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OVERSIGHT OF THE GOVERNMENT PUBLISHING OFFICE: OFFICE OF THE INSPECTOR GENERAL

HEARING

BEFORE THE

COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

JULY 24, 2019

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OVERSIGHT OF THE GOVERNMENT PUBLISHING OFFICE: OFFICE OF THE INSPECTOR GENERAL

WEDNESDAY, JULY 24, 2019

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
WASHINGTON, DC.

The committee met, pursuant to notice, at 11 a.m., in Room 301, Russell Senate Office Building, Hon. Roy Blunt, Chairman of the committee, presiding.

Present: Senators Blunt and Hyde-Smith.

OPENING STATEMENT OF HONORABLE ROY BLUNT, CHAIRMAN, A U.S. SENATOR FROM THE STATE OF MISSOURI

Chairman BLUNT. The Committee on Rules and Administration will come to order. Certainly, in the middle of voting and other things we are doing, I am glad that my colleague, Senator Hyde-Smith, has joined me today. Now, this is the authorizing committee for the Government Publishing Office, and Senator Hyde-Smith chairs the legislative branch appropriating sub-committee as well as being on this committee, so it is a real opportunity for us to talk about this important department, and frankly, some of the challenges it has. Glad to welcome Michael Leary the Inspector General of the Government Publishing Office and thank you for joining us.

In 1860, Congress created the Government Printing Office in response to the high cost and inefficiencies of contracting with private printers for the public distribution of Government documents. 159 years later, the Government Printing Office continues to carry out its unique mission of keeping America informed by printing distributed documents that contribute to the historical record of our Government's work, ranging from the Emancipation Proclamation to yesterday's Congressional Record.

The rapid advance in printing and digital technologies has also resulted in a real transformation at the Government Office tasked with making this information available, but now doing that in ways that would not have been anticipated just a few years ago. In 1988, Congress established the current Office of Inspector General to examine the GPO's operations and recommend policies to enhance its effectiveness. The Director of the GPO appoints the Inspector General, who operates independently to ensure the agency and Congress receive objective information and reviews of the agency's administration. The Inspector General routinely conducts operational audits, reviews legislative impact on the agency, and reports deficiencies to both the Director of the GPO and the Congress.

Mr. Leary began his tenure as the GPO Inspector General this past April. Prior to his appointment, he served as a Colonel in the United States Marine Corps and held Senior Advisory positions within the Department of Treasury, the Department of Homeland Security, and the Office of the Director of National Intelligence. Mr. Leary also recently served as an Executive for Strategic Planning for the Council of Inspectors General on Integrity and Efficiency.

This is an area, Mr. Leary, that has had some lack of permanent leadership for a long time. The fact that you are the third Inspector General would indicate just part of that problem. The Director of the now known as the Government Publishing Office position has been vacant since October 2017. As of April of this year, 5 of the 10 GPO executive leadership team positions are vacant with employees serving in an acting capacity. You are the third IG appointed by the Acting Deputy Director since March 2018.

Hope you are going to be there a while, but I am anxious to hear what, from April to today, your view is of this agency, what you see as your role within this agency, and whatever else you can share with us today. I would like you to start with no more than 5 minutes of testimony, and we have got your written testimony for the record, summarize that, however you would like to, and then I am sure we will both have some questions for you.

STATEMENT OF MICHAEL LEARY, INSPECTOR GENERAL, GOVERNMENT PUBLISHING HOUSE

Mr. LEARY. Chairman Blunt and Senator Hyde-Smith thank you for the opportunity to testify before the committee on my first 4 months as the Inspector General of the Government Publishing Office. Allow me at this point to also introduce behind me my General Counsel, Anthony Febbo, one of my Senior Investigators, Eric Duncan, my new Assistant Inspector General for Investigations and the General Counsel for the IG for the Library of Congress, Deborah Lehrich. I look forward to sharing my thoughts on the state of the agency and my office as I first found them, and on my thoughts regarding how the Office of the Inspector General can help GPO succeed in its mission going forward.

I will also take this opportunity to identify certain obstacles to accomplishing the OIG mission, and to offer my thoughts on how to address them. As the Inspector General of a Legislative Branch agency, I see the Congress, through my oversight committee, as not only a stakeholder along with my agency leadership in the public, but also as a partner, and as an advisor. I am fully committed to working closely together with you, your staff, maintaining transparency in my interactions with you, and keeping you fully informed about my findings and my recommendations.

I provided a full written statement to the committee so I will just briefly highlight a few areas in this opening statement which I think might be worthwhile exploring today. In my first months on the job, I have encountered a proud and dedicated work force at GPO who believe in their agency, their mission, and the necessity to adapt, but my initial assessments is that they want certainty and commitment from Congress and the Administration in the form of a nominated and confirmed Director, and they want ade-

quate investment to enable their success. Unfortunately, I did not find a GPO IG office that was positioned to help GPO succeed. To rectify that, I have taken immediate actions to change the focus, policies, and the practices of my office.

Through hiring, training, and partnership with the IG community and CIGIE, I will permanently change my office's culture and as a result its value to GPO. I have had the cooperation and engagement of GPO's leadership since arriving. I believe they are committed to the independence of the Inspector General and to a constructive relationship between the agency and my office. But beyond this, there are some serious concerns going forward, issues particular to my office and to Legislative Branch agencies. Some answers to which lie perhaps only with Congress. These include potential long-term solutions for greater Inspector General independence and work product integrity, and rectifying encroachments on my ability to conduct law enforcement activities.

In these next 3 months, I will be publishing a semi-annual report, a new work plan for 2020, and a new 5-year strategy. The creation of these documents will be critical enablers to instituting my vision for this office of a team-based collaborative culture that produces reliable reports with strategic impact. I would welcome engaging with you and your staff as these are implemented.

Thank you again, and I look forward to your questions.

[The prepared statement of Mr. Leary was submitted for the record.]

Chairman BLUNT. Well, thank you, Mr. Leary, and again, we are pleased you are here. With all the acting positions there, the recent retirements, the acting positions, what kind of leadership challenge has that created at GPO?

Mr. LEARY. Senator, thank you for that. My own observation is that there is a level of uncertainty about the direction that GPO will be going in. I know that GPO has published, just recently under Mr. Crawford, a new strategy, but I think anybody who takes over that agency would probably want to put out their own strategy as soon as they take the office.

Chairman BLUNT. Did you also just say that you were going to propose a new 5-year strategy yourself?

Mr. LEARY. Mine is due in October. The current 5-year strategy expires at the end of this Fiscal Year.

Chairman BLUNT. At the front end of that 5-year strategy, what would be the top three challenges you would think the next Director would have?

