Senate-confirmed position of Administrator of the Office of Federal Procurement Policy and a nomination report and acting officer designation for the position of Acting Administrator for the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB), pursuant to Section 151(b) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3349.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. Paoletta", is written over a light blue horizontal line.

Mark R. Paoletta
General Counsel

Enclosure

Identical Letter Sent to: The Honorable Nancy Pelosi and The Honorable Michael R. Pence

Submission Under the Federal Vacancies Reform Act

Addressees
☐ President of the
United States Senate

☒ Speaker of the U.S. House of
Representatives

☐ Comptroller General
of the United States

This Report Provides Notification of:

- ☐ Vacancy ☒ Designation of acting officer ☒ Nomination ☐ Action on nomination
☐ Change in previously submitted reported information ☐ Discontinuation of service in acting role
 (date: _____)

Name of Department or Agency and Any Suborganization

Office of Information and Regulatory Affairs, Office of Management and Budget

Vacancy Title

Administrator of the Office of Information and Regulatory /

Date Vacancy Began

03/18/19

Name of Acting Officer

Dominic J. Mancini

Date Service Began

10/07/19

 Authority for Acting Designation if Other Than
Vacancies Act

Name of Nominee for Position

Paul J. Ray

Date Nomination Submitted

10/15/19

Action on Nomination:

☐ Confirmed

☐ Rejected, withdrawn, returned

Date of Action

Agency Contact

Name and Title

Shraddha Upadhyaya, Associate General Counsel

Contact's Address

OMB NEOB

Contact's Phone Number

(202) 395-9225

Contact's E-Mail Address

Shraddha_a_upadhyaya@omb.eop.gov

Submitted By

Name and Title

Mark R. Paoletta

Telephone Number

(202)456-4062

Signature



Date

11/8/19


For Congressional Use Only

Committee of Jurisdiction

Date Received

For GAO Use Only

GAO Control Number

Submission Under the Federal Vacancies Reform Act		
Addressees		
<input checked="" type="radio"/> President of the United States Senate	<input checked="" type="radio"/> Speaker of the U.S. House of Representatives	<input checked="" type="radio"/> Comptroller General of the United States
This Report Provides Notification of:		
<input type="radio"/> Vacancy	<input type="radio"/> Designation of acting officer	<input type="radio"/> Nomination
<input type="radio"/> Change in previously submitted reported information	<input checked="" type="radio"/> Action on nomination	
(date: _____)		
Name of Department or Agency and Any Suborganization		
Office of Federal Procurement Policy, Office of Management and Budget		
Vacancy Title		Date Vacancy Began
Administrator of the Office of Federal Procurement Policy		01/20/17
Name of Acting Officer	Date Service Began	Authority for Acting Designation if Other Than Vacancies Act
Name of Nominee for Position		Date Nomination Submitted
Dr. Michael E. Wooten		02/25/19
Action on Nomination: <input checked="" type="radio"/> Confirmed <input type="radio"/> Rejected, withdrawn, returned		Date of Action 08/01/19
Agency Contact		
Name and Title		
Shraddha Upadhyaya, Associate General Counsel		
Contact's Address		
OMB NEOB		
Contact's Phone Number	Contact's E-Mail Address	
(202) 395-9225	Shraddha_a_upadhyaya@omb.eop.gov	
Submitted By		
Name and Title		Telephone Number
Mark R. Paoletta		(202) 456-4062
Signature		Date
		4/8/19
For Congressional Use Only		
Committee of Jurisdiction		
Date Received		
For GAO Use Only		
GAO Control Number		

**Senator Thomas R. Carper
Post-Hearing Questions for the Record
Submitted to Russell Vought**

**Nominations of The Honorable Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management
Tuesday, June 2, 2020**

Coronavirus Response Oversight

The Coronavirus, Aid, Relief, and Economic Security (CARES) Act requires “covered recipients” of federal financial assistance to provide quarterly reports to the Office of Management and Budget (OMB) and Congress about the projects or activities for which these funds were used. Specifically, the law requires that these quarterly reports provide an estimate of the number jobs created or retained by these projects or activities that receive financial assistance. The American Recovery and Reinvestment Act contained a similar provision requiring quarterly jobs data reporting. On April 10, OMB issued Memorandum M-20-21, which acknowledges this reporting requirement but claims the jobs number estimate is unnecessary because “centrally available economic data will provide sufficient information for OMB to prepare these quarterly reports.”

1. Could you please elaborate on “centrally available economic data” and what are the sources of this data?

OMB will rely on macroeconomic variables from the Bureau of Labor Statistics and the Bureau of Economic Analysis, as well as other publicly available data, to perform statistical and econometric analysis and infer the economic impact of covered funds. This is the same general approach the Council of Economic Advisors (CEA) utilized in producing quarterly reports required by the American Recovery and Reinvestment Act (ARRA), which resulted in estimates on par with private and public estimates as well as estimates using recipient-reported employment.

2. Did you consider implementing guidance similar to what OMB published in December 2009 based on the Government Accountability Office’s recommendation, which would clarify the definition of a “job created or retained”?

Yes, we did consider that option, but based on lessons learned from ARRA, this avenue would be overly burdensome on recipients while adding little value to our ability to estimate the economic impact of covered funds. CEA provided a broad outline of the shortcomings of recipient-level jobs reporting. Funds subject to the recipient reporting requirement in ARRA comprised only about 35% of the total funding of ARRA. Also, recipients in 2009 noted trouble disentangling regular employment from ARRA-specific employment. The ARRA reporting model did not produce consistent application and resulted in low data quality as well as substantial burden for the recipients and agencies, including a lot of back and forth between the recipient and the agency when the data submitted didn’t make sense and the need to stand up “Recovery Act offices” with hired contractors to support recipient reporting. OMB’s approach taken in the quarterly

reports will provide a more complete picture of the impact of covered funds on the economy.

3. As a general principle, when trying to evaluate the economic and behavioral effects of a policy or program, is it better to take a macro-economic or micro-economic approach?

The two approaches are complementary. For instance, the quarterly reports produced by CEA following ARRA provided a set of estimates using both macro-economic and micro-economic approaches. While OMB's quarterly reports will primarily take a macro-economic approach, there are efforts to produce estimates at the micro-economic level that will be included in the quarterly reports as they become available.

You stated that OMB is coordinating with the Council of Economic Advisors, Department of Treasury, and the Small Business Administration (SBA) to publish publicly-accessible, quarterly employment and economic growth reports in accordance with Section 15011 of the CARES Act.

1. What specific elements do you anticipate these reports will include?

OMB expects the structure of the reports to be similar to the structure of the CEA reports submitted following the passage of ARRA. The reports will provide an update on where and how the spending and tax provisions have been implemented, an overview of the economic conditions at that point in time, and a set of estimates of the economic impact of covered funds using a variety of econometric and statistical methods.

2. What data sources will these reports rely on and will they also be accessible to the public?

All of the data sources used in these reports will be publicly available. Data used to provide an update on implementation and spending will come from the recipient-level financial reporting required under the CARES Act. In the overview of economic conditions and estimates of economic impact, the data will be sourced from public data available through major statistical agencies (e.g., the Bureau of Labor Statistics, the Bureau of Economic Analysis, and the Census Bureau). All methods used will be described in detail and data sources will be cited.

3. Do you expect to meet the statutory deadline of June 30 for the first quarterly report?

OMB expects to meet the statutory deadline for the first quarterly report, which is "not later than 45 days after the end of the first full quarter following the date of enactment of [the CARES Act]," and that is August 14.

4. Would it be appropriate for the President to direct, suggest, or imply that these reports ought to paint a certain economic picture and/or omit information that might be perceived as politically unfavorable in the midst of a general election?

The Administration intends to comply with the law and provide the prescribed information.

Worker Safety

On April 27, 2020, the Democratic members of this committee wrote to Office of Personnel Management (OPM) Acting Director Michael Rigas with a series of questions regarding its work

to support the federal workforce. To date, OPM has declined to provide this Committee with regular and timely briefings on this issue.

1. What role has OMB played with regard to protecting the federal workforce during this pandemic?

OMB and OPM have collaborated in providing a series of guidance related to workforce protection to federal agencies during the pandemic. This has included guidance concerning telework, agency operations and facility usage, and workplace precautions. Collectively, this guidance is intended to assist agencies in making decisions and keeping the Federal workforce safe across various operational contexts. OMB also engages in dialogue and consultation with agency leaders in order to ensure guidance is understood and can be applied in particular situations that an agency may encounter.

2. Has OMB been in regular contact with the Vice President's supply chain taskforce, Department of Homeland Security, Department of Health and Human Services, or other agencies to ensure that federal workers have access to critical supplies, including personal protective equipment (PPE) such as facial masks?

Yes, OMB leadership has been in frequent contact with the Vice President's supply chain taskforce, Department of Homeland Security, Department of Health and Human Services, and other agencies to ensure agencies have access to cleaning supplies necessary for workforce protection and needed PPE, including both medical grade face masks and non-medical grade face masks/coverings.

3. Will you commit to provide a briefing to the committee regarding the joint work put forward by OMB and OPM to protect federal workers?

When we are no longer in a critical-response mode, OMB would be happy to brief your committee about our efforts.

Similarly, there have been numerous calls for the Department of Labor's Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard to protect the workforce during this pandemic.

1. Do you believe OSHA should issue an emergency temporary standard to protect workers?

This is potentially the subject of pending litigation, so I am unable to comment on it at this time.

Regulatory Reform and SAFE Vehicles Rule

The Committee's pre-hearing questionnaire asked you to provide information on your involvement, if any, in the development or decision-making process associated with 48 rulemakings, which occurred during your tenure at OMB. The Committee also asked for a list of all meetings or appointments you participated in while employed by OMB, a description of any substantive or procedural changes to regulatory actions or other agreements resulting from each

meeting or appointment, and copies of any written materials provided by any non-governmental attendees or participants in those meetings or appointments.

In your response to this question, you referred to the answer provided in an earlier question in the questionnaire, noting that you “supervised or assisted in the supervision of all regulatory actions reviewed within OMB during my time in leadership roles there.”

1. Do you intend to provide materials responsive to this question?

I have referred this request to the OMB Office of General Counsel.

On April 30, 2020, the Environmental Protection Agency (EPA) and the Department of Transportation (DOT) finalized and published the Safer Affordable Fuel-Efficient (SAFE) Vehicles 2 rule. Documents made available to my office appear to reveal that EPA officials improperly circumvented the Clean Air Act as well as regulatory and other procedural requirements throughout the administration’s preparation and review of the final SAFE vehicles rule. Specifically, EPA appears not to have docketed materials that appeared to reveal an interagency disagreement and EPA concerns about the legal defensibility of the rule.

1. Did anyone at OMB direct or suggest to EPA that it not place materials into the docket in order to avoid revealing the extent to which the agencies disagreed and expose the rule to legal vulnerability?

I am unaware of anyone at OMB having made such a direction or suggestion.

2. Please describe OMB’s involvement (if any) in mitigating the interagency dispute regarding the SAFE vehicles rule.

In this review, as in all interagency reviews, OMB worked to facilitate resolution of interagency deliberations in a timely manner.

Agriculture

On April 28, 2020, President Trump signed Executive Order 13917, classifying meat and poultry processing facilities as critical and strategic materials under the Defense Production Act.

1. What role if any, has OMB had with regard to drafting and/or implementing this Executive Order?

While OMB is working as part of the interagency effort to coordinate DPA actions, the Assistant to the President for Trade and Manufacturing Policy serves as the National DPA Policy coordinator.

2. Do you believe OMB should be working to coordinate the efforts of the CDC, OSHA, DHS and others to provide guidance and support to this industry?

As with any interagency process, OMB will work to facilitate prompt resolution for guidance and other documents related to these efforts.

Improper Payments

For many years, this Committee has work to advance legislation called the Stopping Improper Payments to Deceased People Act. The bill would require the Social Security Administration

(SSA) to share the full death records in its possession with multiple federal agencies, including the Treasury's Do Not Pay Program.

SSA interprets its authorizing statute as prohibiting it from providing this information to agencies, including to Treasury for its use in the Do Not Pay program.

1. Do you believe that this data should be more widely shared across the government to combat improper payments and help agencies better achieve their missions?
Yes, we believe that sharing the full death data files more broadly will help the government reduce the risk of paying deceased people across all major Federal programs that provide direct payments to individuals. In addition, we believe there is an opportunity to partner with Congress to share data more broadly across the government to reduce improper payments.
2. Does the Administration currently have the legal authority to review SSA's definition of "benefits-paying" agencies? Or is legislation needed in this area?
OMB has the authority to review SSA's interpretation of "benefits-paying" agencies and will be conducting this review, and its outcome will determine if further legislation is needed to allow all relevant programs that include direct payments to individuals to access the death data to prevent or detect improper payments.
3. Recently the Social Security Advisory Board recommended that death data management ultimately shift to Treasury's Do Not Pay program. Has OMB reviewed this recommendation? If not, will you commit to reviewing the recommendation and reporting back to this Committee with OMB's perspective?
OMB has not done an in-depth review of this study at this time. However, we are committed to examining it. Additionally, as part of the death report requirement under PIIA, which will soon be sent to Congress, OMB will be responding to the requirement to provide recommended actions to improve "the quality, accuracy, and timeliness of death data maintained by the Social Security Administration."
4. Has OMB explored other options to improve death data management among agencies? If so, please explain those alternatives.
OMB has discussed with OPM, DOD, State Department, SSA and Treasury's Do Not Pay Business Center other options to improve death data management among agencies. For example, one option could be having states report death data to both SSA and Treasury. Another could be shifting death data to Treasury. S. 1333 is also a statutory step in the right direction on this issue.

Payment Integrity Information Act

On May 18, 2020, Senators Carper and Braun wrote to you regarding the implementation of the Payment Integrity Information Act. The new law allows for OMB to establish one or more pilot programs to test potential accountability mechanisms for compliance with requirements regarding improper payments and the elimination of improper payments. The new law also requires OMB to update its plan for improving the death data maintained by the Social Security

Administration to improve federal agency use of death data and to establish an interagency working group on payment integrity.

1. Could you please provide a response to this letter?

The response to that letter was provided on June 5, 2020.

2. Does OMB plan to utilize the law's pilot program authorization to combat improper payments related to CARES Act funding?

We have leveraged the pilot provision in the Payment Integrity Information Act (PIIA) and begun developing pilots to apply scientifically validated behavioral insights to improve prevention of improper payments. We plan to work with the agencies and the IG community in the coming months to explore other feasible options for pilots that can help combat improper payments and fraud around CARES Act and other Federal spending.

3. Has OMB begun to work with the Social Security Administration to improve federal agency use of death data?

OMB has worked with SSA to better understand the issues preventing agencies from accessing death data. The FY2021 Budget proposed legislation to require SSA to share the full file of death information it maintains – including State-reported death data – with Treasury's Do Not Pay Business Center for use in preventing improper payments. It would also allow SSA to share state death data for tax administration and agency oversight purposes.

Making Politically Difficult Decisions

Nearly two years before submitting his resignation as Secretary of Defense, General James Mattis said during his confirmation hearing that he would resign as a matter of principle if the President ignored his best advice as Secretary and still directed him to do something that he believed was wrong. When the General resigned in December 2018, he included the following statement in his powerful resignation letter to the President: "Because you have the right to have a Secretary of Defense whose views are better aligned with yours on these and other subjects, I believe it is right for me to step down from my position."

1. In your opinion, what constitutes a "politically difficult" decision?

A politically difficult decision is one in which two valid competing interests intersect, but a decision must be made to support one more than the other.

2. Building from your response to the previous question, how would describe your general approach when faced with having to make a difficult decision—political or otherwise—that will inevitably cause discord regardless of the manner in which you decide?

I evaluate and weigh the competing interests to provide recommendations that I believe are in the best interests of the nation.

3. During your tenure at OMB, have you had to make politically difficult decisions? If so, please share a specific decision as an example.

The Budget proposals each year are chockful of “politically difficult decisions,” as one person’s cut in the public interest is another person’s critical project.

4. During your tenure at OMB, has the President ever clearly indicated, directly to you or indirectly, that he wants you to take an action that you believe is wrong or against the best interest of the country? If so, please describe how you resolved the situation. If not, what would you do in a scenario where the President asks you to do something that you believe is wrong or against the best interest of the country?

I provide honest counsel to the President but the American people elected him to make difficult decisions and I execute the President’s decisions consistent with the law.

State and Local Aid

With significant declines in revenue sources, ranging from sales to income to motor fuel taxes due to the COVID-19 pandemic, state, tribal and local governments are now in a position where they must try to balance their budgets by deciding between furloughs, service cuts, and canceling contracts—all of which will be detrimental to economic recovery. The Bureau of Labor Statistics’ April jobs report showed that nearly one million state and local government jobs were lost that month, contributing to the spike in unemployment across the country. These job declines are positioned to get worse without federal relief. In addition, according to a recent *Wall Street Journal* article, state and local government spending amounts to nearly 11 percent of gross domestic product, and based on evidence from the last recession, Harvard economist Gabriel Chodorow-Reich estimates that every dollar in state and local government spending cuts costs the overall economy between \$1.50 and two dollars. Federal Reserve Chairman Jerome Powell echoed these concerns during the May 19 Senate Banking Committee hearing: “We have the evidence of the global financial crisis and the years afterward where state and local government layoffs and lack of hiring did weigh on economic growth.”

1. Given the ample evidence that failing to quickly provide federal relief funds to stabilize state, tribal, and local economies will make it much harder for our economy to recover, can you describe the Administration’s position on providing additional funds to help state and local governments cover revenue losses that they have incurred due to the pandemic?

The President has signed into law historic legislation since the pandemic began, which have included enhanced unemployment benefits, up to \$500 billion for state and local governments, the establishment of the Paycheck Protection Program, and enhanced SNAP benefits. The Administration will continue monitoring these programs and the underlying economic conditions. The Administration is working every day to facilitate economic recovery while not placing an unsustainable debt burden on future generations, and I support these efforts.

Aid for Health Care Service Providers

Congress recently passed two coronavirus packages that together provided \$175 billion in emergency funding for health care providers during the coronavirus pandemic. Several health care providers have submitted applications for this relief to the Department of Health and Human Services (HHS), and their applications were never reviewed and were voided once expired. More generally, many health care providers are concerned about the lack of transparency in how these funds are allocated.

1. What oversight is there on how funds are being distributed and if they are distributed equitably?

The Secretary of HHS has designated the Health Resources and Services Administration (HRSA) to administer these funds. HRSA will continue to distribute funds for COVID-19-related expenses to eligible health care providers in a manner that is fair, simple, and transparent. Per the terms and conditions, all recipients will be required to submit documentation to substantiate that these funds were used for increased healthcare-related expenses or lost revenue attributable to Coronavirus, and that those expenses or losses were not reimbursed from other sources and other sources were not obligated to reimburse them. HHS will have significant anti-fraud monitoring of the distributed funds, and the Office of the Inspector General will provide oversight as required in the CARES Act. Failure by a provider to comply with any term or condition can subject that provider to recoupment of some or all payments received.

2. What metrics are you using to measure equitable funding?

The \$50 billion general distribution is being allocated proportional to providers' share of 2018 net patient revenue. The allocation methodology is designed to provide relief to providers who bill Medicare fee-for-service, with at least 2% of that provider's net patient revenue regardless of the provider's payer mix. Payments are determined based on the lesser of 2% of a providers 2018 (or most recent complete tax year) net patient revenue or the sum of incurred losses for March and April. HRSA is also allocating funding through targeted distributions, which to date includes targeted funding to hospitals in COVID-19 hotspots (with increased support for those predominately serving low-income populations), for rural and tribal health care providers, and for skilled nursing facilities.

3. What data is being made available to showcase where the funds are being distributed (i.e., to primary care providers, nursing homes, assisted living facilities, hospitals, etc.)?

HHS has posted a public list of providers and payments once they attest to receiving the money and agreeing to the terms and conditions. The data posted represent a list of providers that received one or more payments from the Provider Relief Fund and the data displayed on the website will be updated biweekly.

4. Will a full list of all provider fund recipients and the funding they received be made publicly available?

HHS has posted a public list of providers and payments once they attest to receiving

the money and agreeing to the terms and conditions. The list includes current total amounts attested to by providers from each of the Provider Relief Fund distributions, including the general distribution, hospitals in COVID-19 hotspots, rural and tribal health care providers, and skilled nursing facilities.

On March 28, 2020, the Center for Medicare and Medicaid Services (CMS) announced an expansion of its accelerated and advance payment program for Medicare to provide financial support during the coronavirus pandemic. Under this program, most providers and suppliers were eligible for up to 100 percent of the Medicare payment amount for a three-month or six-month period, depending on the type of services the providers offer. On April 26, 2020, without providing advance notice, CMS abruptly suspended the advance payment program. While awaiting support from the Paycheck Protection Program and HHS emergency provider funds, many health care providers held off on applying for the accelerated and advance payment program because of its high interest rate. Now, many of these providers realize they need more financial support, and this program is no longer available to them.

1. What role, if any, did OMB have in the creation of this program?
The Accelerated and Advance payment programs are long-standing CMS programs that predate the COVID-19 public health emergency. As part of the Administration's robust and prompt response to the pandemic, CMS leveraged existing capabilities to provide quick financial relief to providers experiencing cash flow disruptions due to postponement of elective and non-urgent services.
2. At a time when almost every primary care provider has seen a drastic decrease in patient volume and many are concerned about having to close their doors, why did CMS abruptly suspend this program?
As indicated in a CMS press released published April 26, 2020, CMS found that in light of direct payments being made through the HHS Provider Relief Fund, as well as significant additional funding available to hospitals and other healthcare providers through other programs, it was appropriate to reevaluate the amounts that would be paid under its Accelerated Payment Program and to suspend the Advance Payment Program.
3. Is CMS considering reopening this program or providing alternative financial support?
On April 19, 2020, CMS released guidance on re-opening facilities to provide non-emergent, non-COVID-19 health care and as localities reduce or stabilize the incidence of COVID-19 in their communities providers will restart care that was deferred or postponed earlier. While it is too soon to tell the extent to which health care services will bounce back in the remainder of calendar year 2020, CMS has the flexibility resume the Accelerated and Advance Payments if necessary to provide financial support to vulnerable providers.

Federal Vacancies

Time and again, I have advocated for filling leadership positions that require Senate confirmation at Executive Branch agencies. I have often said that leadership is the most important thing in any organization. Currently at the Department of Homeland Security (DHS), 10 of the 17 positions requiring Senate confirmation are either vacant, or filled in an “acting” capacity. The White House Office of Presidential Personnel is responsible for the vetting of all Presidential appointments.

1. Understanding that OMB has no direct role in selection of presidential appointees, but given OMB’s role in developing a budget and managing and overseeing Executive Branch agencies’ performance and regulatory policy, do you agree that it is necessary to have Senate confirmed and consistent leadership at the highest levels of Executive Branch agencies?

Yes, it is preferable when possible.

2. If confirmed, will you commit to encouraging the White House Office of Presidential Personnel, within the limits of your role as OMB Director, to call for the appointment of qualified, knowledgeable, and dedicated individuals to vacant positions across the federal government?

The Director of OMB has no role in the appointment of individuals to federal leadership positions.

3. Drawing on your own experience as senior official in the current administration who has served concurrently as both an acting and confirmed officer, what are the biggest challenges that a temporary or acting official faces when trying to lead an entire department?

In my experience as Acting Director and as confirmed Deputy Director, I do not believe I faced any additional challenges in heading the agency due to the acting nature of my current role. I have been fully supported by the President and by the workforce of our agency.

Government Procurement Practices

Various news outlets have reported on irregular procurement practices relating to the White House Coronavirus Task Force, including a “shadow task force” run by the President’s senior advisor and son-in-law, Jared Kushner, which employed staff with little experience to sort through procurement bids and leads submitted to the government. While extraordinary measures may be called for in a pandemic, the federal government still has a responsibility to vet private companies granted federal contracts, and, where possible, comport with regulations.

1. As OMB Director, what responsibility do you have to ensure contracts are not improperly awarded, and that qualified companies’ bids do not fall through the cracks?

The Administrator for Federal Procure Policy reports to the OMB Director through the Deputy Director for Management (DDM) and is responsible for developing policies and leading management initiatives to promote consistent, efficient, and

effective application of federal contract requirements implemented by agencies in acquiring goods and services to meet their mission needs. We continue to work on acquisition modernization, centering on “frictionless” acquisition processes that are designed to increase participation in federal acquisitions, including by small businesses and new entrants, by reducing barriers to entry, eliminating unnecessary or inefficient processes, and leveraging best commercial and government practices.

2. What has OMB’s role been in supporting the coronavirus task force, and specifically the Supply Chain Stabilization Task Force?

As the Coronavirus Task Force, including the Supply Chain Stabilization Task Force, is a whole-of-government response, OMB has provided the same expertise we provide in all interagency processes to ensure prompt resolution and strong decision-making.

**Senator Kamala Harris
Post-Hearing Questions for the Record
Submitted to Russell Vought**

**Nominations of The Honorable Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management
Tuesday, June 2, 2020**

Clean Air and Environmental Regulations

This administration has completed or is in the process of completing the rollback of one hundred environmental rules and regulations. Many of the most significant rollbacks have occurred during your time in leadership roles at OMB. Even now, in the middle of a public health crisis with almost 2 million Americans contracting a disease that targets the respiratory system, this Administration is rolling back environmental regulations that protect people from air pollution.

1. We know that air pollution has a detrimental effect on public health. Do you agree?
It can.

The administration's actions during this pandemic will result in increased air pollution, including mercury pollution that is particularly toxic for pregnant women and children.

2. The science is clear that increased air pollution can lead to premature deaths due to health issues like asthma attacks and heart attacks. Do you accept that science?
I would be happy to review the science to which you refer.

Rolling back environmental protections disproportionately impacts communities of color, building upon our nation's history of environmental racism. African Americans are 75% more likely to live next to an oil or gas facility than people of other races. African Americans are exposed to higher levels of air pollution than white Americans regardless of wealth. Of Americans who live under the worst air quality, 70% are people of color. And race is the number one indicator of where to find a toxic facility in this country. These statistics are unacceptable. And your actions as OMB Director, especially during this pandemic, will only make them worse.

3. Given the detrimental effect of pollution on public health, the fact that increased pollution can lead to an increase in premature deaths, and the disproportionate impact of pollution on communities of color, the roll back of environmental rules and regulations will have a life-threatening impact on communities of color. Do you agree?
No, in fact, the President's deregulatory agenda has removed unnecessary rules and regulations and has led to increased wealth and opportunities for all Americans"

Coronavirus Response

On April 10, as Acting OMB Director, you sent a memo to department and agency heads on implementing coronavirus relief funding passed by Congress. In that memo, you direct agencies

to quickly distribute relief funds while, “spending transparency and regular reporting will provide important accountability mechanisms to help safeguard taxpayer dollars.”

Yet, instead of relief for struggling small businesses on Main Street, this administration is giving handouts to corporations on Wall Street. Over \$1.5 billion from the Paycheck Protection Program (PPP) has gone to 446 public companies rather than small businesses on the brink of closure in California and across the country. As of May 19, only 20% of the public companies that received loans had returned them.

4. Do you think that letting money intended to help struggling small businesses instead go to corporations is consistent with safeguarding taxpayer dollars?
The PPP is run by the U.S. Small Business Administration with support from the U.S. Department of the Treasury, so this question should be directed to those agencies. That said, the Administration has been and continues to be committed to providing funding pursuant to the statutory parameters established by Congress, including self-certification by the applicant, to help businesses keep their workforce employed during the Coronavirus (COVID-19) crisis.

Press reports suggest that small businesses in my state, California, have lagged behind small businesses in other states in obtaining assistance under PPP. Reporting from Bloomberg in April found that only about 38% of the eligible payroll in California had gotten assistance, one of the lowest rates in the country. While subsequent reporting does suggest that more businesses have gotten assistance, California still lags behind other states. A follow-up Bloomberg report on May 20th found that only around 75% of eligible payroll in California had gotten assistance, whereas other states have seen over 90% of their eligible payroll get assistance.

5. Why has it taken so long for eligible small businesses in my state to get assistance?
The U.S. Small Business Administration runs the PPP with the support of the U.S. Department of the Treasury, therefore this question should be directed to those agencies.
6. Why does California still lag behind other states in getting this assistance?
See Question 5.

Additionally, according to the Center for Responsible Lending, at least 90% of businesses owned by people of color have been or will likely be shut out of the first round of PPP funding.

7. Why does this inequality exist for small businesses owned by people of color in accessing PPP?
See Question 5.
8. Given that you reminded agencies on April 10th that they need to ensure transparency and accountability when distributing coronavirus relief funds, do you think the SBA needs to provide clearer accounting of where PPP funding is going and ensure that it is disbursed in an equitable manner across all states and racial and ethnic groups?

As OMB's M-20-21 states, OMB is committed to helping all agencies provide transparency and accountability in the distribution of Coronavirus relief funds in as efficient and timely manner as possible.

9. If confirmed as OMB Director, how will you work to improve oversight over the distribution of coronavirus relief funding?

If confirmed, I will continue to work with all agencies to ensure transparency and accountability in the distribution of Coronavirus relief funding.

President Trump Tweet on Voting by Mail

On May 20, President Trump falsely claimed on Twitter that Michigan had sent absentee ballots illegally. He accused Nevada of sending “illegal vote by mail ballots, creating a great Voter Fraud scenario for the State and the U.S.”

President Trump also tweeted “‘I think’ I can hold up funds to the State. Sorry, but you must not cheat in elections,” and then tagged you in his post.

Five states—Colorado, Hawaii, Oregon, Washington, and Utah—conduct elections almost entirely by mail, and have reported very few instances of fraud. According to a 2007 Brennan Center report, “only a tiny portion of the claimed illegality is substantiated—and most of the remainder is either nothing more than speculation or has been conclusively debunked.” President Trump’s now-disbanded voting integrity commission uncovered no evidence to support claims of widespread voter fraud.

10. Have you been instructed to withhold funds from any states in connection with their vote-by-mail policies?

No.

11. To your knowledge, does the administration plan to withhold funds from states in connection with their vote-by-mail policies at any point in the future?

No.

12. Do you have any evidence to substantiate the existence of widespread voter fraud? If so, please provide copies of any such evidence with your response.

I respectfully suggest that the U.S. Department of Justice may be better able to respond to that question.

Economic Forecasts

The Administration announced it will not be issuing updated economic forecasts this summer. This is a routine report issued every year that provides information about unemployment projections and the state of our economy.

13. Do you think it is important for the American people to hear from the Administration about future economic projections?

Yes.

14. If confirmed, would you agree to work with the White House and other relevant personnel in the Administration to issue updated economic forecasts over the summer and ensure they are completed in an objective manner?

Given the current fluidity in overall circumstances, including constantly changing local rules for re-opening which impact employment and other critical factors, getting a clear projection right now is challenging and ultimately unlikely to be useful. We closely monitor weekly unemployment reports and quarterly GDP reports, but a full midyear review will be more appropriate when the economy is less volatile, and is expected in the fall.

Senator Kyrsten Sinema
Post-Hearing Questions for the Record
Submitted to Russell Vought

**Nominations of The Honorable Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management
Tuesday, June 2, 2020**

Budget

1. One area that has improved under the pandemic has been regulatory flexibilities given to providers to increase the use of telehealth services. This allows many patients, including those who are over age 65 or with underlying health concerns, to continue to receive care without having to go to a doctor's office or the hospital where they could be exposed to the virus. This is important as new coronavirus cases are continuing to increase in parts of the country, including in Arizona. Many providers and patients are concerned that the new telehealth rules they are relying on could be abruptly pulled back.
 - a. Do you believe that OMB should actively work with federal agencies like HHS and CMS to help them evaluate the continued need for such flexibilities?
Yes. And, the President's recent Executive Order 13924 promotes that approach.
 - b. In your opinion, should such policies be made permanent to ensure patients are not suddenly cut off from necessary care?
Pursuant to the President recent Executive Order 13924, we are currently considering such questions.
2. In my state of Arizona, border security remains an issue of critical importance. Since this Administration was sworn in, and throughout your tenure at OMB, one of its chief border initiatives has been the construction of barriers along the southwest border. The Administration has spent over \$11 billion dollars on barrier construction since January of 2017 and that number could rise to over \$18 billion by the end of this year. Barrier spending and construction cuts across multiple federal agencies with involvement from Department of Homeland Security, Department of Defense, Army Corps of Engineers, and others. The large price tag for this construction, as well as the many federal entities involved, means that OMB has an important role in the oversight of this initiative, and ensuring that this federal spending is successfully meeting national goals.
 - a. Should OMB conduct diligent oversight of border barrier construction efforts to ensure the program is effective and that federal responsibilities to protect water and cultural resources are being met?
Yes, we do so through the interagency process.
 - b. Has OMB done such oversight during your tenure as Acting Director?
Yes, we have worked with the U.S. Department of Homeland Security and other relevant agencies on these matters.
 - c. Secretary Wolf testified before HSGAC back in March 2020. I brought up my idea to launch a Red Team Review and do a top-to-bottom examination of barrier construction efforts with the goal of ensuring that barrier construction efforts are

effectively protecting our water resources and culturally sensitive areas and developing strategies to improve the overall barrier construction effort. Would you support such a review?