Mr. LEARY. GPO is a business. It has to remain relevant to the customer, and the customer is principally Congress, but also the broader Government in general, and it has to be able to figure out how to provide cost-effective, efficient delivery of products. It has to be cutting edge. Those are the challenges, I think, that are fairly obvious to me for this agency. It needs permanent leadership in order to ensure that it can get to that point and stay there.

Chairman BLUNT. How many employees are at GPO now?

Mr. LEARY. There are almost 1,800.

Chairman BLUNT. 1,800. How many different facilities are out there?

Mr. LEARY. There are eight offsite facilities, but I could be—I think it is about eight.

Chairman BLUNT. Not at all used like they would have been used 20 years ago by any stretch of the imagination, is that correct?

Mr. LEARY. Yes. Some of them are just warehousing. Some are distribution points.

Chairman BLUNT. The structure here, you mentioned customers, which would be Congress, also the State Department, passports being one of the highly secure things that GPO does. This is set up to where the other agencies actually wind up transferring funds or they actually—GPO competes for that business in some cases and in other cases doesn't compete but clearly has a functioning customer sort of basis in the model. Is that right?

Mr. LEARY. That is right. Right. With SID, the Secure and Intelligent Documents Division, their principal customer is the State Department, and that is in part because we insist on the passports needing to be securely produced, and we are the only people who can provide that for them. They are a principal customer, maybe even could be considered a sole customer.

Chairman BLUNT. Well, you know, one of the goals I think in the current strategic plan is to exceed the customer's expectations. Do you have a belief that that really is happening?

Mr. LEARY. You know, at this point, I am not well informed enough. I can tell you that there is an inspection that we are getting ready to institute, or initiate I should say, with the Secure and Intelligent Document Division to examine just that point, whether or not the customer, State Department's expectations, are going to be met with the delivery of this new process for creating secure passports.

Chairman BLUNT. Are you comfortable with the security provisions of the passport part of the operation?

Mr. LEARY. I am aware of the questions. I am not informed at this point as to whether to make an opinion about their sufficiency, but that will be one thing that I think would be part of examining whether the customer is getting what they asked for.

Chairman BLUNT. Have you looked at past challenges that the agency may have had on harassment or discrimination?

Mr. LEARY. I am aware of those accusations. I do not know of any current issues that my office would be looking at.

Chairman BLUNT. Well, you can help me out here, but were those accusations in the past or were those actual findings of discrimination or harassment?

Mr. LEARY. I would have to get back with you as to whether there were findings or just accusations.

Chairman BLUNT. Alright. Senator Hyde-Smith. I will come back with some more questions here in a minute.

Senator HYDE-SMITH. Thank you, Mr. Chairman, very much, and thank you, Mr. Leary, for being here and all your staff that you have with you. We certainly appreciate your attendance today and your credible testimony. Having just been appointed in April, you have served in this position for only a few short months. However, you bring to the job many years of experience with the Executive Branch and with the Council of Inspectors General on Integrity and Efficiency. I certainly look forward to learning more about your

plans. The GPO is important to the daily operations of not only Congress but also the Federal Government as a whole. I would like to make sure that as we carry out this oversight of GPO, that we are doing everything possible to help the agency run effectively.

Mr. Leary, what do you believe to be the most critical risk the GPO should address in the coming year?

Mr. LEARY. In the coming year? I have been made aware that GPO is investing in leading technology for digital printing. I think that is smart and that is important. One thing that I mentioned in my written testimony that may be beyond GPO as an agency to address on its own, the physical plant is in, I think, obvious need of significant investment.

They are doing the best they can with the space that they have, but it is a building that is over 100 years old. It is a wonderful red brick building, it has iconic facade to it, but if you were to take a tour of the place, you would realize—if you are thinking about a competitive business model and you think about publishing in the private sector, you would not be envisioning, I think, this nice red brick building across the street, you would be thinking about something else.

We are going to need, if we are going to stay in front of and be a premier option for the Government, we are going to need to be able to invest in the infrastructure. That is much more than a year away.

Senator HYDE-SMITH. To accomplish this goal that you have envisioned here, and we certainly want you to have those adequate resources, how far are we from having those adequate resources? Where do we stand, and how can we help you accomplish those goals?

Mr. LEARY. This is a question that probably I should be in a position to advise on, but it is mostly for GPO leadership to speak on. I will say I have looked at the budget over the last 10 years just in preparation for sitting here, not an expert by any means, but my own observation is that the budget in real dollars has only gone down in the last 10 years. When you think about what do they have to invest in long-term infrastructure improvements?

I think there is a challenge that they have to address—where we are going to place our resources. It is the same challenge we all have. Whatever agency you come from, wherever you work, it is all the same in Federal Government, but when you make a decision to build a new stadium, what is that based on? Well, I do not know. We have got lots of problems, lots of near term issues. Somebody has to say it is time to make a big step and maybe that is something to think about.

Senator HYDE-SMITH. Thank you very much.

Chairman BLUNT. On that topic in terms of the budget, I would assume actually most printing efforts everywhere probably gone down in cost in recent years, the way you do this, the way you prepare the document, the way you set the type, the way that a lot of it is now probably made available, you do all of the preparation work, but the numbers that you used to print probably not printed, that seems totally reasonable to me. Now, I think maybe you were making the point that while the budget has gone down there, the

maintenance budget, the sustaining the buildings, the sustaining the equipment, has not reflected any need there.

Mr. LEARY. That is right, Senator. My, again take it for what it's worth, my own observation on the opportunity I have had to look at this is that there has to be some major strategic thinking about the physical plant and the infrastructure, and maybe that means making a major financial investment in the building.

Chairman BLUNT. Some of the buildings are being used for archival and other storage now, is that right?

Mr. LEARY. That is right. Exactly. There are a number of facilities around the country that we have. There are some major facilities, there is one in Maryland, there is one in the Stennis facility in Mississippi, and there is another facility out in Colorado. That is a major facility, but we have other smaller facilities.

Chairman BLUNT. From the point of view of your work as a Legislative Branch Inspector General, can you describe the differences in being a Legislative Branch Inspector General and an Executive Branch Inspector General?

Mr. LEARY. Some of them are formal. The Inspector General Act of 1978, the amendments of 1988, the amendment just a couple of years ago, all those apply to Executive Branch Inspectors General. They only informally apply to Legislative Branch Inspectors General. We operate under Title 44 in my agency. My authorities reference the Inspector General Act but do not incorporate it. Things like, look, if my boss wants to fire me, he can fire me.

Chairman BLUNT. You are appointed by the head of the agency, of the GPO?