We currently participate in an interagency process to consider these and other issues with regard to border barriers.

- d. What are OMB's current plans to do oversight of the ongoing border barrier construction effort? Will OMB be examining the acquisition life cycle costs for border barrier contracts and providing recommendations to DHS and the Army Corps of Engineers to improve the border barrier contracting process?

Yes, we will continue to participate in an interagency process to consider these and other issues with regard to border barriers.

- 3. The Paperwork Reduction Act of 1995 requires that OMB report to Congress on the paperwork burden imposed on the public and the federal government's efforts to reduce such burden. This report is called the "Information Collection Budget." This Administration's first Information Collection Budget – for 2017 – was published in February of 2020. This was shortly after I highlighted these missing reports for Paul Ray during his nomination process before this committee to be Administrator of the Office of Information and Regulatory Affairs. The 2018 and 2019 reports are still missing. Considering that Executive Order 13771 includes paperwork burden reductions, I find it quite odd that the information to complete these reports in a timely fashion was not readily available.

- a. Is OMB currently working to provide these legally-required and past-due reports?

Yes, OMB is currently working to provide these reports, although the response to COVID-19 has diverted resources from this work.

- b. As OMB Acting Director, what is your role in ensuring reports such as these are published in a timely fashion?

As Acting Director, I have directed OMB staff to expedite preparation of these reports to promote timely publication in the future.

- c. What prevented OMB from completing these reports in a timely fashion?

Limitations on resources and the necessary diversion of resources to the COVID-19 response have slowed this work down.

- d. If confirmed as permanent director, what steps will you take to better ensure OMB completes legally required actions, such as these reports, in a more timely fashion?

If confirmed, I will continue to work with OIRA on the workflow plan we have instituted for timely publication of these reports.

- 4. The FY2020 National Defense Authorization Act instructed the National Academy of Public Administration to study the structure and mission of OPM and requires that any efforts to merge OPM into other agencies, such as the General Services Administration or OMB, must wait until the completion of that study.

- a. What are your plans to review that report upon its completion and appropriately update the Administration's proposed merger between OPM, GSA and OMB based upon its findings?

We look forward to reviewing the report.

- b. Do you believe the NDAA study requirements requires a complete pause on all merger efforts until the completion of the report?

As stated in the NDAA, there will be no assignment, transfer, transition, merger, or consolidation of any function, responsibility, authority, service, system, or program that is assigned in law to the OPM to the GSA, OMB, or EOP until or after 180 days from submission of the report to the appropriate Congressional Committees and enactment of required legislation.

- c. I continue to be concerned that no data has been shared with Congress that shows that the information technology infrastructure for GSA and OPM are fully compatible and that transferring the OPM data to GSA is achievable. Have tests on that compatibility been done and will you share those results with the committee?

We expect that this information will be included in the report Congress mandated in the NDAA.

- 5. OMB has always played an important role in managing the federal workforce. That has especially been the case during the ongoing COVID-19 pandemic. Based on your observations of the federal workforce during this crisis, what changes in federal employee policies are needed to improve agency flexibility and preparedness for emergency events?

We are proud of the advances we have made in recent years that allowed the federal workforce to not only maintain the mission-critical work of government, but also respond to this pandemic. Once we are no longer in a critical response mode, OMB would be happy to brief your office on these issues.

- 6. OMB Memo M-17-21 "Guidance Implementing Executive Order 13771" allows for exemptions from the deregulatory requirements under Executive Order 13771 in certain emergency situations. However, these exemptions will generally only be granted with respect to the timing of required offsets. For those regulations promulgated in response to the coronavirus National Emergency, will you direct agencies to offset their actions in the next fiscal year or waive such offsets for this emergency?

Any waivers are done utilizing a fact-specific inquiry and case-by-case basis. The waiver authority will be exercised where appropriate.

JIM BANKS
THIRD DISTRICT, INDIANA



COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
EDUCATION AND LABOR
COMMITTEE ON
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-1403

April 10, 2020

Senator Mike Enzi
Chairman, United States Senate Committee on the Budget
379A Senate Russell Office Building
Washington, DC 20510

Senator Ron Johnson
Chairman, Committee on Homeland Security and Government Affairs
328 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Enzi and Chairman Johnson,

We write to you to express our support for the confirmation of Mr. Russell T. Vought as the Director of the Office of Management and Budget (OMB). We find Mr. Vought to be uniquely qualified to lead the Administration's budget office. Before he was the Acting Director of OMB, Mr. Vought served in the House of Representatives, the Senate, and as a public policy expert in the private sector. In all three roles, Mr. Vought has consistently advocated for a balanced budget, fiscal restraint, and family values.

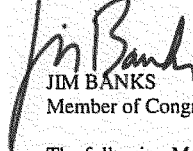
A principled leader, capable of building a grassroots coalition of fiscal reformers, Mr. Vought is the perfect choice to continue overseeing President Trump's budget office. The President has vocally supported reducing the federal deficit, and his budget proposals are blueprints for what a fiscally responsible Washington could look like. Mr. Vought hasn't just preached from an ivory tower; he's organized like-minded voters and delivered results for American taxpayers.

To date, Mr. Vought's record in the White House proves that he is serious about reducing the regulatory barriers that place American firms at a competitive disadvantage. Under Mr. Vought's leadership, OMB fought to cut burdensome and outdated federal regulations. Three years into the Trump Presidency, the government has cut more than seven regulations for every significant new regulation, generating over \$50 billion in savings for the American people.

In addition to being professionally qualified to lead President Trump's Budget Office, Mr. Vought shares this administration's conservative social values. Before and during his tenure in the White House, Mr. Vought consistently advocated for pro-life policies through his public, private, and community work. The next director of OMB will play a role in every facet of Executive Branch policy—including its pro-life and religious liberty policies.

Therefore, we believe that Mr. Vought's record of conservative leadership—and his support for the fiscally restrained, pro-business and pro-family policies championed by the current administration—warrant a speedy confirmation. Thank you for your consideration and please feel free to reach out with any questions.

Sincerely,


JIM BANKS
Member of Congress

The following Members of Congress have co-signed this letter:

Jodey Arrington
Andy Biggs
Ken Buck
Ted Budd
Michael Cloud
Warren Davidson
Jeff Duncan
Ron Estes
Matt Gaetz
Mark Green
Jody Hice
Richard Hudson
Mike Johnson
Jim Jordan
Trent Kelly
Doug Lamborn
Debbie Lesko
Alex Mooney
Ralph Norman
Greg Pence
Chip Roy
Jason Smith
W. Gregory Steube
Mark Walker
Randy Weber
Debbie Lesko

**Statement of Craig E. Leen
Nominee to be the Inspector General of the U.S. Office of Personnel Management
Senate Committee on Homeland Security and Governmental Affairs**

June 2, 2020

Chairman Johnson, Ranking Member Peters, Members of the Committee:

It is a true honor to appear before you today as the nominee for Inspector General (IG) of the U.S. Office of Personnel Management (OPM). I thank the President for nominating me and this Committee for considering me. I commit to you without reservation that if confirmed to this position that I will serve with integrity, independence, and a commitment to transparency and truth in government. I understand what it means to be an Inspector General and the great trust it entails. I am ready to take up that charge if confirmed by the Senate.

Before continuing, I would like to say a few words about myself. I am married to my college sweetheart. We live in Georgetown only a fifteen minute walk from where we first met. My wife, Dr. Ana Maria Muniz-Leen, is a double board certified psychiatrist, and she works at our alma mater providing psychiatric services to Georgetown students.

We have two children we are very proud of, Alex and Pierce. Both were diagnosed on the autism spectrum as young children.

Our daughter Alex, who is 15 years old, has profound autism and a substantial intellectual disability. She loves the outdoors, music, and Disney movies. She attends St. Coletta of Greater Washington, a wonderful school here in the District. I have struggled and fought for accommodations for her for over a decade, on an almost daily basis. From countless hours seeking to ensure her school Individualized Education Program (IEP) was sufficient, to asking for accommodations in restaurants and movie theaters so my daughter could enjoy quality of life, to serving on the DC Schools Special Education Advisory Board, these experiences led me to be an advocate for individuals with disabilities. This is something you should know about me, as it has been a significant focus of every public job I have held, including my most recent one at the Office of Federal Contract Compliance Programs (OFCCP) at the U.S. Department of Labor (DOL), and it would assuredly continue if I become the OPM IG.

Our son Pierce is 9 years old. He is a walking miracle. He was not supposed to live past 19 weeks in utero, but through an amazing procedure called the amniopatch, he is here today. He was diagnosed on the autism spectrum when he was almost two years old. He benefitted significantly from early Applied Behavior Analysis (ABA), speech, and occupational therapies, and is now succeeding in a typical class in third grade and intends to be a historian. He also is our daughter's best friend and often her voice.

Following time as a federal law clerk and in the private sector, I have served continuously in government for the past 15 years. For the first 12 and ½ of those years I served in apolitical, non-partisan roles: Miami-Dade Assistant County Attorney (including Chief of the Appeals Section followed by Chief of the Federal Litigation Section), and then Coral Gables City Attorney. As City

Attorney, I answered to the City Commission and was responsible for issuing legal opinions, serving as chief ethics officer and chief legal officer, overseeing code enforcement prosecutions and police legal, and conducting internal reviews. I was a leading proponent of transparency and ethics in government, and there are over 400 City Attorney Opinions issued by me that you can still read on the City's website. I also sought to impart these values and the knowledge I gained to law students in my local area through teaching on the adjunct law faculties at Florida International University and the University of Miami (and most recently in Washington, D.C. at The George Washington University). The City, County, and Local Government Law Section of The Florida Bar awarded me the Paul S. Buchman Award for outstanding Legal Public Service, and both the City of Coral Gables and Miami-Dade County recognized and commended me through proclamations when I completed my service as City Attorney to come to Washington. I always believed, and continue to believe, that transparency and ethics is key to good government.

I came to Washington to make a positive mark on the federal level at OFCCP, one of the primary civil rights enforcement agencies in the United States. I have given my heart and soul to making the most of this opportunity. OFCCP had its most successful year in history in fiscal year 2019, with over \$40 million in recoveries to adversely impacted workers, almost double any other year. The agency had a record year for compliance assistance to regulated businesses as well. OFCCP's bread and butter is neutrally scheduled audits, along with complaint investigations, and I have been devoted to improving the economy, efficiency, and effectiveness of those audits and investigations, and we've had excellent results. One of the main Directives I issued was a Transparency Directive, and I have made publishing transparent guidance a hallmark of my tenure. This has been great preparation for being an Inspector General.

I would love the opportunity to serve as OPM Inspector General. As Inspector General, I would focus on the following immediate priorities:

- Closing open IG recommendations and establishing a public dashboard to track my office's progress
- Addressing improper payments and seeking to eliminate them
- Evaluating OPM's guidance related to COVID-19 and learn from what went well and what could be improved
- Increasing the amount of evaluations done by OPM Office of the Inspector General (OIG)
- Ensuring equal employment opportunity for all protected classes, including ensuring inclusion and accommodations of individuals with disabilities (the federal government should follow the same guidance it gives federal contractors in how to ensure equal employment opportunity)

I would like to take a moment to focus on the first and last priorities. The OPM OIG has over 300 open recommendations going back many years. This is a common issue for IGs. I am concerned about what open IG recommendations does to public trust in government; a problem has been specifically identified, but not corrected. I would make closing these open recommendations a primary focus as Inspector General.

Also, I have had the opportunity to be OFCCP Director. I learned so much about ensuring equal employment opportunity in this role and have noticed that a number of employment practices that we ask federal contractors to follow are not followed by the federal government. I would want to bring this experience to my role as OPM Inspector General, where I will have the duty to provide oversight to ensure that the federal civil service system advances employees based on merit, and merit alone.

Finally, I have had the opportunity to meet many Senators and staff members of this Committee through the confirmation process. I have really enjoyed it. I assure you that if confirmed, we will continue to engage with each other frequently. I am looking forward to fulfilling my dual reporting obligation, and will expect robust and prompt engagement by my office with Congress.

Thank you for this opportunity to tell you about myself and the goals I would have to be a successful OPM Inspector General if confirmed by the Senate.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
Name of Position	Date of Nomination
OPM Inspector General	12/12/2020

<i>Current Legal Name</i>			
First Name	Middle Name	Last Name	Suffix
Craig	Edward	Leen	

<i>Addresses</i>					
Residential Address (do not include street address)			Office Address (include street address)		
			Street: 200 Constitution Avenue NW, Room C3325		
City: Washington	State: DC	Zip: 20007	City: Washington	State: DC	Zip: 20210

<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
1975	North Miami, Florida

<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</i> (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Ana Maria		Muniz-Leen	

<i>Spouse's Other Names Used</i> (current spouse only)						
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)
Ana Maria		Muniz		X	8/1974 <input type="checkbox"/> Est	5/2000 <input type="checkbox"/> Est
					<input type="checkbox"/> Est	<input type="checkbox"/> Est

<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 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>
Georgetown University	University	8/93 <input type="checkbox"/> Est <input type="checkbox"/>	5/97 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	AB	5/97
Columbia University	University	8/97 <input type="checkbox"/> Est <input type="checkbox"/>	5/00 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	JD	5/00
University of Amsterdam	University (attended study abroad program as part of my Columbia Law School education)	1/99 <input type="checkbox"/> Est <input type="checkbox"/>	4/99 <input type="checkbox"/> Est <input type="checkbox"/> Present <input type="checkbox"/>	N/A	N/A
		<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)
Other Federal Employment	Office of Federal Contract Compliance Programs, U.S. Department of Labor	Director	Washington, DC	11/17 Est <input type="checkbox"/>	Present X Est
Non-Government employment	The George Washington University Law School	Professorial Lecturer in Law	Washington, DC	8/18 Est <input type="checkbox"/>	Present X Est <input type="checkbox"/>
City Government (Non-federal employment)	City of Coral Gables	City Attorney	Coral Gables, FL	4/11 Est <input type="checkbox"/>	11/17 Est <input type="checkbox"/>
State Government (Non-federal employment)	Florida International University College of Law	Adjunct Professor	Miami, FL	8/12 Est x	12/17 Est x
Non-Government employment	University of Miami School of Law	Adjunct Professor (Volunteer)	Coral Gables, FL	8/13 Est x	12/17 Est x
County Government (Non-federal employment)	Miami-Dade County Attorney's Office	Assistant County Attorney/Chief of the Federal Litigation Section	Miami, FL	4/05	4/11
Non-Government employment	University of Miami School of Law	Lecturer	Coral Gables, FL	8/04 (estimated)	5/10 (estimated)
Non-Government Employment	Morgan, Lewis & Bockius	Associate	Miami, FL	3/03	4/05
Non-Government Employment	Skadden, Arps, Slate, Meagher & Flom	Associate	Boston, MA	9/02	1/03
Other Federal Employment	United States Courts (Honorable Robert E. Keeton)	Law Clerk	Boston, MA	7/01 (estimated)	8/02 (estimated)

Non-Government Employment	Cleary, Gottlieb, Steen & Hamilton	Associate	New York, NY	5/99	7/01
Non-Government Employment	Professor E. Allen Farnsworth/Columbia University School of Law	Research Assistant	New York, NY	9/98	12/98
Other Federal Employment	Comptroller of the Currency	Law Clerk	New York, NY	5/98	7/98
State Government (Non-federal employment)	The Honorable Richard Lee Price, New York Supreme Court	Legal Intern (Volunteer)	Bronx, New York, NY	2/98	5/98
Non-Government Employment	Georgetown University, Lauinger Library	Clerical (Circulation, Shelves)	Washington, DC	1/97	5/97
Non-Government Employment	Pi Sigma Alpha (National Political Science Honor Society)	Staff/Clerical	Washington, DC	9/96	12/96
Non-Government Employment	Georgetown University, Residence Life	Resident Assistant	Washington, DC	8/95	5/96
Non-Government Employment	Toys R Us	Sales, Inventory (Intermittent when home from college)	Alpharetta, GA	12/95	1/97
Other Federal Employment	The White House	White House Intern (Volunteer)	Washington, DC	8/94	12/94
Non-Government Employment	Place Two	Coffee, Inventory	Bellevue, WA	5/94	8/94
Non-Government Employment	Georgetown University Medical Center	Volunteer (Intermittent when at college)	Washington, DC	1/94	5/95
Other Federal Employment	Congresswoman Jennifer Dunn, U.S. House of Representatives	Intern	Washington, DC	1/94	5/94
Non-Government Employment	Warner Brothers Studio Store	Sales Clerk	Bellevue, WA	12/93	1/94

(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)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check
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		(check box if estimate)	"present" box if still serving)
United States District Court for the Southern District of Florida	Member, Ad Hoc Committee on Rules and Procedures (Local Rules Committee)	1/14 Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input checked="" type="checkbox"/>
DC Public Schools	Member, Special Education Advisory Board	9/19 Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input checked="" type="checkbox"/>
City of North Miami	Member, North Miami Community Council	10/16 Est <input checked="" type="checkbox"/>	11/17 Est <input checked="" 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.

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.

As Coral Gables City Attorney, I represented and served as counsel to the City, drafted ordinances and resolutions, and advocated in my official capacity on behalf of the City to federal, state, and county governments.

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.

- Secretary's Exceptional Achievement Award – Professional, Secretary's Honor Awards, U.S. Department of Labor, May 8, 2019
- Cruz-Whitehurst Advocacy Award, UM-NSU Center for Autism and Related Disabilities, April 27, 2019.
- Proclamation by Mayor and Board of County Commissioners of Miami-Dade County declaring Craig E. Leen Day, November 21, 2017.
- Resolution of Recognition, Coral Gables Chamber of Commerce, November 21, 2017.

- **Proclamation by Mayor and City Commission of the City of Coral Gables declaring Craig E. Leen Day**, November 14, 2017.
- **Legal Luminaries, Finalist**, Government Attorney Category (four finalists), Dade County Bar Association, 2017.
- **Florida Legal Elite**, Government and Non-Profit Attorneys, Florida Trend Magazine, 2017.
- **Paul S. Buchman Award for Outstanding Contribution in the Area of Legal Public Service**, City, County & Local Government Law Section of The Florida Bar, 2017.
- **Recognized as Faculty Lead for 2017 Florida Issue of FIU Law Review**, FIU Law Review, 2017.
- **Julie Kay Amicus Award**, Florida Association for Women Lawyers, Miami-Dade Chapter, 2016.
- **Resolution No. 2016-067 of the School Board of Miami-Dade County Honoring Craig E. Leen**, Miami-Dade County School Board, 2016.
- **Chair's Service Award**, City, County and Local Government Law Section, Florida Bar, 2016.
- **John R. Hamilton "Make the Rules Better" Award**, Appellate Court Rules Committee, Florida Bar, 2015.
- **Florida Legal Elite**, Government and Non-Profit Attorneys, Florida Trend Magazine, 2014.
- **Florida Legal Elite**, Government and Non-Profit Attorneys, Florida Trend Magazine, 2013.
- **Best of Miami**, Miami New Times, 2012.
- **Rising Star**, Florida Super Lawyers, 2009.
- **Columbia Law School**, 1997-2000, Juris Doctorate, Harlan Fiske Stone Scholar, The Parker School Certificate for Achievement in International and Comparative Law, Semifinalist in Stone Honors Moot Court Competition, Articles Editor for the *Columbia Journal of Transnational Law*, Teaching Fellow in Contracts and Torts.
- **Georgetown University**, 1993-97, Bachelor of Arts, *cum laude*, majoring in Government and Economics, Government Honors Program.

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>
Florida Rules of Judicial Administration Committee (The Florida Bar)	2015-present	Vice Chair; Parliamentarian; Subcommittee Chair
City, County & Local Government Law Section (The Florida Bar)	2013-present	Executive Council Member
Diversity and Inclusion Committee (The Florida Bar)	2016-18	Section Representative
Special Committee on Parental Leave in Court Actions (The Florida Bar)	2016-17	Member
Florida Appellate Court Rules Committee (The Florida Bar)	2009-15	Vice Chair; Parliamentarian; Subcommittee Chair; Subcommittee Vice Chair
Federalist Society	2015-present	Member
Cuban American Bar Association	2013-present	Member
Coral Gables Bar Association	2013-19	Member
American Bar Association	2012-18	Member
Federal Bar Association	2011-18	Member
Miami-Dade County Association of Chiefs of Police (Legal Committee)	2011-17	Member of Legal Committee
Florida League of Cities	2016-17	Member of Committees
Florida Municipal Attorneys Association	2011-17	Steering Committee Member
Florida Association of Police Attorneys	2011-17	Member
University of Miami – Nova Southeastern University Center for Autism and Related Disabilities	2015-18	Constituency Board Member

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

<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>
Director/Deputy Director/Senior Advisor, Office of Federal Contract Compliance Programs, U.S. Department of Labor	Appointed	2019-present	N/A
Coral Gables City Attorney	Appointed (non- political office)	2011-2017	N/A

(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>
None			

(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>
None		

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.

Title	Publisher	Date(s) of Publication
Supporting Workers of All Abilities , on behalf of OFCCP	U.S. Department of Labor Blog	January 2, 2020, available at https://blog.dol.gov/2020/01/02/supporting-workers-of-all-abilities
<i>Common Sense on the Equal Employment Opportunity Agenda</i> , on behalf of OFCCP	Anchorage Daily News	September 1, 2019, available at https://www.adn.com/opinions/2019/09/02/common-sense-on-the-equal-employment-opportunity-agenda/
<i>Letter from the Editor, Craig E. Leen</i> , in recognition of the 50th anniversary of municipal home rule in Florida	The Agenda, City, County & Local Government Law Section of the Florida Bar	Fall 2017, available at http://locgov.org/wp-content/uploads/2017/10/CCLG-Fall-2017-final.pdf
<i>Without Explanation: Judicial Restraint, Per Curiam Affirmances, and the Written Opinion Rule</i>	FIU Law Review	Spring 2017, available at http://ecollections.law.fiu.edu/cgi/viewcontent.cgi?article=1319&context=lawreview
<i>Introduction (From Town Meeting to Oral Argument: Citizens, Cities, and the Appellate Courts)</i>	FIU Law Review	Spring 2017, available at http://ecollections.law.fiu.edu/cgi/viewcontent.cgi?article=1316&context=lawreview
<i>Of Constitutional Dimension – Four Proposals to the Constitution Revision Commission</i>	The Agenda, City, County & Local Government Law Section of the Florida Bar	Spring 2017, available at http://locgov.org/wp-content/uploads/2017/04/CCLG-Spring-2017.pdf
<i>Parental Leave</i>	Letters, Florida Bar News	March 15, 2017 Edition, available at http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/1c085b175951d6fd852580db00495c88!OpenDocument
<i>Subsidiarity Matters: The Primacy of Local Zoning in Intergovernmental Disputes</i>	The Agenda, City, County & Local Government Law Section of the Florida Bar	Fall 2016, available at http://locgov.org/wp-content/uploads/2016/12/CCLG-Fall-2016.pdf
<i>The Ethical and Effective Representation of Government Employees by Government Attorneys</i>	Stetson Law Review	Summer 2016, available at http://www.stetson.edu/law/lawreview/media/2%20-%20Leen.pdf
<i>Declarations of Inclusion and Parental Leave Continuances: Two Causes, One Mission</i>	CABA Briefs	Summer 2016, available at http://cabaonline.com/wp-content/uploads/2016/08/CABA_Briefs_Sum16_Issue1.pdf

<i>A Parent's Wish-Declaring Principles of Inclusion for Children with Autism and other Special Needs</i>	Gables Magazine	Summer/Fall Issue 2016.
<i>In Honor of Autism Awareness Month</i>	The Agenda, City, County & Local Government Law Section of the Florida Bar	Spring 2016, available at http://locgov.org/pdf/CCLG-Spring%202016.pdf
<i>The Sovereign's Grace and Equitable Estoppel</i>	The Agenda, City, County & Local Government Law Section of the Florida Bar	Fall 2015, available at http://locgov.org/wp-content/uploads/2013/06/Fall-2015.pdf
<i>The Collateral Order Doctrine and Florida's Official Immunity from Suit</i>	The Agenda, City, County & Local Government Law Section of the Florida Bar	Fall 2014, available at http://locgov.org/wp-content/uploads/2014/10/CCLG-Fall-2014.pdf

(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 format¹.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
<i>OFCCP NILG Compensation Listening Session (Opening and Closing Remarks)</i> , on behalf of OFCCP	Washington, DC	February 18, 2020.
<i>Agency Leaders Panel</i> , on behalf of OFCCP, ABA EEO Committee Meeting	Washington, DC	January 27, 2020.
<i>OFCCP Remarks</i> , on behalf of OFCCP, Autism at Work Capital Region	McLean, VA	January 17, 2020.
<i>HBCU Initiative</i> , on behalf of OFCCP	Hampton University, Hampton, VA	January 16, 2020.
<i>What is the Office of Federal Contract Compliance Programs?</i> , on behalf of OFCCP, Federalist Society Teleforum	Washington, DC	December 16, 2019.
<i>OFCCP Remarks</i> , on behalf of OFCCP, U.S.-Japan Labor Dialogue,	U.S. Department of Labor, Washington, DC	December 11, 2019.
<i>OFCCP Remarks regarding Indian and Native American Employment Rights Program (INAERP)</i> , on behalf of OFCCP, Council for Tribal Employment Rights	Las Vegas, NV	December 4, 2019.

¹ I do not use prepared remarks when speaking at conferences. I do have an approved set of OFCCP Talking Points, which are being provided to the Committee.

OFCCP Remarks on Disability Inclusion and Section 503 Focused Reviews , on behalf of OFCCP, OFCCP Phoenix Disability Inclusion Event	Phoenix, AZ	November 20, 2019.
Keynote Address (OFCCP Updates) , on behalf of OFCCP, Institute for Workplace Equality Fall Conference	Phoenix, AZ	November 13, 2019.
Section 503 Focused Reviews Panel , on behalf of OFCCP, ABA-EEO Conference	New Orleans, LA	November 8, 2019.
Keynote Address , on behalf of OFCCP, Disability Inclusion: A New Talent Strategy Conference	Drexel University, Philadelphia, PA	November 4, 2019.
OFCCP Remarks on Section 503 Focused Reviews and Disability Inclusion Best Practices , on behalf of OFCCP, Council of State Administrators of Vocational Rehabilitation (CSAVR) Conference	Jacksonville, FL	October 28, 2019
Opening Remarks , on behalf of OFCCP, Academic Institutions Town Hall	Washington, DC	October 23, 2019.
OFCCP Remarks regarding positive relationship with TEROs and CTER , on behalf of OFCCP, Northern Plains TERO Fall 2019 Meeting	Rapid City, SD	October 11, 2019.
OFCCP Remarks regarding Indian and Native American Employment Rights Program (INAERP) , on behalf of OFCCP, Great Plains Economic Summit	Rapid City, SD	October 11, 2019.
OFCCP Remarks , on behalf of OFCCP, U.S.-Jordan Labor Dialogue,	U.S. Department of Labor, Washington, DC	October 10, 2019.
OFCCP Remarks (Webinar) , on behalf of OFCCP, The National Employment Law Institute (NELI)	Washington, DC	October 8, 2019.
Neurodiversity at Work Panel, National Disability Employment Awareness Month (Event and Webinar) , on behalf of OFCCP,	U.S. Department of Labor, Washington, DC	October 2, 2019.
Disability Inclusion Panel , on behalf of OFCCP, National Organization on Disability Corporate Leadership Council Annual Forum	Arlington, VA	September 26, 2019.
Subcommittee Testimony, Examining the Policies and Priorities of the EEOC and OFCCP , on behalf of OFCCP, Civil Rights and Human Services	U.S. House of Representatives	September 19, 2019.

Subcommittee, Education and Labor Committee		
<i>Indian and Native American Employment Rights Program (INAERP) Town Hall</i> , on behalf of OFCCP	Phoenix, AZ	September 4, 2019.
<i>VEVRAA (Veterans and Military Spouses) Town Hall</i> , on behalf of OFCCP	Washington, DC	August 7, 2019.
<i>Final Thoughts</i> , 2019 ILG National Conference	Milwaukee, WI	August 2, 2019.
<i>Expanding the Talent Pool: Leading Practices in Disability Disclosure and Inclusion Panel</i> , 2019 ILG National Conference	Milwaukee, WI	August 1, 2019.
<i>OFCCP Keynote Address</i> , on behalf of OFCCP, 2019 ILG National Conference	Milwaukee, WI	July 31, 2019.
<i>OFCCP Meeting with ILG Chairs</i> , on behalf of OFCCP, 2019 ILG National Conference	Milwaukee, WI	July 30, 2019.
<i>National Association of Manufacturers Employment Speaker Series</i> , on behalf of OFCCP	Washington, DC	July 25, 2019.
<i>Talking About FAR 52.222-26 and EO 11246: What Government Contracts Attorneys Need to Know about Bias (Webinar)</i> , on behalf of OFCCP	Washington, DC	July 24, 2019.
<i>Leadership Session Panel</i> , on behalf of OFCCP, Disability: In National Conference	Chicago, IL	July 17, 2019.
<i>OFCCP Keynote Address</i> , on behalf of OFCCP, AAAED National Conference	Indianapolis, IN	June 12, 2019.
<i>OFCCP Panel</i> , on behalf of OFCCP, National Disability Rights Network	Baltimore, MD	June 6, 2019.
<i>Transition/Road to Adulthood Panel</i> , on behalf of OFCCP, Autism Speaks Advocacy Forum	Washington, DC	June 4, 2019.
<i>Autism @ Work Summit Panelist</i> , on behalf of OFCCP	Seattle, WA	May 30, 2019.
<i>OFCCP Keynote and Talk</i> , on behalf of OFCCP, Direct Employers Annual Meeting	Naples, FL	May 14, 2019.
<i>Keynote Address</i> , on behalf of OFCCP, Institute for Workplace Equality Annual Summit	Fairfax, VA	May 2, 2019.

<i>Government (Section 503 Reviews)</i> , on behalf of OFCCP, Disability Matters Conference	Jupiter, FL	April 24, 2019.
<i>ODEP-OFCCP NILG Webinar</i> , on behalf of OFCCP	Washington, DC	April 11, 2019.
<i>Legal Services Sector Town Hall</i> , on behalf of OFCCP	New York, NY	April 10, 2019.
<i>Financial Services Sector Town Hall</i> , on behalf of OFCCP	New York, NY	April 9, 2019.
<i>University Reviews Panel</i> , on behalf of OFCCP, NACUA Conference	Seattle, WA	April 5, 2019.
<i>Agency Leaders Panel</i> , on behalf of OFCCP, ABA-EEO Committee Meeting	Coral Gables, FL	April 4, 2019.
<i>Keynote Address</i> , on behalf of OFCCP, Higher Education Compliance Symposium, Institute for Workplace Equality	Washington, DC	March 27, 2019.
<i>Keynote Address</i> , on behalf of OFCCP, Center for Workplace Compliance Policy Conference	Washington, DC	March 6, 2019.
<i>Technology Sector Town Hall</i> , on behalf of OFCCP	San Jose, CA	February 26, 2019.
<i>OFCCP & Government Contractors 2019: Critical Issues for Government Contractors, Counsel & Compliance Staff</i> , on behalf of OFCCP, Practicing Law Institute (PLI)	New York, NY	February 11, 2019.
<i>OFCCP Update</i> , on behalf of OFCCP, DC Metro BLN Meeting	Fairfax, VA	January 16, 2019.
<i>Agency Leaders Panel</i> , on behalf of OFCCP, ABA-EEO Committee Government Liaison Meeting	Washington, DC	January 14, 2019.
<i>Business Executives Roundtable on Disability Inclusion, Understanding the Challenge</i> , on behalf of OFCCP	U.S. Department of State, Washington, DC	December 3, 2018.
<i>Equal Employment Opportunity</i> , on behalf of OFCCP, U.S. Chamber of Commerce, Labor Relations Committee Meeting	Washington, DC	November 15, 2018.
<i>Inclusion @ Work Framework</i> , on behalf of OFCCP, Washington Metro Industry Liaison Group	McLean, VA	November 15, 2018.
<i>OFCCP Update</i> , on behalf of OFCCP, National Organization on Disability Board Meeting	Washington, DC	November 7, 2018.