Mr. LEARY. Right. In the Executive Branch, there is a 30-day notice requirement. If he does not like what I say here today, I can walk back, and he could walk me out. That is one thing that is different. Some of the other harmonizing issues are what do you pay an IG? That is set in law on the Executive Branch side. It is not set in law on my side. Another major issue is law enforcement, and I hope we have time for a more deeper dive into the law enforcement piece of this, but Legislative Branch agencies do not have law enforcement authority vested in them. They have to get it from, and ironically enough, an Executive Branch agency.

Chairman BLUNT. Do you want to talk about the law enforcement piece of this today?

Mr. LEARY. Absolutely.

Chairman BLUNT. Tell me what you are thinking is what you should do from a law enforcement perspective to be sure that your job is being done the way you think it should be done.

Mr. LEARY. The business of the GPO is, I would say, substantially carried out through the awarding of procurement contracts. $387 million in contract money was awarded in the last Fiscal Year through 87,000 or 85,000 different orders. It does not take a brain surgeon to realize there is an opportunity for fraud there. A major part of my responsibilities as an Inspector General is to investigate that fraud. That fraud happens all over the country.

My agents go to all four corners of the country. They were just out in California. We actually have an open investigation in Florida right now. They have to travel to serve warrants, to issue subpoenas, to make seizures, to do interviews, to participate in a sur-

veillance, in joint investigations. All those things involve law enforcement authority. I have seven agents in my investigations division to include my Assistant Inspector-General for Investigations.

When I got into the office, all seven of those positions were authorized law enforcement positions. As of next Friday, two out of seven will be authorized to carry their weapons and execute law enforcement authority. In 3 months, I have lost 75 percent of my law enforcement authority.

Chairman BLUNT. How did that happen?

Mr. LEARY. Because we depended upon an Executive Branch process to provide what we call blanket deputation, which is a period of time to an individual where they were given law enforcement authority, in this case specifically, we had a 10-year relationship with the U.S. Marshal Service. Other agencies, both within the Executive and the Legislative Branch have the same relationship with the Marshal Service. There was a well-instituted process where we would fill out a certification and provide it to them. They would process it, and then they would certify or deputize my agent. They just stopped doing that sometime last year. No explanation, no engagement, and now they do not even answer my emails.

Chairman BLUNT. They being who?

Mr. LEARY. The Marshal Service.

Chairman BLUNT. The Marshal Service does not respond to the need for you to have the agency you traditionally had?

Mr. LEARY. No, either to be re-certified or certified. You know, it seems to me the mistake was we put our trust in a process that relied upon an agency to make, I guess, decisions that depended on who the lawyer was that sat in a particular chair. For 10 years, they thought it was okay. Now they do not think it is okay. I have heard secondhand that they had an issue with separation of powers. As a lawyer myself, and take that for what it's worth, I do not put any real weight on that conversation or that argument. Marshal Services can deputize anybody. There is no separation of powers issues in their authority to do that.

Chairman BLUNT. Give me an example of why your agents need to be deputized and armed. Not a specific example, but give me a hypothetical example of the kinds of things your agents might be looking at in terms of contracts that are fraudulent or—just give us an example of that.

Mr. LEARY. Whenever you serve a warrant, the practice is that somebody needs to be armed because it is an inherently dangerous activity. In fact, I am glad you brought this up at this point. I have two things I would like to submit to the record.

Chairman BLUNT. Alright, what would they be?

Mr. LEARY. One of them is an article that was written by Glenn Fine who is now the Acting IG for the Department of Defense, but at the time was the IG for the Department of Justice, and he wrote an article about the passage of the Homeland Security Act in 2002. That article, there was a provision in that Act that gave law enforcement authority to a number of IG offices, all of them Presidential appointment offices or PAS offices, and he explains why that happened and why the authority was needed.

Interestingly, there is no distinction in here as to why those offices would get it and other offices would not. We perform the same

responsibilities and we have the same functional needs that those offices had. I want to put that in the record because it lays out the argument pretty clearly. The other thing I would like to offer is a Congressional Research Service article that was published a few years ago in 2014 that explains law enforcement authority in the IG community. Both of these will help to lay out why our office needs it, why any office who does fraud investigations should have it.

Chairman BLUNT. Alright, those in the record without objection.

[The information referred to was submitted for the record.]

Chairman BLUNT. Now in addition to serving warrants, are there bid contracts that you think there could potentially be a failure to perform or not enough oversight on the bidding process, or what do you think the problem there may lie?

Mr. LEARY. In the last couple of years, there have been recorded, obviously, we do a lot of procurement contract awards. We have had some cases that we have investigated that involved failure of adequate oversight. There is a high volume of contracting going on. There needs to be better oversight of that by the GPO. I actually submitted a report, I think, to this office recently, that made note of that. It is an issue. They need to be able to oversee the awarding of contracts to ensure——

Chairman BLUNT. Do you think the contracts are always adequately advertised and competed for when they needed to be?

Mr. LEARY. On the issue of advertisement, I cannot say. What I will say is that once they are awarded and how they are internally managed, we observed issues. I think GPO, since these incidences have arisen, have changed their policies. Certainly, they have actually come back to me and agreed with my findings and said that they would change.

Chairman BLUNT. Why wouldn't you know if they changed their policies or not, isn't that your job?

Mr. LEARY. Certainly. I just—I actually have just received about a month ago the response to the report that I issued internally to them about a procurement fraud issue where they said they agreed with the findings. I think they are in the process of making sure that those findings and those recommendations are put into place. It has only been 30 days.

Chairman BLUNT. Okay. Senator Hyde-Smith.

Senator HYDE-SMITH. I think you have done an excellent job addressing this. I share your concerns about the ability to have law enforcement on your side because it is an inherently dangerous position to put yourselves in. I have no further questions.

Chairman BLUNT. I think we are going to, because of votes, I think we are going to draw this to a conclusion here in a minute. Is there anything that you wanted to be sure and a point you wanted to make today that we have not made yet?

Mr. LEARY. No, Senator. I appreciate the opportunity to talk to you particularly about the law enforcement issue. I have restructured my office to be more proactive. I think that is an important principle. I want my agency to know that I am here to partner with them, that I think the more important services that an IG can provide to an agency is to help them be more effective and efficient. I am focusing on inspections as opposed to investigations, and I

think that partnership is much more fruitful to a GPO than simply emphasizing investigations. That is a big piece of what I am doing.

Chairman BLUNT. I noticed one of the people who are here backing you up is from the Library. Is there a reason for that? Do you not have that support in your agency or——

Mr. LEARY. No, actually, just to be clear, Ms. Lehrich was our contract General Counsel until the agency hired Mr. Febbo. Mr. Febbo is the very first General Counsel for the IG at GPO. Prior to that, we obtained contract support, and Ms. Lehrich was actually the part-time General Counsel for me, and the full-time General Counsel for the Library of Congress.

Chairman BLUNT. Got it. Got it. I think we are going to conclude the hearing now. The record will be open until 5 p.m. on July the 31st. I think there are likely to be other questions submitted in writing.