Civil Rights Enforcement Briefing , on behalf of OFCCP, U.S. Commission on Civil Rights	Washington, DC	November 2, 2018.
Conversation with OFCCP Acting Director/Deputy Director , Office of Disability Employment Policy (ODEP) Circle of Champions Meeting	Washington, DC (teleconference)	November 1, 2018.
National Disability Employment Awareness Month (NDEAM) "Working Works," one of the featured speakers as Acting Director of OFCCP	Washington, DC	October 30, 2018.
OFCCP Update , on behalf of OFCCP, National Association of Manufacturers	Washington, DC	October 25, 2018.
What's on the OFCCP Director's Desk , on behalf of OFCCP, National Employment Law Institute, 36th Annual Affirmative Action Briefing	Chicago, IL	October 18, 2018.
A New Vision for OFCCP , on behalf of OFCCP, Center for Workplace Compliance, CWC 2018 Compliance Conference	Chicago, IL	October 17, 2018.
ILAB Roundtable Equal-Employment Opportunity Among the Federal Workforce , presentation to delegation from Bulgaria, on behalf of OFCCP	Washington, DC	October 15, 2018.
ICare4Autism - National Conference on Comprehensive Apprentice Workforce Program , on behalf of OFCCP	Washington, DC	October 10, 2018.
OFCCP Updates , The Institute for Workplace Equality, Fall Compliance Conference, on behalf of OFCCP	Denver, CO	October 3, 2018.
Final Thoughts by OFCCP , on behalf of OFCCP, 2018 ILG National Conference	Anaheim, CA	August 3, 2018.
OFCCP Best Practices in Self-Analysis Series: Disability Outreach, Recruitment, and Beyond , on behalf of OFCCP, 2018 ILG National Conference	Anaheim, CA	August 2, 2018.
OFCCP Keynote Address , on behalf of OFCCP, 2018 ILG National Conference	Anaheim, CA	August 1, 2018.
OFCCP Meeting with ILG Chairs , on behalf of OFCCP, 2018 ILG National Conference	Anaheim, CA	July 31, 2018.

Remarks on OFCCP , on behalf of OFCCP, Associated Builders and Contractors	Washington, DC	June 25, 2018.
Keynote Address on OFCCP Initiatives , on behalf of OFCCP, American Association for Access, Equity and Diversity National Conference	Atlanta, Georgia	June 7, 2018.
Positive Aspects of Bert Harris from a Municipal Zoning Perspective , City, County, and Local Government Law Section, Florida Bar, 2018 Land Use	Orlando, Florida	May 10, 2018, CLE accredited
OFCCP Updates , on behalf of OFCCP, Institute for Workplace Equality	Washington, DC	May 2, 2018.
Section 503 Update , on behalf of OFCCP, ABA-EEO Meeting	Washington, DC	April 17, 2018.
Public Records , Ethics Training for Elected Officials	South Florida	November 2017.
Preemption and Takings , International Municipal Lawyers Association Conference	Niagara Falls, Ontario	October 16, 2017.
Teaching State and Local Government Law to Today's Students , International Municipal Lawyers Association Conference	Niagara Falls, Ontario	October 16, 2017.
Defending Home Rule , 7th Annual Best Practices Summit	South Florida	October 13, 2017.
Home Rule in a State of Preemption , Florida Municipal Attorneys Association, 36th Annual Seminar	St. Petersburg, FL	July 27, 2017, CLE accredited.
The City Beautiful & Home Rule: A Perspective from the Coral Gables City Attorney , CLE Luncheon	Coral Gables, FL	July 19, 2017, CLE accredited.
Strategies for Fighting State Preemption , Case Study III, Local Government Decision Making and Preemption, Legal Remedies and Action Conference	New York, NY	June 13, 2017.
Not in my Backyard: Combatting Crimes and Nuisances with Innovative Legislation Based on Home Rule , City, County, and Local Government Law Section, Florida Bar, 40th Annual Local Government Law in Florida	Orlando, FL	May 13, 2017, CLE accredited.

<i>Appealing the Empire's Administrative Decisions (and living to tell about it)</i> , Appellate Practice Section, Florida Bar, Hot Topics in Appellate Law: Appellate Forces in the New Millennium	Orlando, FL	May 4, 2017, CLE accredited.
<i>The Right to Protest vs. The Authority of Local Governments to Regulate Protest</i> , City Attorney Luncheon Seminar	South Florida	March 29, 2017.
<i>Shared Parental Responsibility: The Path to Workplace Equity</i> , Florida Bar Young Lawyers Division	Florida (webinar)	March 8, 2017, CLE accredited.
<i>Presentation of Articles for Upcoming Spring 2017 Issue of the FIU Law Review</i> , FIU Law Review	Miami, FL	March 3, 2017 (serving as faculty lead for the edition and author of one articles).
<i>A Debate about the Future of Immigration</i> , Miami Young Republicans	Miami, FL	February 28, 2017.
<i>Managing & Handling the Government Investigation</i> , Dade County Bar Association Bench & Bar Conference	South Florida	February 10, 2017, CLE accredited.
<i>Municipal Autonomy and Countywide – Concerns What is the Future of Home Rule in Miami- Dade County?</i> , 6th Annual Best Practices Summit	Miami, FL	October 14, 2016.
<i>What Your City Attorney Can Do for You</i> , Florida League of Cities, 90th Annual Conference	Hollywood, FL	August 19, 2016.
<i>Subsidiarity Matters: The Primacy of Municipal Zoning Ordinances in Intergovernmental Disputes</i> , Florida Municipal Attorneys Association, 35th Annual Seminar	Bonita Springs, FL	July 30, 2016, CLE accredited.
<i>Home Rule and the Police Power: Recent Ordinances and Legal Opinions in Coral Gables</i> , Coral Gables Bar Association, CLE Luncheon	Coral Gables, FL	July 20, 2016, CLE accredited.
<i>Coral Gables, Other Local Cities Pass Autism Resolution</i> , Laura Rodriguez, NBC 6	Miami-Dade, FL	May 30, 2016, available at http://www.nbcmiami.com/news/local/Coral-Gables-Other-Local-Cities-Pass-Autism-Resolution-381299951.html
<i>Hot Topics</i> , City, County and Local Government Law Section, Florida Bar, 39th Annual Local Government Law in Florida	Florida	May 6, 2016, CLE accredited.
<i>Embracing Autism: A Coral Gables Story</i> ,	Coral Gables Television	April 25, 2016, available at https://www.youtube.com/watch?v=CHboBil0WN4&t=492s

<i>Coffee Talk with the City Attorney of Coral Gables,</i>	Coral Gables Television	March 10, 2016, available at https://www.youtube.com/watch?v=7yIZj3laB_w&t=3s
<i>Public Records, Ethics Training for Elected Officials,</i>	Miami-Dade, Florida	2016.
<i>Rules of Procedure & Robert's Rules of Order; Quasi-Judicial Proceedings, Biennial 2015 Boards and Committees Ethics Seminar, City of Coral Gables</i>	Coral Gables, FL	November 6, 2015, CLE accredited, available to watch at http://www.coralgables.com/index.aspx?page=1179
<i>Alternative Enforcement Tools, Florida Association of Police Attorneys, 2015 Legal Update</i>	Sarasota, FL	October 2, 2015, CLE accredited.
<i>Local Government Attorneys: Who's the Client?, Coral Gables Bar Association, CLE Luncheon</i>	Coral Gables, FL	July 15, 2015, CLE accredited.
<i>Defending Vested Rights/Equitable Estoppel Claims, Florida Municipal Attorneys Association, 34th Annual Seminar</i>	Palm Beach, FL	July 11, 2015, CLE accredited.
<i>A Conversation with Coral Gables City Attorney Craig Leen,</i>	Coral Gables Television	July 6, 2015, available at https://www.youtube.com/watch?v=L8ZJXjOOQ&t=1s
<i>Preserving Attorney Fee Issues and Ethical Considerations Representing Local Governments and Local Government Officials, City, County and Local Government Law Section, Florida Bar, 38th Annual Local Government Law in Florida</i>	Florida	May 9, 2015, CLE accredited.
<i>Who Owns the Privilege?, Attorney Luncheon Seminar</i>	Miami, FL	2015, CLE accredited.

(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>
<i>Hot Topics in Land Use Law, What You Need to Know About Current Environmental and Land Use Law Issues, Environmental and Land Use Law Section, Florida Bar</i>	Orlando, FL	January 30, 2015, CLE accredited.
<i>Similarities and Differences in Representing a Municipal Government and a County Government, Miami-Dade Commission on Ethics & Public</i>	Coral Gables, FL	2014, CLE accredited.

Trust, Municipal Attorneys Luncheon		
<i>Zoning and Code Enforcement</i> , Coral Gables Bar Association, 2014 CLE Luncheon	Coral Gables, FL	July 16, 2014, CLE accredited.
<i>Community Commitments to End Homelessness</i> , Best Practices Conference	Miami, FL	October 24, 2014.
<i>Special Issues in Municipal Litigation</i> , Florida Municipal Attorneys Association, 33rd Annual Seminar	Florida	2014, CLE accredited.
<i>Immunity and the City</i> , Florida Municipal Attorneys Association, 32nd Annual Seminar.	Florida	2013, CLE accredited.
<i>Do's and Don't's of Quasi-Judicial Hearings</i> , Dade County Bar Association, Environmental and Land Use Section, Lunch Seminar	South Florida	2013, CLE accredited.
<i>Liens and Code Enforcement in the Age of Foreclosure</i> , City, County, and Local Government Law Section, Florida Bar	St. Augustine, FL	May 11, 2013, CLE accredited.
<i>The City Beautiful: Land Use and Zoning in the City of Coral Gables</i> , Coral Gables Bar Association	Coral Gables, FL	2013, CLE accredited.
<i>Governmental Immunities under State and Federal Law</i> , Florida Municipal Attorneys Association, 31st Annual Seminar	Florida	2012, CLE accredited.

9. Criminal History

Since (and including) your 18th 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 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.

<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 - Only based on actions taken in my official capacity as a federal official and previously as City Attorney				

(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>
None				

(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.

<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>
None			

(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? No. If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). N/A

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

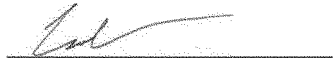
All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

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.

A handwritten signature in dark ink, appearing to be "L. J. [unclear]", is written over a horizontal line.

This 20th day of February, 2020

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

February 26, 2020

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 Craig Leen, who has been nominated by President Trump for the position of Inspector General, 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
Date: 2020.02.26 11:00:44
-05'00'

David J. Apol
General Counsel

Enclosures

REDACTED

February 19, 2020

Mark Robbins
Designated Agency Ethics Official
Office of Personnel Management
1900 E Street, NW
Washington, D.C. 20415

Dear Mr. Robbins:

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 Inspector General, 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 George Washington University Law School. 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 George Washington University Law School is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

As a former appointed official with the City of Coral Gables, I will continue to participate in the Post Employment Health Plan (PEHP). I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of the City of Coral Gables to provide this contractual benefit, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). I also receive parking privileges for life but I will relinquish this benefit upon confirmation.

My spouse is employed by Georgetown University in a position for which she receives a fixed annual salary. For as long as my spouse continues to work for Georgetown University, I will not participate personally and substantially in any particular matter involving specific parties in which I know Georgetown University is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Page 2

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 will meet in person with you during the first week of my service in the position of Inspector General 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 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 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 dark ink, appearing to read 'Craig Leen', with a stylized flourish at the end.

Craig Leen

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Craig Edward Leen to be
Inspector General, Office of Personnel Management**

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to be serve as the Inspector General of the Office of Personnel Management (OPM)?

No.
2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

None.
3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Inspector General? If so, what are they, and to whom were the commitments made?

In my introductory meetings with Senators and committee staff following nomination, I made general statements that I would be transparent, apolitical, accessible, independent, and would speak truth to power. I also indicated in those meetings that I would prioritize elimination of improper payments and promotion of strategic human capital planning, focus on disability inclusion in the federal workforce, seek to have pending OPM OIG recommendations addressed promptly, and apply the experiences I have gained as the Director of the Office of Federal Contract Compliance Programs (OFCCP) at the U.S. Department of Labor to ensure the federal workforce fully practices principles of equal employment opportunity.

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.

None.

II. Background of the Nominee

5. Why are you interested in serving as the OPM Inspector General?

I have successfully served at the city, county, and federal levels in positions of trust. I believe my experiences would make me an excellent Inspector General. Ensuring economy and efficiency at OPM, while eliminating fraud, waste, and abuse would be a tremendous way to serve my country.

6. What specific background, experience, and attributes qualify you to be the OPM Inspector General?

My experiences as a federal agency head, overseeing civil rights audits of employment practices of federal contractors, as well as my experiences as a Chief Ethics Officer and Chief Legal Officer at the City of Coral Gables, strongly qualify me to be Inspector General. In both of these posts, I have successfully led offices similar to an Inspector General's Office. My leadership style is visionary, innovative, and collaborative with career staff. I have been outspoken and independent in seeking to achieve my agency's mission, whether at the federal, county, or city levels, and I have conducted specific transparency initiatives as OFCCP Director and City Attorney.

7. Please describe:

- a. Your leadership and management style.

I have a visionary and collaborative leadership style. I encourage and welcome participation by career staff, and seek to ensure everyone has a chance to add value to each project.

- b. Your experience managing personnel.

As OFCCP Director, I lead a national office, six regional offices, and forty-eight district and field offices, including all personnel and contractors. As City Attorney, I served as the Chief Legal Officer and Chief Ethics Officer for a city of approximately 800 employees, in addition to residents who volunteered to serve on numerous city boards and committees. The City Attorney's Office had four attorneys, a paralegal, and two assistants, and also oversaw numerous outside counsel.

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

Approximately 450-500 employees at OFCCP as the agency head (the number has varied).

8. Please briefly describe the type of work you do as the Director of the Office of Federal Contract Compliance Programs (OFCCP) at the U.S. Department of Labor (DOL).

I oversee a civil rights enforcement agency with offices across the United States. The agency is principally responsible for the enforcement of Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). Through these authorities, OFCCP ensures affirmative action and equal employment opportunity, and prohibits discrimination based on race, color, sex, sexual

orientation, gender identity, religion, national origin, disability, and status as a protected veteran, as well as enforcing pay transparency. The agency achieves its mission through a combination of neutrally scheduled compliance reviews (audits), complaint investigations, and compliance assistance.

9. What lessons have you learned from working at OFCCP, your previous role as City Attorney for the City of Coral Gables, Florida, or in prior work, that prepared you for the role of Inspector General at OPM?

I have learned that government can make a significant impact in peoples' lives, whether at the city, county, or federal level, and that government must be held to account to ensure it acts transparently and exercises its power for the public good. I have experienced it in local zoning hearings where City residents wish to be heard as to the positive and negative impacts of a particular development, as well as in large enforcement conciliation agreements entered into by OFCCP that positively impact thousands of employees who have been discriminated against in employment.

In particular, transparency is key to good government and public trust in government. Under my leadership as OFCCP Director, the agency issued a Transparency Directive, published the most public-facing Directives issued by any Director in history, published numerous FAQs and guidance documents, and created an Online Help Desk. As City Attorney, I issued over 400 public facing City Attorney Opinions and ensured that City decisions were done in the Sunshine (which I also enforced as Chief Ethics Officer).

All of these lessons would assist me in effectively carrying out my duties as OPM Inspector General.

10. In your career, what, if any, experience have you had working with OPM, and specifically OPM's Office of Inspector General (OIG)?

I have worked with OPM as the agency head of OFCCP. In this role, I have hired employees in the Senior Executive Service, implemented OPM guidance (including in the present pandemic), and ensured that merit selection principles are followed by the agency. I have not worked specifically with the OPM OIG except through this nomination process, where I have received informational and administrative support.