[The information referred to was submitted for the record.]

Chairman BLUNT. This is something that clearly we want to be helpful, supportive of. The comments you have made today about the law enforcement concerns would be significant, and I am sure this will not be the last one of these hearings we will have. The hearing is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

WRITTEN TESTIMONY OF
MICHAEL P. LEARY
INSPECTOR GENERAL
GOVERNMENT PUBLISHING OFFICE

Before the Senate Committee on Rules and Administration
July 24, 2019

Good morning, Chairman Blunt, Ranking Member Klobuchar and Members of the Committee. Thank you for the opportunity to testify before this committee on my first four months as the Inspector General (IG) of the Government Publishing Office (GPO). I look forward to sharing my thoughts on the state of the agency and my office as I first found them, and on my thoughts regarding how the Office of the Inspector General (OIG) can help GPO to succeed in its mission going forward. I will also take this opportunity to identify certain obstacles to accomplishing the OIG mission and to offer my thoughts on how to address them.

As the IG of a legislative branch agency, I see the Congress, through my oversight committee, as not only a stakeholder along with my agency leadership and the public, but also as a partner and advisor. I am fully committed to working closely together with you, maintaining transparency in my interactions with you, and to keeping you fully informed about my findings and recommendations.

My Initial Assessments

The Agency:

I have found the GPO workforce to be professional and highly competent, but also concerned. As you well know, going from 8000 strong to less than 1800 in the course of the last forty years already created significant internal insecurity. The transformation to the digital age, while necessary, has taken a toll. On top of this, the workforce has had a series of acting deputy directors running their agency going on two years, and I sense many have begun to wonder if the administration and Congress are committed to a relevant and competitive GPO.

Based on my observations, the agency has been well managed. The Acting Deputy Director has published a new Five Year Strategy and has continued efforts to modernize agency workforce, equipment and processes. Nonetheless, GPO needs a permanent Director confirmed by the Senate. There are too many senior managers in key positions that have been fleeted up to acting positions for extended periods of time. An appointed and confirmed Director would have the opportunity to articulate a vision for the future, put in place a team to implement that vision, advocate more effectively to the administration and Congress, and lead the workforce.

As a newcomer to GPO, I was very impressed by the historic nature of the agency and the buildings that house it. Our red brick facilities are unique to Washington and the Capitol Grounds and serve wonderfully to remind citizens and lawmakers alike of the agency's long history and its unique role in the government's past. However, it does not move one to contemplate the role GPO will play in the government's future. A quick tour of the main buildings show that time, usage, and multiple short range adjustments have taken their toll on the physical plant. This raises concerns for keeping GPO competitive but also about the well-being and safety for the workforce.

It seems that significant investment is necessary to maintain and upgrade the buildings. A long term solution to this issue lies with the Congress, and GPO's oversight committees in particular, in partnership with an empowered GPO management team.

The OIG:

My initial observations of the Office of Inspector General at the GPO caused me significant concern.

Partially fueled by several high profile investigations, the relationship between the agency and the OIG was clearly marked by distrust. This had manifested itself in reduced interaction, communications, and cooperation. I found the office to be seriously understaffed, which prevented the office from performing the full range of OIG responsibilities.

The relationship of an OIG to its agency is similar to a family doctor. If my doctor tells me I have a serious illness, that is certainly unwelcome news, but it is also helpful. If she tells me to stop smoking or puts me on a fitness plan, that may or may not be welcome but if the doctor is saying it, it's probably going to be helpful. Within the agency, an IG's work is often not welcome, but, if we're doing our job right, it will be helpful. In the past, some of our work was not received as either.

I also believe that several high-profile investigations left the impression that the office prioritized investigations over audits. Naturally, these open investigations attracted the greatest interest both with agency leadership as well as with Congress and the press.

I observed a vacuum in leadership within the OIG. I am the 5th IG over the last year, while there have been either no or acting Assistant IG's for Audits and Investigations for two years. As a result, oversight and continuity in managing the office and its decisions and actions were at best inconsistent. Past IG's had simply not been in place long enough to make programmatic changes.

My Immediate Actions:

The foundation of a relationship between an independent OIG and its parent agency is an understanding of and professional respect for each entities' role and mission, as well as a firm belief that there is value in investing in the relationship. Following are key

actions I have implemented over the last four months to build this understanding and respect:

- I have emphasized with the agency senior leadership that my focus is on proactive inspections, management reviews, performance audits and strategic impact investigations into systemic areas of fraud.
- I have met individually with all the senior leaders to discuss their work, my office and priorities and to build personal lines of communication.
- I have finished or closed almost all open investigative matters of congressional interest that I inherited.
- I have reorganized my office to add an Inspections Division in order to proactively focus on agency management of programs.
- Because they were routine agency functions, I remanded to the agency oversight of two contracts to perform IT penetration testing and PKI testing.
- I have reviewed all open recommendations and either closed or transferred to the agency more than half of them. Frankly, as stated above many of these open recommendations concerned routine agency functions instead of being more broadly focused on improving the overall economy, efficiency, and effectiveness of the GPO.
- I have directed all office handbooks and manuals to be rewritten to ensure the full incorporation of GAGAS and CIGIE standards for all divisions of my office.

(I would note here as well, that I am a full supporter of CIGIE and believe that there are tremendous resources available at CIGIE and in the IG community writ large from which my office can and will benefit.)

- In order to provide better oversight of the OIG and promote internal excellence in its production, the agency has authorized and I am in the process of hiring a new Deputy Inspector General, Assistant IG for Inspections, and a Quality Assurance Officer.
- I have directed my Counselor to oversee a review of the Performance Evaluation process in my office and to personally oversee the hiring process of 12 new positions.
- Within the month, my office will conduct a full day offsite to discuss how to be a positive force for change at the agency.
- I have implemented a policy that all work conducted by my office be team-based and collaborative. I am ending a past practice of individually performed audits, evaluations and investigations. Additionally, my physical space is being transformed into a more open and collaborative configuration allowing all divisions to interact.
- I have met regularly with congressional staff to keep them fully apprised of my observations and OIG reorganization plans.

Current Assessment:

After four months, the relationship between my office and the agency is generally a positive one. My actions to reform my office and change the nature of its relationship with GPO senior management have been supported. I meet regularly with the Acting Deputy Director, Chief Administrative Officer and Chief of Staff, and have asked to meet regularly with the full senior staff. Recently, several new team-based inspections have been favorably received by agency senior managers. GPO has also facilitated my requests for increased staff and office reconfigurations. I will have a better sense of this relationship after I begin the next work plan.

Concerns:

I think it is important to mention here that for my office, and legislative branch OIG's in general, there are issues affecting our independence that were addressed for OIG's in the Executive Branch years ago in the IG Act and its amendments. These issues of independence concern human resources, budgets, database and email access, and the integrity of my physical spaces; as well as protections against summary firing of the Inspector General. In either their cost or implementation, I don't see any easy or inexpensive long term answers. Still, I think the conversation should be had at the congressional level.

To the extent I can address these issues, I have begun discussions with GPO to at the very least obtain verifiable assurances against unauthorized access of my spaces, email and databases, and to ensure flexibility and timeliness in my hiring needs. However these are by definition compromise solutions and stakeholders should understand them as such.

With regard to staff, basically half of my office is vacant. There is a critical need to hire skilled, diversely experienced and motivated individuals to transform my office. I intend to tap into the IG Community for all the help I can get and to aggressively hire as quickly as the GPO HR process will allow. It will take time to see the effects of this reform in the office.

I have a serious concern regarding Law Enforcement Authority for my Special Agents that I believe can only be adequately addressed by Congress. For the last ten years GPO OIG has relied on the US Marshals Service (USMS) for deputation of our special agents. Being deputized allowed them to carry weapons which enabled them to perform a range of law enforcement functions, such as serving subpoenas and warrants, making seizures, and conducting arrests and interviews. Recently, USMS has declined to approve the deputations of our Criminal Investigators and those in other Legislative Branch OIGs.

We train alongside OIG agents in the executive branch, we comply with the same standards, and we all have the same mission. Our agents receive their law enforcement authority through individual, three-year deputations by the Marshals, like many other small OIGs. Since May, 2019 – less than three months ago – I went from 7 deputized positions to now 2. My ability to conduct my responsibilities has been and will continue to be eroded by this development. I look forward to working with the Committee to resolve this matter expeditiously so that we our agents can have all the tools they need to do their job safely and effectively.

The Future - Focus areas for my office and GPO and strategic vision:

My initial impressions and observations are what you might expect. They concern the viability of GPO's business model and the agency's relevancy as a product service provider going forward. I'll be looking at how the OIG might be able to help senior management to succeed. Such things that are critical in the private sector for success in business like customer service, modernized infrastructure and workforce investment, the selection and oversight of contractors, business promotion, and acquisition of leading edge technology are all obvious areas to emphasize down on. To that end I am focusing on three key documents in the next 60 days that will drive the near to mid-range future of my office activities.

These are a new OIG Work Plan for 2020; the next Semi-annual Report to Congress and the next Five Year Strategy for my office. They are each due on October 1st. I also will be examining the current Management Challenges my office is tracking. I believe they are lacking in specificity and have marginal relevance to GPO. They will be reevaluated with the goal of making them more operational, trackable and achievable.

Thank you again for the opportunity to appear before you today. I would welcome the opportunity to continue to work with the Committee as we develop a strategic and operational way forward for the OIG.

U.S. Department of Justice

United States Marshals Service

Tactical Operations Division

Washington, DC 20530-0001

July 30, 2019

MEMORANDUM TO: Inspector General for the Architect of the Capitol
Inspector General for the Library of Congress
Inspector General for the Government Publishing Office

FROM: Heather N. Walker Heather Walker
Acting Assistant Director

SUBJECT: Special Deputation Authority for Employees of Legislative Branch Inspectors General

The Department of Justice has advised the United States Marshals Service (USMS) that it will no longer authorize special deputations of legislative branch personnel for purposes of performing their duties in support of the legislative branch. Such deputations present separation-of-powers concerns and are not "necessary to carry out the powers and duties of the USMS." 28 U.S.C. § 561(f). Accordingly, the USMS will not process any Forms USM-3A, *Applications for Special Deputation*, previously submitted by legislative agencies. In addition, the Special Deputation Authority for all currently deputized employees of the legislative branch will expire on December 31, 2019. Please see attached list of names for each agency.

Should you require further information, please contact Chief Inspector Karen Brown, Special Deputations Branch, at Karen.Brown4@usdoj.gov or 703-740-0916.

Attachment

List of Current Special Deputized Employees of the Legislative Branch Agencies to be Rescinded

Architect of the Capitol-Office of Inspector General

- None at this time.
- Two deputation requests (Scott A. Anderson & James L. Wilson, III)

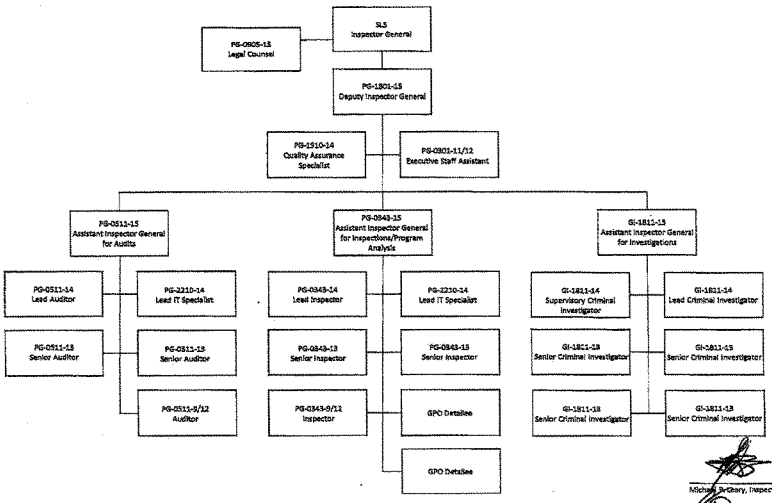
Government Publishing Office-Office of Inspector General

- William J. Brown Jr. (exp. date 5/31/2021)
- James M. Cowan (exp. date 8/31/2020
- Erik D. Duncan (exp. date 12/31/2019)
- Yen H. Pham (exp. 5/31/2021)
- One deputation request (Stephen T. Roy)

Library of Congress-Office of Inspector General

- Justin S. Korber (exp. date 2/28/2021)
- Johnny Rivera (exp. date 3/31/2020)
- One deputation request (Michael Meawad)

OFFICE OF INSPECTOR GENERAL ORGANIZATION CHART – FY2019



8/21/19
Michael A. Chary, Inspector General

7-16-19
Scott W. Crawford, GPO Acting Deputy Director

GLENN A. FINE
Inspector General, Department of Justice

The New Statutory Law Enforcement Authority for OIG Criminal Investigators

For many years, Offices of Inspector General (OIG) sought without success to obtain statutory law enforcement authority for their criminal investigators. In the absence of such authority, OIG investigators had to be deputized as special Deputy United States Marshals to exercise the law enforcement powers necessary to handle their criminal cases. These powers included the authority to carry a firearm, make arrests, and seek and execute search warrants.