11. In your career, what, if any, experience have you had working with OIGs at any federal department or agency?

I have worked with the DOL OIG as OFCCP Director and ensured the agency provides information when requested. For example, I have provided input in an evaluation of OFCCP that started in the prior administration relating to construction compliance reviews, and I always supported full disclosure and cooperation with the Inspector General. I agreed with the IG's two recommendations; the agency is in the process of implementing them.

12. Please briefly describe what experience you have performing or overseeing audits, investigations, inspections, and evaluations.

OFCCP is responsible for conducting neutrally scheduled audits of federal contractors and subcontractors, as well as complaint investigations. This is the primary component of my current position and the agency has scheduled and conducted several thousand audits, as well as investigated numerous complaints, since I started working at OFCCP. I have also issued Directives improving the transparency, efficiency, and effectiveness of OFCCP's audits.

13. Please briefly describe what experience you have in either directly managing or overseeing the core management functions of an organization (human capital, acquisitions, information technology, and financial management).

As OFCCP Director, I oversee and am involved in all three of those functions. In the area of human capital, I have focused on being an inspirational and visionary leader, increasing employee morale, improving the federal employee viewpoint survey (FEVS) score of my agency, and ensuring that every employee feels valued and involved at OFCCP (including through quarterly all staff calls, which have become weekly all staff calls during the pandemic). I am proud that OFCCP's most successful year on record in both enforcement recoveries (conciliation agreements) and compliance assistance was in fiscal year (FY) 2019, which is the product of the great work of our OFCCP staff. In the area of information technology, I have overseen OFCCP as it has implemented a new case management system, compliance assistance portal, and other new systems. I have been very involved in meetings with the Office of the Chief Information Officer (OCIO) and have established the information technology priorities for OFCCP along with our Administrative Officer and the department's Chief Information Officer. In the area of financial management, I have overseen budgets at OFCCP of over \$100 million, and have worked closely with the Administrative Officer and Budget Director in ensuring our appropriation is fully used to accomplish our mission.

As City Attorney, I was also involved in all three areas, overseeing the City's legal department and legal budget, as well as ensuring our City legal staff had sufficient information technology.

III. Policy Questions

14. If confirmed, how do you plan on ensuring the independence and impartiality of your office?

From day one, I will make it clear in public statements and in internal ones that I am independent and impartial. I will start by sending a message to all OPM staff introducing myself, explaining the role of my office, explaining the independence, impartiality, and transparency of my office, and encouraging staff to contact my office confidentially regarding any fraud, waste, or abuse they have encountered. I will also meet with the OPM Director and ask that he or she send a message to all staff directing that they fully

cooperate with all OIG oversight efforts, including investigations, audits, and evaluations. I will then evaluate and focus on the many pending open recommendations and seek to get them implemented promptly.

15. What do you anticipate being the greatest challenges you would face as the OPM Inspector General? If confirmed, how would you prepare for those challenges?

The most significant challenge will be getting the many pending OIG recommendations implemented. I would meet with OPM program office heads to discuss their open recommendations and plans to implement them. I would create a dashboard similar to the DOL OIG to monitor the closing of these open recommendations.

16. If confirmed, what will be the immediate highest priority issues at the OPM that you expect to address and how will you go about addressing them?

The highest priority issues will be closing open OIG recommendations, evaluating OPM's response and personnel guidance to federal agencies relating to the COVID-19 pandemic, ensuring OPM is acting to eliminate improper payments (and also to ensure it is timely paying retiring employees), and seeking to eliminate fraud, waste, and abuse as to Federal Employees Health Benefits Program (FEHBP) providers. From day one, I will start setting up a comprehensive plan to address these priorities.

17. What longer-term goals would you like to achieve in your tenure as OPM Inspector General?

I would like to do a comprehensive evaluation of disability inclusion in the federal workforce, including Schedule A hiring and the granting of reasonable accommodations. I would also like to apply the experience I gained at OFCCP by evaluating the employment practices of the federal workforce to ensure equal employment opportunity as to all protected classes that federal regulations recognize.

18. If confirmed as Inspector General, how would you handle disciplinary issues?

- a. How would you respond to underperforming individuals within your office and the agency at large?

I have significant management experience as a public administrator in my last three posts (OFCCP, City of Coral Gables, and Miami-Dade County). The first step is to establish a high standard of performance and productivity at the agency. The second step is to lead by example through working hard and providing an excellent work product. The third step is to work with employees through career leadership and their supervisors to set goals and a performance plan. It is also important to recognize and award excellent work, while swiftly addressing subpar work.

- b. Please explain your views on putting an employee on paid administrative leave pending an investigation or disciplinary action.

My view is that the applicable regulations should be consulted. If an employee is alleged to have committed serious misconduct and if administrative leave is the best way to ensure a positive working environment for those impacted then I would strongly consider it in consultation with OPM OIG counsel.

19. Do you believe there is any tension between the need to issue high quality reports and the need to issue those reports in a timely manner to ensure findings and recommendations remain relevant? If so, how would you seek to balance those potentially conflicting requirements?

OIG should be able to do both. A high quality report includes timeliness in order to be able to effectively address and remedy the problem found. I have been a significant proponent at OFCCP of providing significant amounts of guidance and on achieving greater efficiency in conducting compliance reviews, including through the issuance of an Efficiency Directive.

20. If confirmed, how do you foresee your working relationship with the Director (or Acting Director) of OPM?

- a. How would you plan to keep the Director (or Acting Director) informed about issues identified by your office?

I plan to have a monthly meeting with the Director. I will work collegially with the Director while exercising independence in what to investigate, audit, or evaluate and how long it takes.

- b. In addition to discussing longer term audits and evaluations, how would you plan to alert the Director (or Acting Director) to time-sensitive issues that arise during the course of the Office of the Inspector General's (OIG) work?

I would call or email the Director, I will also ensure that OPM OIG counsel has a constructive working relationship with their OPM counterparts so they could reach out directly.

21. In addition to uncovering waste, fraud, and abuse within the executive branch, inspectors general can play an important role in helping agencies avoid problems or identify efficiencies rather than just auditing for mistakes after the fact.

- a. Do you believe an inspector general should take this more pro-active role?

Yes.

- b. If confirmed, how would you balance the two approaches?

As far as I can tell from my review, OPM OIG focuses predominantly on uncovering fraud, waste, and abuse while devoting much fewer resources and staff to evaluating compliance with policies and programs. I would therefore seek to increase the amount of work done by OPM OIG on evaluations. I believe that my experience at OFCCP overseeing the auditing of employment practices of federal contractors and providing guidance and compliance assistance on best practices would allow me to successfully develop a more comprehensive evaluation program.

22. Inspectors general are required by law to report their findings to Congress, as well as to executive branch officials. Inspectors general also routinely provide testimony at hearings on key issues of concern.

- a. If confirmed, what additional methods, if any, would you take to ensure timely and effective communications with Congress?

I would ensure the Office of Legal and Legislative Affairs at OPM OIG responds promptly to Congressional inquiries in a non-partisan manner, treating all members of Congress positively and similarly, and provides information in a transparent and accessible manner.

- b. More generally, what kind of relationship would you envision between your office and Congress, and specifically this Committee?

I envision a positive working relationship where material items are reported to Congress and the Committee often. I plan to be accessible and transparent in all interactions with the Committee.

- c. What role should Congress play in setting priorities for the OIG?

Congress should provide guidance and feedback to the OIG.

23. Inspectors general are required by Section 5 of the Inspector General Act of 1978 as amended to report "serious or flagrant problems, abuses, or deficiencies" to Congress through "seven-day letters."

- a. Do you view this as an important tool at an inspector general's disposal? Why or why not?

Yes, it is very important as one of the primary purposes of an Inspector General is to ensure such matters are promptly and transparently addressed.

- b. If confirmed as Inspector General, how would you define "serious or flagrant problems?"

I would confer with OPM OIG counsel for guidance regarding the legal definition of those words. As a practical matter, I would apply their plain meaning, which would

mean that it would not apply to typical problems addressed in the normal course of OIG's work but instead to problems that have a level of urgency and materiality that supports immediate notification of Congress.

24. Under Section 6(a) and (b) of the Inspector General Act of 1978, as amended in 2016, OIGs are entitled "to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to programs and operations with respect to which that inspector General has responsibilities under this Act", and to have such access "notwithstanding any other provision of law, except pursuant to any provision of law enacted by Congress that expressly (i) refers to the Inspector General; and (ii) limits the right of access of the Inspector General" If OPM denied the OIG access to documents during your tenure as Inspector General, how would you address the denial with OPM, with Congress generally, and specifically with this Committee?

I would make it clear from the start that OPM OIG is entitled to access to records and that OPM leadership and program office heads must provide such access always. In addition to sending a message to all staff introducing myself and making this point, I would ask that the OPM Director send a message to all staff reiterating that point. If my office is denied access, I would become personally involved, making the request directly myself, and then raising this to the level of the OPM Director if necessary, and notifying Congress if such access was not provided.

25. Inspectors general are required by law to publish their reports or audits on their websites not later than 3 days after they are submitted in final form to the head of the agency.
- a. If confirmed, how would you handle posting completed reports and audits on the website?

I would post them promptly and in compliance with law. I intend for the OPM OIG website to be a website that is welcoming and accessible to the public, updated when items are released.

- b. Please explain your views on the importance of transparency in the OPM OIG.

Transparency is essential to being an effective OPM Inspector General, with public trust depending upon it. I have been committed to transparency throughout my entire career in the public sector, publishing over 400 City Attorney Opinions as City Attorney, and issuing a Transparency Directive as OFCCP Director.

26. Inspectors general from time to time make recommendations to the agency as a part of their report, audit, or investigation.
- a. If confirmed, would you ensure that all such recommendations are provided directly to the Director (or Acting Director)?

Yes.

- b. How would you handle a situation where OPM has not responded to, or implemented your recommendations within a reasonable time period?

I would meet with the responsible OPM leaders and request they be implemented, I would also publish them as a matter of transparency.

27. As the Inspector General, what measures would you use to determine whether your office is successful?

In consultation with OPM OIG leadership, I would set a comprehensive plan for the office that would include ensuring follow up and follow through as to open OIG recommendations, an increased focus on investigations and audits as to significant OPM OIG priority areas, and a significant increase in the amount of evaluations relating to economy and efficiency. I would set ambitious but reasonable performance standard targets for leadership and ask leadership to set corresponding ones for those they supervise. I would keep track of measures such as total recoveries of taxpayer dollars and total value of recommendations issued. I would use both qualitative and quantitative measures and would publish these on the website. At OFCCP, this approach has made me a successful Director. I established the four pillars of transparency, efficiency, certainty, and recognition. I then provided specific objectives in each area and set corresponding performance management standards. This approach led to OFCCP's most successful year ever in FY 2019 when measured by total recoveries and compliance assistance provided through our Help Desk and other tools. We have also greatly increased efficiency and substantially reduced aged cases in this timeframe. I believe the same approach will work at OPM OIG.

28. Please describe how you believe the OPM OIG should interact with the Government Accountability Office (GAO) and the Office of Special Counsel.

I believe the three should interact very closely through frequent informal discussions and periodic formal meetings at both the agency head and career staff levels. OPM's cooperation with the GAO and OSC is something that should be of interest to the OPM OIG as it helps ensure efficiency in government and compliance with laws and regulations such as the Hatch Act, including through limiting duplication of work. As to GAO, I believe the IG should be looking closely at GAO recommendations and reports, garnering ideas for evaluations and audits based on these resources. As to OSC, I believe the OPM OIG should be working with and assisting OSC in addressing fraud, waste, and abuse where jurisdiction overlaps.

29. Protecting whistleblowers is of the utmost importance to this Committee as whistleblowers provide an invaluable service to rooting out waste, fraud, and abuse within the Federal Government.

- a. Please briefly describe your experience, if any, working with whistleblowers, including investigating disclosures and complaints of retaliation brought by whistleblowers

I worked with and supported whistleblowers as Coral Gables City Attorney. I also oversaw internal investigations when requested by the City Commission. At OFCCP I have not encountered a whistleblower, but I have engaged with many employees who have raised ideas for reform. I have always had an open door policy and seek to support those who dissent or have a different point of view. It is important to invite constructive criticism of the agency in order to be able to improve it.

- b. How do you plan to work with OPM to encourage employees to bring constructive suggestions forward without the fear of reprisal?

I have encouraged constructive suggestions at OFCCP by having an open door policy and making several all staff requests to employees to do so in our all staff calls. I even recently started a Best Ideas Awards Program to encourage ideas. As OPM Inspector General, I would inform all OPM staff right when I start in writing and in verbal messages that I have an open door policy, that I encourage constructive suggestions, and will protect the confidentiality of those providing ideas or making complaints.

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

Yes. I am very committed to ensuring whistleblowers do not face retaliation.

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation, whether within OPM or the OPM OIG?

Yes.

30. If confirmed, please describe how you anticipate working with CIGIE to ensure the integrity, economy, and effectiveness of OPM OIG.

I plan to be an active member of CIGIE, involved in its committees, and seek to become a leader in the organization. I also plan to seek guidance from other IGs in CIGIE as to best practices relating to OIG work.

31. GAO has included strategic human capital management as a high-risk area for many years; once again, GAO included it in the 2019 high-risk list.¹

¹ U.S. Government Accountability Office, GAO-19-157SP, *High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas 75-77*, (2019), available at: <https://www.gao.gov/assets/700/697245.pdf>.

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

The sheer number of federal agencies and agency heads, along with turnover in agency leadership, makes it difficult to comprehensively address elimination of the skills gap in a comprehensive way across the federal civil service. In addition, the very lengthy time it takes to post a position and fill it, and the further limitation on being able to offer a market competitive salary in areas where there are demands for skills in both the public and private sectors, makes this an even greater challenge. At OFCCP, I have focused on ensuring federal contractors are providing equal employment opportunity and advancing employees based on merit. This includes in areas where there are emerging skills gaps, and this experience would serve me well as Inspector General.

- b. What do you believe the OPM OIG can do

I support GAO's findings and believe they promote economy and efficiency through ensuring a federal civil service with all the skills necessary to meet the challenges of tomorrow as well as the challenges of today. As Inspector General, I would evaluate OPM's efforts to provide a uniform policy or program to identify emerging skill gaps and eliminate them.

32. The OPM OIG has repeatedly warned about challenges that OPM faces regarding information security. The OPM OIG's most recent annual report documenting open recommendations over six months old indicates there are over 180 open recommendations pertaining to FISMA, in some cases dating back to FY 2008.² According to the same report, OPM has not implemented 44 recommendations from the OPM OIG's FY 2018 report, and closed only 3 out of 39 recommendations from the OPM OIG's FY 2017 report.³ The serious data breaches that affected OPM in 2015 demonstrated the consequences of poor information security management—including the theft of personal information of millions of people, and OPM OIG's findings have consistently noted serious weaknesses and deficiencies in OPM's IT security governance program.

- a. What is your view on the OPM OIG's role in helping OPM to improve the agency's cybersecurity and information security and pushing the agency to close the open recommendations?

I believe the OPM OIG has a substantial role in ensuring cybersecurity as this ties directly into eliminating fraud, waste, and abuse. In particular, as OPM Inspector

² U.S. Office of Personnel Mgmt., Office of the Inspector General, *Open Recommendations: Open Recommendations Over Six Months Old as of September 30, 2019*, (2019), available at: https://www.oversight.gov/sites/default/files/oig-reports/Open%20Recs%20Compendium%20%28Apr%201%202019%20to%20Sept%2030%202019%29%20FINAL_Redacted_Tagged.pdf.

³ *Id.*

General, I would focus on getting open OIG recommendations addressed and closed. I would make this a primary objective from the beginning.

- b. If confirmed, how would you work with OPM to ensure that the OPM OIG's recommendations past and future recommendations are fully implemented?

I plan to make this a primary objective right away, addressing it in my first meeting with OPM leadership, and setting up meetings to address open recommendations with program office heads. I also plan create a public dashboard to track my progress similar to the DOL OIG.

- c. If confirmed, will you commit to addressing growing threats of sophisticated cyberattacks and assisting OPM in identifying and prioritizing cybersecurity resources?

Yes.