In November 2002, the Homeland Security Act, which created the Department of Homeland Security, included provisions that provided statutory law enforcement authority for most Presidentially-appointed Inspectors General (IG).[1] The legislation marked a significant change in the authorities underlying the exercise of law enforcement powers by IGs. It was also a

[1]See P.L. 107-296 § 812. This legislation provided statutory law enforcement authority to 25 Presidentially-appointed IGs who are members of the President's Council on Integrity and Efficiency (PCIE). Three other IGs had been previously granted law enforcement authority in separate statutes: the Agriculture Department in 1981 (P.L. 97-98); the Department of Defense in 1997 (P.L. 105-85); and the Treasury Inspector General for Tax Administration (TIGTA) in 1998 (P.L. 105-206). *See* "Inspectors General Comparison of Ways Law Enforcement Authority is Granted" GAO-02-437 (May 2002). Two IGs—at the Central Intelligence Agency and the Corporation for National and Community Service—did not seek statutory law enforcement authority and were not included in the legislation. The United States Postal Service IG, who is appointed by the agency head and is therefore not a member of the PCIE, was granted statutory law enforcement authority in March 1997 by the Board of Governors of the Postal Service, as authorized by 18 U.S.C. § 3061.

long-overdue recognition of the critical role played by OIG criminal investigators in Federal law enforcement efforts.

This article discusses the background to this important legislation and the reasons for its passage. The article also describes the specifics of the legislation as well as the creation of Attorney General Guidelines that govern the exercise of statutory law enforcement authority by OIGs. Finally, it notes several outstanding issues that should be clarified in the future.

Previous Attempts to Obtain Statutory Law Enforcement Authority

The Inspector General Act of 1978, as amended, requires Presidentially-appointed (PCIE) IGs to "appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations [of the agency]."[2] These include investigations of criminal wrongdoing as well as administrative misconduct.

However, the Inspector General Act did not provide OIG agents with law enforcement authority to make arrests, carry firearms, and execute search warrants. Initially, OIGs were required to obtain this law enforcement authority for individual agents on a case-by-case basis. OIG agents were appointed as Deputy United States Marshals for a specific case and could exercise law enforcement powers only for that case.

The need for case-by-case deputations remained so consistent, and the number of requests so large, that the process became unduly burdensome. Beginning in 1995, the United States Marshals Service (USMS) gave most PCIE IGs "blanket" (office-wide) deputations for their criminal investigators. The blanket deputations lasted for 1 year and were renewed annually by the USMS. In January 2001, the USMS extended the blanket deputations for a 3-year period.

[2]5 U.S.C. App. § 3 (d)(2).

To obtain the blanket deputations, each IG signed a Memorandum of Understanding (MOU) with representatives from the Criminal Division of the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to govern the exercise of law enforcement authority by OIG agents.[3]

Yet, IGs considered deputation an unsatisfactory mechanism for providing law enforcement authority for the approximately 2,800 OIG criminal investigators. The IGs therefore sought legislation to provide statutory law enforcement authority to their criminal investigators. Such legislation was justified for several reasons. First, OIG criminal investigators regularly conducted complex investigations that required the ongoing use of law enforcement authorities. Statutory law enforcement authority would ensure continuity in these investigations and prevent potential disruption when the blanket deputations expired.

Second, statutory law enforcement authority would reduce the administrative and paperwork burden on the USMS, which had to deputize each OIG agent. Statutory authority also would prevent delays in providing new agents the necessary law enforcement authority when they were hired.

Third, OIG investigators had handled their duties professionally for many years and had developed an impressive record of success in criminal investigations. Moreover, OIG investigators are fully trained in the exercise of law enforcement powers. New OIG agents receive an extensive course of training at the Federal Law Enforcement Training Center (FLETC); experienced agents receive periodic refresher training; and OIG agents have to qualify quarterly with their firearms.

Finally, the proposed legislation provided for enhanced oversight of the OIGs' exercise of law enforcement authority. The USMS had no authority over OIGs and had done little to oversee the

[3]Because of its role in overseeing the USMS and DOJ, the DOJ OIG did not enter into an MOU, but instead received its blanket deputation based on an order to the USMS from the Attorney General.

exercise of law enforcement authority by the deputized investigators, beyond providing the initial deputation and renewing the deputation periodically. Nor did the DOJ provide significant oversight. The legislation, by contrast, proposed that the Attorney General would oversee the exercise of statutory law enforcement authority and would implement Guidelines to govern OIG law enforcement powers. The legislation also proposed that external peer reviews of OIG criminal investigators, similar to the peer review process applying to OIG auditors, would be implemented to ensure that each OIG Investigations Division has proper internal safeguards and management controls in place.

Deputy Attorney General Eric Holder agreed that statutory law enforcement authority for OIGs was justified, and in February 2000 the DOJ submitted to Congress proposed legislation to provide such authority. On July 19, 2000, the Senate Committee on Governmental Affairs held a hearing on the proposed legislation. Testifying in support of it were DOJ Associate Deputy Attorney General Nicholas Gess, Executive Associate Director and Comptroller for the Office of Management and Budget Joshua Gotbaum, and three IGs (Gaston Gianni, the FDIC IG and Vice Chair of the PCIE; Patrick McFarland, the Office of Personnel Management IG and the chair of the PCIE Investigations Committee; and Kenneth Mead, the Transportation IG and the chair of the PCIE Legislation Committee).

Shortly after the hearing, Senator Fred Thompson, the Chair of the Senate Committee on Governmental Affairs, introduced legislation, S. 3144, based on the DOJ proposal. However, some FBI representatives expressed their opposition to the legislation to Members of Congress, and the bill stalled. When the 106th Congress adjourned at the end of 2000, the legislation died.

Passage of the Legislation

In the 107th Congress, on May 16, 2002, Senator Thompson and Senator Joseph Lieberman reintroduced legislation to provide statutory law enforcement authority to OIG investigators.[4] Unlike in the previous Congress, the bill passed the Senate quickly and without opposition. While the bill was awaiting action in the House of Representatives, its provisions were added to the Homeland Security Act, which was on a fast track for passage. No Member of Congress expressed opposition to the provisions providing statutory law enforcement authority, and the provisions survived intact when the Homeland Security Act was enacted in November 2002.

Passage of this statutory law enforcement legislation was attributable to several factors. First, it was supported by the entire PCIE community and was aided greatly by the groundwork that had been laid over several years by the hard work of many IGs, past and present, and their staffs. For example, OIG staff conducted scores of briefings for Congressional Members and staff about the need for the legislation. In addition, the PCIE Legislation Committee and the Investigations Committee actively and energetically championed the legislation. Several OIGs also avoided the temptation to seek law enforcement authority for themselves alone in separate legislation, and instead supported the bill for the entire OIG community.

Second, the legislation was aggressively promoted by several key Congressional supporters, particularly Senators Thompson and Lieberman. One staff member in particular, William Outhier from the Senate Governmental Affairs Committee, worked tirelessly in support of the legislation.

Third, the DOJ was persuaded of the need for the legislation and made its support for it clear. In particular, Deputy Attorney General Larry Thompson was instrumental in this effort. As a result of his support, the DOJ Criminal Division

[4]This legislation was virtually identical to the bill that stalled in the previous Congress. The bill included coverage for the Tennessee Valley IG because that IG had been converted to a Presidential appointment. Also added was the IG for the Department of Homeland Security.

re-thought its long-standing opposition to statutory law enforcement for OIG investigators.

Fourth, to its credit the FBI also revisited its historic opposition to the legislation. After the terrorist attacks of September 11, 2001, the FBI refocused its priorities and resources to counter-terrorism, and it recognized that other state and Federal law enforcement agencies—including OIGs—had a critical role in handling many matters that the FBI previously investigated. After a series of meetings with several IGs, the Assistant Director in charge of the FBI's Criminal Investigative Division and ultimately FBI Director Robert Mueller agreed to support the legislation. The FBI then followed through with its commitment. On October 4, 2002, Director Mueller wrote a letter to Senator Thompson announcing the FBI's support for the bill. This letter was instrumental in convincing key Members of Congress to support the legislation.

Finally, the bill made sense and was amply justified. The legislation did not expand the jurisdiction or authorities of OIG investigators. Rather, it recognized that OIG investigators had exercised law enforcement authority responsibly and professionally for many years and that they deserved permanent law enforcement authority. Moreover, as described in the next section, the bill provided reasonable mechanisms for improved operation and oversight of OIG law enforcement authority.

Provisions of the Legislation

The enacted legislation allows each covered PCIE IG, each Assistant Inspector General for Investigations (AIGI), and any agent supervised by the AIGI to:

1. Carry a firearm while engaged in official duties;
2. Make an arrest without a warrant while engaged in official duties; and
3. Seek and execute arrest warrants and search warrants.

See Section 812(a). These powers are provided to 25 Presidentially-appointed IGs specifically listed in the Act. In addition, the Attorney General can extend these statutory authorities to other IGs who are able to demonstrate the need for such authority. *Id.*

The legislation also directs the Attorney General to oversee the exercise of these authorities. The Attorney General is required to issue, and revise as appropriate, Guidelines governing the exercise of these powers. According to the legislation, these Guidelines have to include, at a minimum, the operational and training requirements that were contained in the existing MOUs between the IGs and DOJ. *See* Section 812(b).

The Attorney General can rescind or suspend the law enforcement powers granted by the legislation to any OIG, or to any individual investigator, if that OIG or investigator has not complied with the Guidelines or if there is no longer a need for the particular OIG to exercise the statutory authorities. *See* Section 812(a).

Finally, the OIGs granted law enforcement authority by the legislation must enter into an MOU among themselves to establish an external peer review process. According to the legislation, the exercise of law enforcement powers by each OIG has to be reviewed by another OIG or by a committee of IGs, and the results of each peer review must be communicated in writing to the applicable IG and to the Attorney General. *See* Section 812(a).

Attorney General Guidelines

The Attorney General Guidelines required by the legislation were developed in consultation with the OIG community. Consistent with the legislative requirement that the Guidelines be based on the existing MOUs, the Guidelines are developed by converting the MOUs into Guideline form, and then soliciting suggested changes from OIGs, the FBI, and the DOJ Criminal Division. During the drafting process, OIGs provided several suggested

changes, many of which are being incorporated in the Guidelines.

The following briefly discusses the highlights of the Attorney General Guidelines, as they are emerging this year, particularly focusing on changes to the requirements of the existing MOUs:

1. **Training.** Like the MOUs, the Guidelines require that OIG investigators who exercise law enforcement powers must complete a course of training at FLETC or a comparable course. Additionally, OIGs must provide periodic refresher training to their agents.
2. **Mutual Notification.** The Guidelines clarify the current requirement in the MOUs that OIGs and the FBI notify each other when they initiate any criminal investigation in any matter in which they have concurrent jurisdiction. The Guidelines state that the mutual notice must be in writing, to the appropriate local office, and shall include, at a minimum and where available, the subject's name, date of birth, social security number, and any other case-identifying information, such as the allegation on which the case was predicated and the date the case was opened or the allegation received.
3. **Joint Investigations.** The MOUs stated that in cases involving especially sensitive targets any OIG investigation had to be conducted jointly with the FBI.[5] The Guidelines changed this requirement. According to the Guidelines, notice must be given to the FBI of allegations involving sensitive targets, and the FBI can join the case. However, the requirement that the case must be conducted jointly with the FBI was eliminated.
4. **Sensitive Undercover Operations.** In cases involving an undercover operation involving "sensitive circumstances,"[6] the MOUs required the cases to be conducted jointly with the FBI. The Guidelines were changed to allow the FBI to join a case involving a sensitive undercover operation but do not require that the case be conducted jointly with the FBI. The Guidelines also establish a separate OIG Criminal Undercover Operations Review Committee, similar to the review committee used for sensitive FBI undercover operations, to review OIG undercover operations involving "sensitive circumstances" when the FBI is not involved in the case.
5. **Adherence to DOJ Policies on Criminal Investigations.** The Guidelines restate the requirement in the MOUs that OIG criminal investigations must adhere to DOJ policies applicable to criminal investigative practices. These include the Attorney General Guidelines on General Crimes, Racketeering Enterprise, and Terrorism Investigations; the Attorney General Guidelines Regarding the Use of Confidential Informants; and the Attorney General's Memorandum on Procedures for Lawful, Warrantless Monitoring of Verbal Communications. As in the MOUs, the Guidelines require that OIGs abide by the deadly force policy established by the DOJ.
6. **Consultation with a Prosecutor.** As in the MOUs, the Guidelines require OIGs to consult with a prosecutor at an early stage in a criminal investigation to ensure that

[5]These included cases involving Members of Congress, Federal judges, or high-level Executive branch officials; a significant investigation of a public official for bribery, conflict of interest, or extortion; a significant investigation of a law enforcement official; and an investigation of a member of the diplomatic corps of a foreign country.

[6]These sensitive circumstances include undercover operations involving authorized criminal activity, the operation of a proprietary business, a substantial risk of harm to any individual, or the targeting of a high-level public official.

the allegations, if proven, would be prosecuted. The Guidelines, like the MOUs, also require specific prosecutor concurrence for certain investigative techniques involving the use of informants and cooperating witnesses.