33. In its FY 2020 *Top Management Challenges* report, the OPM OIG listed the proposed merger of OPM with the General Services Administration (GSA) as the agency's top management challenge.⁴ While the merger has not received Congressional authorization, the agency has already taken steps to transfer certain functions to GSA and OPM OIG notes that while "the specific details of the OPM/GSA merger continue to evolve...every iteration of the proposed reorganization would fundamentally alter how the agency functions and duties are performed."⁵

- a. If confirmed, will you commit to taking an active role in conducting oversight over ongoing efforts to merge OPM and GSA to ensure the process is efficient and mitigates risk of fraud, waste, and abuse?

Yes.

34. Since the 2015 data breach, OPM has made some progress in modernizing its IT infrastructure and legacy systems, but the Office still faces significant challenges to accomplish its goals. In particular, the OPM OIG noted in its FY 2020 *Top Management Challenges* report, that "continued turnover in key OCIO positions only exacerbates [these challenges]."⁶ What do you believe the OPM OIG's role is to ensure continuity of leadership and long-term planning with regard to OPM's IT modernization efforts?

I believe OPM OIG has a significant role. I also have experience in this area as I have overseen the replacement of a legacy system at OFCCP.

⁴ U.S. Office of Personnel Mgmt., Office of the Inspector General, *Top Management Challenges: Fiscal Year 2020 1-2* (2020), available at: <https://www.opm.gov/our-inspector-general/top-management-challenges/top-management-challenges-reports/fy-2020-top-management-challenges.pdf>.

⁵ U.S. Office of Personnel Mgmt., Office of the Inspector General, *Top Management Challenges: Fiscal Year 2020 1-2* (2020), available at: <https://www.opm.gov/our-inspector-general/top-management-challenges/top-management-challenges-reports/fy-2020-top-management-challenges.pdf>.

⁶ *Id.* at 16.

35. Recently, OPM's National Background Investigations Bureau (NBIB) was transferred to the Defense Security Cooperation Agency (DCSA). However, DCSA continues to use OPM systems to conduct operations while its own systems are being developed. What role do you believe the OPM OIG should play in overseeing the continuing process of transferring NBIB's systems to DCSA?

I believe OPM OIG has an essential role while OPM's systems are being used.

36. OPM is responsible for reviewing and determining whether to grant various pay and hiring authorities to provide flexibility to agencies experiencing a critical hiring need or retention challenges. What do you believe is the appropriate role for the OPM OIG to ensure that agencies are effectively utilizing and monitoring the use of these OPM-approved authorities?

I believe OPM OIG has a significant role in ensuring these authorities are being made available to agencies pursuant to clear criteria and that agencies are made aware of the availability of these authorities. Also, based on my experiences at OFCCP, I believe it is important for agencies to fully utilize Schedule A and Veteran hiring authorities. I would make this a high priority.

37. What role do you believe the OPM OIG should play in protecting merit system principles during presidential transitions, especially in regards to political conversions?

I believe the OPM OIG should have a significant role in protecting merit system principles as that is central to the efficacy of the federal civil service and the OPM OIG is well situated to do so as an independent, non-partisan actor.

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

I believe the OPM OIG should have a significant role as improper payments is a well-recognized problem and is obviously a form of fraud, waste, and abuse.

39. In 2014, the Federal Information Technology Acquisition Reform Act (FITARA) was signed into law. FITARA explicitly gave agency CIOs a "significant role in the decision process for all annual and multi-year planning, programming, and execution decisions, related reporting requirements, and reports related to [IT]" in order to mitigate duplicative spending and mitigate IT project implementation risk.⁷ However, an April 2019 OPM OIG Audit found that the OCIO's IT acquisitions are "commonly managed by individual program offices and not the OCIO" and that the "OCIO is not routinely included in significant meetings and discussions around the core operating funds

⁷ Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, Pub. L. 113-291, 128 Stat. 3439 (2014).

involving IT systems for other program offices.”⁸ The OPM OIG issued five recommendations, though OPM partially concurred with four out of five recommendations. If confirmed, will you commit to conducting oversight over the CIO’s role in the IT budget and management process?

Yes.

IV. Relations with Congress

40. 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.

41. 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.

42. 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.

V. Assistance

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

Yes, these answers are my own. I have consulted with counsel from the OPM OIG. I have also confirmed several specific facts about OFCCP with colleagues from DOL.

⁸ Office of Personnel Mgmt., Office of the Inspector General, 4A-CI-00-18-037, *Final Audi Report: Audit of the U.S. Office of Personnel Management’s Compliance with the Federal Information Technology Acquisition Reform Act 4* (2019), available at: <https://www.opm.gov/our-inspector-general/publications/reports/2019/audit-of-the-us-office-of-personnel-managements-compliance-with-the-federal-information-technology-acquisition-reform-act.pdf>.

**Minority Supplemental Pre-hearing Questionnaire
For the Nomination of Craig Edward Leen to be
Inspector General, Office of Personnel Management**

I. Nomination Process and Conflicts of Interest

1. Have you ever represented a party in a matter involving the Office of Personnel Management (OPM) or the OPM Office of Inspector General (OIG)? If so, please describe the matter(s) and the nature of the representation.

No.
2. Have you ever represented or done work for an OPM contractor, subcontractor, or grantee? If so, please describe the nature of the work or representation.

No.
3. Have you sought advice from any OPM OIG or OPM employees in preparation for your nomination process and potential role? If so, please describe the advice you were given.

Yes, I have sought advice from OPM OIG counsel. They have helped me set up interviews and navigate the process. They have also given me materials to help me learn more about OPM OIG in preparation for the confirmation process, and also set up briefings with OPM OIG leadership (the briefings were limited to publicly available information). The advice they have given is general advice about how to navigate the process.
4. Have you been interviewed by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) regarding your potential nomination as an Inspector General?

Yes, it was a very positive interview. I plan to work closely with and be very involved in CIGIE if confirmed.
5. Under Section 3(a) of the Inspector General Act of 1978, as amended in 2016, each Inspector General shall be appointed "without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations."
 - a. In connection with your nomination, were you ever asked to provide information regarding your political views? If so, please describe the request(s) and your response(s).

No.

- b. In connection with your nomination, were you ever asked to comment specifically on President Trump, Candidate Trump, or Candidate Trump's campaign? If so, please describe the request(s) and your response(s).

No.

II. Background of the Nominee

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

The work I have done to support disability inclusion has been very successful at OFCCP and the City of Coral Gables, and I am very proud of these efforts. As City Attorney, I helped construct a comprehensive program that ensured disability inclusion in City services and employment, which has been adopted by other local governments in Florida. At OFCCP, I helped design a comprehensive Section 503 Focused Review Program, which has ensured focused audits in addition to comprehensive guidance to ensure that federal contractors are fully including and advancing individuals with disabilities in all aspects of employment.

I am also very proud of the record year for both enforcement and compliance assistance in FY 2019 at OFCCP. The agency almost doubled its recoveries for members of protected classes from any other year on record, and also had a record year in terms of answering compliance assistance inquiries on our Help Desk.

Finally, I am very proud of my success as City Attorney and the wonderful office I helped build there, which is now led by my former Deputy City Attorney, who is doing outstanding work. As City Attorney, I issued over 400 City Attorney Opinions, helped update the City Charter and City Code, and spearheaded the development of a comprehensive emergency ordinance after Hurricane Irma to ensure the City could govern effectively in an emergency, which I have observed has been very helpful to the City in its COVID-19 response efforts.

7. What do you consider your greatest failure as a leader? What lessons did you take away from that experience?

Despite all my efforts and advocacy in my personal capacity on behalf of children with autism, I have been unable to convince local school districts where I have lived to devote adequate resources to ensuring sufficient speech, occupational, and Applied Behavioral Analysis (ABA) therapy is provided to each student. I have learned the importance of persistence from this failure. I am presently on the Special Education Advisory Board for DC Schools and am advocating for greater resources.

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

I am presently the Vice Chair of the Florida Rules of Judicial Administration Committee. When I had just become a member, I proposed a rule of procedure that would provide a parental leave continuance for an attorney upon birth or adoption of a child. It was vigorously opposed in the Committee at that time. I aggressively (while always professionally) advocated my position and over the course of several years was able to enlist help across the Florida Bar. The rule was ultimately supported by the American Bar Association and was recently adopted by the Florida Supreme Court.

As City Attorney, I was called on to resolve numerous matters where either the Commission, a Commissioner, or the City Manager disagreed regarding the scope of their powers, or there was a disagreement regarding the balance of powers between the County, City, and School Board. I issued thoughtful and professional opinions to resolve these disputes. This was based on my authority under the City Code to issue binding opinions and interpret the City Charter. Examples of this include City Attorney Opinions 2011-005, 2012-025, 2014-028, 2015-056, 2015-089, 2016-056, and 2017-019.

9. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please describe examples of times in your career when you have done so.

I do this all of the time. It is a part of my approach to leadership and running a meeting. At OFCCP, I have a weekly meeting with career leadership of each division and region, as well as our career legal counsel, and go through each policy initiative. I encourage dialog and welcome debate and disagreement. As City Attorney, I always welcomed disagreement from my internal colleagues and outside counsel. I would debate with them and seek to come to a consensus. I would ultimately issue the opinion I felt was warranted and would take responsibility for it, but would make sure to inform the Commission if there was disagreement on a legal opinion to ensure they were fully advised.

10. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of your agency or organization.

As City Attorney, I issued numerous opinions and interpretations that were politically difficult but were necessary based on the laws and facts presented. Once again, examples of this include City Attorney Opinions 2011-005, 2012-025, 2014-028, 2015-056, 2015-089, 2016-056, and 2017-019.

Examples in other areas include a law review article I wrote as City Attorney criticizing the overuse of opinions without explanation in Florida's judicial system. Approximately three-quarters of intermediate appellate decisions in Florida are affirmances without opinion (also called per curiam affirmances). I wrote an article criticizing this practice and advocating that judges write more opinions as a matter of transparency and to ensure development of the law. It generated much debate. I also proposed a rule of procedure that would make it much easier for a party to request a written opinion following a per curiam affirmance. Through advocacy and attention I brought to the issue, I was

ultimately able to convince the Rules of Judicial Administration to recommend a rule change, which the Florida Supreme Court adopted.

11. What experience do you have with investigations, audits, reviews, or other oversight efforts into ethics issues such as conflicts of interest, gifts, and the use of government resources, including compliance with applicable laws, regulations, and executive orders? I was the Chief Ethics Officer for the City of Coral Gables and a frequent speaker and teacher on ethics to other local government attorneys, including regarding conflicts of interest, gifts, misuse of government resources, public records law, and government in the sunshine.

As OFCCP Director, I was responsible for enforcing Executive Order 11246, as well as subsequent related Executive Orders, and also oversaw an agency that extensively conducted audits and investigations in its normal course of business.

12. What experience do you have with investigations, audits, reviews, or other oversight efforts involving sexual harassment or misconduct?

OFCCP conducts audits and investigations related to sex discrimination and sexual harassment, as well as misconduct generally when it involves discrimination against a protected class.

As City Attorney, I oversaw investigations into such matters as well.

13. What experience do you have with investigations, audits, reviews, or other oversight efforts involving senior agency officials, and what steps did you take to ensure the independence of these efforts?

As City Attorney, I oversaw these types of reviews and investigations. I would typically bring in a highly respected outside counsel to conduct the investigation and would shield the investigation from any interference. The Commission was always supportive of the professional way my office handled such matters.

14. What is your familiarity with the various whistleblower protection schemes that apply to federal employees, contractors, and grantees of OPM?

I am well familiar with them.

15. The OIG plays an important role in receiving and investigating contractor and subcontractor whistleblower complaints.

- a. If confirmed, how will you ensure that whistleblower complaints are properly investigated?

I will have a standing policy that career staff should handle the complaints consistent with applicable law and best practices.

- b. If confirmed, how will you promote compliance from OPM contractors, subcontractors, and grantees with existing whistleblower protections?

I will have a public message regarding the importance of compliance and will have the OPM OIG do seminars on the topic.

16. Please describe your experience in facilitating document requests. Have your requests ever been rejected? If so, please describe the steps you took in response to the rejection.

At OFCCP, when documents and information are requested by the OIG, I have directed that all such documents and information be given, and that the agency fully assist the OIG.

Likewise at OFCCP, when the agency makes a document request to a federal contractor, the agency provides the basis supporting the request. Typically this will lead to production. If production does not occur, the agency will consider any objection on its merits. If the matter cannot be resolved consistent with the agency's auditing goals, the matter is referred to the Solicitor of Labor for enforcement.

Finally, as City Attorney, when I would request documents I would always receive them, as a matter of respect and professional courtesy. It was also known I would go directly to the Commission if necessary to obtain documents or if a legal opinion I issued was not followed.

17. What is your familiarity with the budget process for inspectors general?

I am directly familiar with the typical process for agency heads based on my experience at OFCCP. I am also familiar with the fact that Inspectors General do not have their budgets approved by their department or agency, and that they can directly present their budget request to Congress.

18. Have you ever been named as a defendant in any civil litigation proceeding for your work as a public official? If so, please describe the matter(s) and any resolution(s), including any actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in an official governmental capacity.

I was named in civil litigation as OFCCP Director and previously as City Attorney. As OFCCP Director, I have been named as a defendant in my official capacity as agency head in three matters, none of them focusing on my personal work as a public official. As Coral Gables City Attorney, I was named as a defendant along with the City of Coral Gables and other public officials in a matter contesting the Coral Gables Police Department's DUI Checkpoint enforcement program and a matter involving a related records request. Both of the City matters were dismissed with prejudice.

19. During your career, has your conduct as a government employee ever been subject to an investigation or audit by an Office of Inspector General, Office of Special Counsel, Department of Justice, agency Equal Employment Opportunity office or investigator, or any other federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome(s) of the investigation(s) or audit(s).

No except that I have been included in my official capacity as agency head. OFCCP was subject to a DOL Inspector General audit related to its construction reviews that started before I joined the agency and recently concluded. Likewise, I have responded to EEOC investigations against OFCCP in my role as agency head but was not the first, second, third, or fourth line supervisor.

20. In your biographical questionnaire you state that you have been employed by the Office of Federal Contract Compliance Programs (OFCCP) within the Department of Labor (DOL) from November 2017 – present. For each position/title you have held at DOL or OFCCP, please provide the following:

- a. Position title;
- b. Exact start and end dates for that position;
- c. Type of appointment (e.g. Schedule C, Noncareer SES);
- d. A brief summary of your responsibilities;
- e. Number of direct reports, if any;
- f. The title/position of your direct supervisor(s); and
- g. Reason for leaving or changing position/title.

OFCCP Senior Advisor; 11/26/17 – 7/21/18; Schedule C; Develop policies for OFCCP to implement; No direct reports; supervised by Deputy Director; became Deputy Director and Acting Director

OFCCP Deputy Director (Acting Director); 7/22/18 – 1/19/19; Schedule C; Acting agency head responsible for leading agency personnel in executing the mission and programs of the agency; One direct report; supervised by Deputy Secretary; became Director

OFCCP Director; 1/20/19 – present; SES Non-Career; Acting agency head responsible for leading agency personnel in executing the mission and programs of the agency; Two or three direct reports at different times; supervised by Deputy Secretary; presently serving as Director

21. Have you ever received a formal performance review related to your management experience? If so, please list the position and describe the outcome of the review.

Yes, I received an outstanding performance review for my work as Director/Deputy Director (Acting Director)/Senior Advisor from the Deputy Secretary of Labor. I received an outstanding rating in all areas, which was the highest possible rating.

III. Policy Questions

22. What are some of the biggest challenges facing OPM and if confirmed, what would you do, broadly, to address them?

The largest challenges include ensuring cybersecurity, eliminating improper payments, providing for a strategic human capital plan, eliminating health care and pension fraud, and ensuring equal employment opportunity and merit retention while eliminating employment discrimination and non-inclusive practices. If confirmed, I would establish a comprehensive and public plan to direct OIG resources to all of these areas.

23. Do you believe the OPM OIG has the resources it needs to conduct appropriate oversight of the agency?

Yes, I believe that OPM OIG has sufficient resources to conduct appropriate oversight. I plan to use those funds in an efficient manner to achieve this mission. I also believe, however, that more resources should be provided so that OPM OIG can expand its evaluations portfolio to increase economy and efficiency at OPM and in the federal civil service generally.

24. If confirmed, how will you manage the OIG's workload to ensure its effectiveness with limited resources?

I will meet right away with OIG leadership and conduct a full evaluation of available resources and how they are allocated. I will then work with OPM OIG leadership to develop a visionary plan with specific goals and will incorporate those goals into performance management plans. I will be transparent regarding this plan and goals, publishing them on the OPM OIG's website and in semiannual reports, and will keep Congress fully informed.

25. Will you commit to being honest with Congress about whether the OIG needs additional resources to fulfill its oversight responsibilities?

Yes.

26. CIGIE provides standards and guidance for inspectors general regarding audit and investigative policy and process. If confirmed, will you pledge to implement all recommendations made by CIGIE for any OPM OIG operations?

Yes.

27. If confirmed, how will you ensure that you are able to conduct investigations free from political influence?

- a. If you believed OPM employees or senior officials were not fully cooperating with an OIG inquiry or were attempting to interfere with an OIG inquiry, what steps would you take?

I would direct that they cooperate and not interfere per my authority under the Inspector General Act. If they refused, I would address the matter immediately with the OPM Director and General Counsel to secure cooperation and non-interference consistent with applicable law. If that did not work, I would notify Congress through appropriate procedures and would be transparent about the noncooperation and interference in my reports with the goal of securing prompt compliance.

- b. What steps would you take to ensure that OIG reports are not inappropriately weakened or interfered with by political appointees?

I would simply not permit this type of interference to happen. Part of the OPM OIG's work in monitoring OPM programs and conducting audits, investigations, and evaluations in particular is engaging with OPM program offices and other federal agencies to receive information and feedback from both career and non-career appointees. This may involve discussions with non-career appointees to obtain information regarding their policy decisions and actions. This is perfectly appropriate, and typically more information is helpful. I will ensure that OIG staff knows, however, that they must use independent and professional judgment in reaching their conclusions. In my opinion, the most important part of my job as Inspector General is ensuring improper interference does not occur and providing a shield under which career professional staff can perform their important work in a professional manner consistent with best practices. I would make this known from the start and would instruct agency leadership to inform me immediately if such interference is occurring so that I can take action to ensure it ceases.

- c. What would you do if the OPM Director or the President directed you not to inform Congress about the results of an investigation or audit?

One of my overarching goals is to be transparent with Congress and disclose results of investigations and audits. If I received such an instruction, I would consult with independent OPM OIG counsel to determine the appropriate steps and whether the law supports or prohibits disclosure. I would always act in accordance with law.

- d. What would you do if the OPM Director or the President directed you not to proceed with a reasonable and valid request by Congress to conduct an investigation or audit?

Consistent with the Inspector General Act, I will always exercise my independent judgment on whether to conduct an investigation or audit, and will not permit interference with that judgment.

28. Do you believe that as the OPM IG, you should have access to documents and other information from the Office of Management and Budget or the Office of Information and Regulatory Affairs if they relate to an OIG investigation? Please explain why or why not.

- a. If you believe that the OPM IG should have access, how would you ensure that you receive what you need from those offices and any other offices within the Executive Office of the President?

Yes, as a general matter OPM OIG should be provided access to documents and information where relevant to its investigation in order to have a quality investigation that gets to the correct answers, subject to Executive Privilege properly invoked by the President as well as other privileges recognized by law. If such documents and information were not provided in the normal course of an investigation, I would reach out to leadership in those offices to try to obtain them. If there was a legal objection, I would confer with independent OPM OIG counsel and determine how best to proceed based on the specific circumstances and the Inspector General Act.

- b. If confirmed, do you commit to notify this Committee any time that a senior official at OPM or any part of the Executive Office of the President refuses to provide you with information?

I would first seek to obtain the information directly by speaking with the senior official and then raising the matter with the OPM Director. If access was denied, I would confer with independent OPM OIG counsel and always act consistently with the Inspector General Act, including informing Congress.

29. Under what circumstances do you believe it is appropriate for the OPM Director or other senior official to restrict OPM OIG's communications with Congress?

One of my overarching goals is to be transparent with Congress and provide the results of OPM OIG's work. This includes frequent communications with Congress. Generally I do not believe the OPM Acting Director (or Director) or senior official would have the authority to restrict my communications with Congress as OPM OIG based on my independence under the Inspector General Act and the dual reporting requirement. If I received such a request, I would consult with independent OPM OIG counsel to determine the appropriate steps and whether the law supports or prohibits disclosure. I would then act in accordance with law.

30. Under what circumstances do you believe it is appropriate for the White House or Executive Office of the President to restrict OPM OIG's communications with Congress?

It is my understanding that there are limited circumstances where the law would support such a request, such as Executive Privilege properly invoked by the President. I would consult with independent OPM OIG counsel to determine the appropriate steps and whether the law supports or prohibits disclosure. I would always act in accordance with law.

31. If confirmed, what steps would you take if faced with restrictions on OIG communications with Congress that you viewed as inappropriate?
- I would object to the restrictions and then act in accordance with my independent judgment and guidance from independent OPM OIG counsel.
32. An IG has authority to issue subpoenas for documents. If confirmed, how would you approach the use of subpoenas by OPM OIG?
- I would use subpoenas where warranted to obtain information for oversight activities or a specific review that OPM OIG is conducting. I would follow legal guidance from independent OPM OIG counsel in ensuring such subpoenas are reasonable and proper as to scope and basis.
33. In your view, why is whistleblower confidentiality important?
- Whistleblowers are much less likely to disclose information if they do not have an assurance of confidentiality because of the potential of retaliation.
34. Do you believe that it is ever appropriate for elected officials or political appointees to demand the disclosure of a whistleblower's identity? If so, please explain.
- Consistent with applicable law and the role of Inspector General, I am committed to protecting the assurance of confidentiality of whistleblowers. The disclosure of a whistleblower's identity should only occur or be requested in the very limited circumstance where the law expressly supports such a request or requires disclosure.
35. Under what circumstances, if any, do you believe it is appropriate for an IG to reveal the identity of a whistleblower?
- Generally, the identity of a whistleblower should not be disclosed. Disclosure may only occur where a court orders disclosure or in the limited instances where the law supports or requires disclosure (such as in a criminal proceeding where constitutional due process requires).
36. If confirmed, how do you plan to work with OPM to ensure whistleblowers are protected from reprisal?
- From day one, I plan to make it clear that I support whistleblowers and the assurance of confidentiality to whistleblowers, including in my initial message to all OPM staff. I will also support investigation and prompt and decisive action against OPM staff who retaliate against a whistleblower.
37. On October 22, 2019, CIGIE sent a letter to Assistant Attorney General Steven Engel regarding concerns raised by the Inspector General of the Intelligence Community (ICIG)

in response to the Office of Legal Counsel's (OLC) September 3, 2019 Memorandum for the Office of the Director of National Intelligence (ODNI). This letter – signed by 67 current federal agency IGs – states that “the OLC opinion creates uncertainty for federal employees across government about the scope of whistleblower protections, thereby chilling whistleblower disclosures.”

- a. Are you familiar with OLC's September 3, 2019 Memorandum for the ODNI?

Yes.

- b. Do you agree with the concerns raised in CIGIE's October 22, 2019 letter? Please explain why or why not.

CIGIE's mission includes establishing IG standards and best practices across the federal IG workforce, including supporting and advocating for federal IGs in accomplishing their essential work for the public. DOJ OLC is responsible for providing formal legal opinions on behalf of the Department of Justice to the Executive Branch. I believe the issues raised in the CIGIE letter are important and that the assurance of whistleblower confidentiality in accordance with law is ultimately a mutual concern of both CIGIE and the Department of Justice.

38. What do you believe is the appropriate role for OPM OIG in reviewing OPM's decisions to grant hiring authorities to agencies?

OPM OIG should review for economy and efficiency and to prevent fraud, waste, and abuse. In particular, OPM OIG should ensure that such hiring authorities are needed to achieve an agency objective.

39. What role do you believe the OPM OIG should play in protecting merit system principles of the federal civil service? How, if at all, should that role differ during presidential transitions, especially in regards to political conversions?

I believe the OPM OIG should have a significant role in protecting merit system principles as that is central to the efficacy of the federal civil service and the OPM OIG is well situated to do so as an independent, non-partisan actor.

40. The country is currently facing the COVID-19 pandemic. What role do you believe the OPM OIG should have in regards to health and safety concerns raised by OPM employees, as well as employees of other agencies in relation to OPM guidance?

I believe the OPM OIG should have a significant role. I would have OPM OIG review such present concerns, as well as the guidance provided by OPM to agencies throughout the pandemic period, to identify both strengths and areas for improvement to prepare for such situations in the future.

41. The FY 2020 National Defense Authorization Act prohibits the transfer of functions from OPM to GSA until at least 180 days after a report by the National Academy of Public Administration (NAPA), and subject to the enactment of any required legislation. If confirmed, will you commit to taking an active role in conducting oversight to ensure the NAPA study proceeds efficiently and OPM complies with this provision of law?

Yes.

42. What role do you believe the OPM OIG should play in ensuring that any actions taken to transfer functions from OPM to GSA do not exceed the agencies' existing authorities?

The OPM OIG should monitor any transfer of functions that were to occur in the future in compliance with law (consistent with section 1112 of the National Defense Authorization Act of 2020).

IV. Relations with Congress

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

I will assign staff at OPM OIG to track them and ensure a fast turnaround time.

44. 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.

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

Yes.

46. 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.

47. Do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress if you are confirmed?

Yes.

48. 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.

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

Yes.

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

Yes.

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

Yes.

V. Assistance

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

Yes, these answers are my own. I have consulted with counsel from the OPM OIG. I have also confirmed several specific facts relating to OFCCP with colleagues from DOL.

I, Craig Edward Leen, hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



(Signature)

This 8th day of May, 2020

**Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to Craig Leen**

**Nominations of The Honorable Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management
Tuesday, June 2, 2020**

1. If confirmed, will you commit to rigorously maintaining your independence, forging ahead on investigations, audits and other reviews, and issuing reports – even in the face of pushback from OPM and others in the Administration?

Yes.

2. If you face threats to your independence or challenges fulfilling your oversight responsibilities, will you commit to keeping this Committee fully and promptly informed?

Yes.

3. Do you believe it is within the responsibilities of the OPM IG to review potential violations of the government-wide suspension of public-private competitions under OMB Circular A-76?

Yes, to the extent a potential violation involved OPM, I believe it would be within the jurisdiction and responsibility of the OPM IG to review. Likewise, the OPM IG would have oversight responsibility as to any guidance provided by OPM to federal agencies in this area.

4. If confirmed, will you commit to complying with the moratorium on A-76 public-private competitions within the IG office?

Yes.

5. If confirmed, will you commit to looking into any allegations that the moratorium has been violated?

Yes within the scope of the OPM IG's jurisdiction.

6. Do you believe it is within the responsibilities of the OPM IG to review potential violations of the prohibition against hiring contractors to perform inherently governmental functions that can only be performed by federal employees?

Yes, to the extent a potential violation involved OPM, I believe it would be within the jurisdiction and responsibility of the OPM IG to review. Likewise, the OPM IG would have oversight responsibility as to any guidance provided by OPM to federal agencies in this area.

7. If confirmed, will you commit to complying with OMB Circular A-76 within the IG office?

Yes.

8. If confirmed, will you commit to looking into any allegations of contractors being hired to perform inherently governmental functions?

Yes within the scope of the OPM IG's jurisdiction.

**Senator Thomas R. Carper
Post-Hearing Questions for the Record
Submitted to Craig Leen**

**Nominations of The Honorable Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management
Tuesday, June 2, 2020**

Making Politically Difficult Decisions

Nearly two years before submitting his resignation, General Mattis said during his confirmation hearing that he would resign as a matter of principle if the President ignored his best advice as Secretary and still directed him to do something that he believed was wrong. When the General resigned in December 2018, he included the following statement in his powerful resignation letter to the President: “Because you have the right to have a Secretary of Defense whose views are better aligned with yours on these and other subjects, I believe it is right for me to step down from my position.”

1. In your opinion, what constitutes a “politically difficult” decision?

Inspector Generals are apolitical, nonpartisan officials, and should be vigilant in avoiding acting in a political or partisan manner. I served in a similar role as City Attorney. In my experience, politically difficult decisions are ones where there is a strong partisan divide that causes controversy on a matter of public concern. For example, as City Attorney, I faced many situations where there was a 3-2 split on an issue and Commissioners would want the City Attorney to weigh in. That was a politically difficult situation, although the legal issue was not always difficult. I developed a reputation of making the decision on the merits without regard to the specific politics of a given situation.

2. Building from your response to the previous question, how would describe your general approach when faced with having to make a difficult decision—political or otherwise—that will inevitably cause discord regardless of the manner in which you decide?

My approach has been to be steadfast in keeping an open mind, notwithstanding political pressure, and ensuring that I fully review and consider the merits of a topic before coming to a decision. I also will consult extensively with career staff and ensure that all sides of a topic are fully presented to me when making a decision. I also seek to take full responsibility for my decision and defend it publicly once it is made. In defending the decision, I will transparently explain the reasons I made the decision. I had many instances where this occurred as City Attorney. I followed this process and always retained the respect and support of the City Commission, even though I disagreed with individual Commissioners on many occasions.

3. During your tenure at DOL, have you had to make politically difficult decisions? If so, please share a specific decision as an example.

I have had to make difficult decisions where stakeholder groups may be unhappy. For example, I sought to increase the amount of audits on the scheduling list, sought to process audits more promptly, and sought to increase recoveries to adversely impacted classes through a corporate-wide approach to settlements. This helped lead to a significant increase in monetary recoveries for the agency, with FY 2019 being by far the highest amount of recoveries on record. This has caused some push back by stakeholder groups that would have preferred more of a focus on voluntary compliance than enforcement recoveries. My focus has been a balanced one where we increased both enforcement and compliance assistance. The agency is seeking to work with contractors that want to get it right, while being assertive in recovering remedies where violations are found.

4. During your tenure at DOL, has the President ever clearly indicated, directly to you or indirectly, that he wants you to take an action that you believe is wrong or against the best interest of the country? If so, please describe how you resolved the situation. If not, what would you do in a scenario where the President or senior leadership at OPM asks you to do something that you believe is wrong or against the best interest of the country?

No, this has not occurred.

I would exercise independent judgment and do what I believed was right. I also would always seek to act in the best interests of the country and its taxpayers, consistent with my duties under the Inspector General Act.

**Senator Kyrsten Sinema
Post-Hearing Questions for the Record
Submitted to Craig Leen**

**Nominations of The Honorable Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management
Tuesday, June 2, 2020**

Questions for Craig Leen, nominee to be Inspector General, Office of Personnel Management

1. The committee has been unsuccessful in getting detailed information from OPM over the past few months regarding how the agency is guiding and supporting the federal workforce during the pandemic.
 - a. Do you think that such lapses in agency transparency should be examined by an agency Inspector General?

Both OPM transparency with Congress and OPM's pandemic response are within the oversight responsibility of the OPM Inspector General in my opinion.

- b. What role do you think the OPM IG should play to ensure our federal workforce and federal agencies are ready for a future pandemic or similar crisis?

I believe the OPM IG should do a comprehensive review of OPM guidance provided during the pandemic to determine what went well and what could be improved, as well as reviewing the readiness of the federal workforce and federal agencies for a future pandemic or similar crisis.

2. Ensuring our nation has the right people in the right jobs across all levels of the federal workforce is critical to our national service ideals, our national security, and our preparedness for the type of crisis we are currently experiencing. However, the federal hiring process is often an opaque and inefficient process that put these ideals at risk.
 - a. What is the proper role for the OPM IG in improving federal hiring processes and procedures to ensure our federal workforce is as strong as it can be?

The OPM IG should do more evaluations of federal hiring process and procedures to ensure advancement based on merit and compliance with equal employment opportunity principles. I plan to make this a major focus of my work as the OPM IG. The OPM IG should make recommendations in this area and seek to get them adopted.

- b. If confirmed, what steps would you anticipate taking in your first 90 days as IG to review these processes?

I would meet with career staff at the OPM OIG and put together a comprehensive plan to increase evaluations and audits of these processes and procedures, which I would share with Congress and the OPM Director.

- c. How would you handle disagreements between OMB and OPM as it pertains to the review of the federal hiring process and recommendations for improvements?

I would start by engaging in a constructive dialog with both OMB and OPM to obtain feedback as to what they believe needs to be improved. I would seek input from Congress as well. Ultimately, I would exercise independent judgment and pursue a plan that I believed was consistent with enhancing advancement based on merit and promotion of equal employment opportunity principles.