7. **Annual Written Reports.** In the MOUs, the OIGs were required to make an annual written report to the DOJ Criminal Division that included details about the number of times that law enforcement authorities were used by the OIGs and the names of the Federal prosecutors assigned to the investigations. The Guidelines streamline this requirement, requiring only that each OIG's annual report contain data on the number of investigations, undercover operations, and electronic surveillances that were used, as well as any significant and credible allegations of abuse of law enforcement powers by an OIG agent. The annual report, due on November 1, is sent to the Attorney General.
8. **Agency-Specific Addenda.** The Guidelines permit the Attorney General and an individual OIG to enter into agency-specific agreements to cover individual circumstances of that OIG.
9. **Peer Reviews.** Consistent with the legislation, the Guidelines state that the OIGs provided statutory law enforcement authority by the legislation must implement a collective MOU establishing a peer review process. The purpose of these peer reviews is to ascertain whether internal safeguards and management procedures exist to ensure that law enforcement powers are exercised properly. Through the PCIE Investigations Committee, the affected IGs established a detailed peer review guide to comply with the legislation and the Attorney General Guidelines. Each covered IG agreed in a collective MOU to follow the peer review process.

The peer review guide was developed by criminal investigators and supervisors from several OIGs. The guide is designed to ensure that OIGs follow the procedures established by the Attorney General Guidelines, as well as by the "Quality Standards for Investigations" adopted by the PCIE and Executive Council on Integrity and Efficiency (ECIE).

As a result, each OIG will both undergo a peer review by another OIG and will also conduct a peer review of a different OIG. Generally, OIGs will review another OIG of a similar size. The peer reviews are to occur once every 3 years, beginning in November 2004.

Outstanding Issues

Several issues remain unresolved in connection with OIG statutory law enforcement authority. One issue is whether the mutual notification requirements in the Attorney General Guidelines will prove workable. When the Guidelines were being developed, the FBI argued that the mutual notification should be in writing rather than oral. It also insisted that it would comply with the written notification procedures and provide timely notice to the OIGs about FBI investigations that are within the OIG's and FBI's concurrent jurisdiction. In the past, according to many OIGs, the notification often was one-way—from the OIGs to the FBI—despite the MOU requirement that the notification be mutual. Many OIGs stated that they often learned of FBI investigations in their agencies belatedly, sometimes only after an arrest was made. While FBI officials now insist they will adhere to the written notification requirements in the Attorney General Guidelines, many OIGs believe this issue may continue to be problematic.

Another important issue is whether OIG criminal investigators may carry their firearms at all times, like many other Federal law enforcement agents. The legislation and the Attorney General Guidelines allow covered individuals to "carry a

firearm while engaged in official duties as authorized under this Act or other statute, *or as expressly authorized by the Attorney General."* [Emphasis added.] Many IGs believe, for several reasons, that their covered agents should be able to carry their firearms at all times. Other law enforcement agents—such as FBI agents, Secret Service agents, and Department of Homeland Security immigration agents—are permitted to carry their weapons at all times. Like them, OIG agents are required to respond at all hours to incidents that need to be investigated and should be able to have their firearms with them to be able to respond quickly. Also, OIG agents may be confronted at any time by subjects of their investigations, some of whom are career criminals and who may be armed. This presents a safety issue to OIG agents. In addition, OIG agents should be prepared to respond to criminal or terrorist activities in their presence even when they are off duty. This rationale is particularly important in light of the heightened terrorist alerts after the September 11 attacks.

However, the DOJ Criminal Division has indicated that it opposes granting OIG agents authorization to carry weapons at all times. It also makes a legal argument that the statute does not give the Attorney General the authority to allow OIG agents to carry their weapons while not on official duty.[7] In the Criminal Division's view, carrying weapons off duty in most cases is beyond the authority established by the Inspector General Act, and an amendment to the Act or special deputations would be required to permit most OIG agents to carry weapons while not on official duty. However, many OIGs believe that the language of the statute and the Attorney General's supervisory authority over the Department of Justice, including the USMS, allow the Attorney General to permit OIG agents to carry weapons at all times, and that the Attorney General should do so.

This issue may be resolved by pending legislation, the Law Enforcement Officers Safety Act,[8] which allows law enforcement officials to carry concealed weapons, notwithstanding any contrary state law. The legislation was designed to allow law enforcement officials to carry weapons off duty and when traveling across state lines. The legislation is sponsored by Senator Ben Campbell, Senator Orrin Hatch, and 31 other Senators from both parties. The Administration and the DOJ have not taken a position on this legislation.

In describing the need for this legislation, Senator Campbell stated that it would allow law enforcement agents to respond to terrorist incidents and also to protect themselves from the subjects of their investigations. Senator Leahy, in announcing his support for the bill, stated that it would "allow thousands of equipped, trained and certified law enforcement officers, whether on or off duty or retired, to carry concealed weapons in most situations, thus enabling them to respond immediately to a crime." The Senate Judiciary report accompanying the bill aptly stated:

> Law enforcement officers are never "off duty." They are dedicated public servants trained to uphold the law and keep the peace. When there is a threat to the peace or to our public safety, law enforcement officers are sworn to answer that call. The Law Enforcement Officers Safety Act of 2003 enables law enforcement officers nationwide to be armed and prepared when they answer that call, no matter where, when, or in what form it comes.[9]

[7]In the Criminal Division's view, the phrase "as expressly authorized by the Attorney General," allows the Attorney General to expand the type of official duties during which an OIG agent can carry a weapon, but it does not allow the Attorney General to authorize OIG agents to carry weapons while off duty.

[8]This bill, S. 253, is currently pending in the Senate. A companion bill, H.R. 218, is pending in the House of Representatives.

[9]Senate Report 108-29 (The Law Enforcement Officers Safety Act of 2003).

Conclusion

The passage of statutory law enforcement legislation marked a watershed event in the history of OIGs. It recognized that OIG criminal investigators, who have a long record of responsibly handling their law enforcement duties, are permanent and valued members of the Federal law enforcement community. With statutory law enforcement authority, OIG investigators are now in a better position to continue their impressive record of accomplishments.



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Offices of Inspectors General and Law Enforcement Authority: In Brief

Wendy Ginsberg
Analyst in American National Government

September 8, 2014

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CRS REPORT
Prepared for Members and
Committees of Congress

Summary

Federal inspectors general (IGs) have been granted substantial independence and powers to combat waste, fraud, and abuse within designated federal departments and agencies. To execute their missions, offices of inspector general (OIGs) conduct and publish audits and investigations—among other duties. Established by public law as permanent, nonpartisan, and independent offices, OIGs exist in more than 70 federal agencies, including all departments and larger agencies, along with numerous boards and commissions and other entities. Many OIGs have been vested with law enforcement authority to assist their investigations.

This report provides background on federal offices of inspectors general and their law enforcement authorities in investigations.

In this report, law enforcement authority is generally defined as having the legal authority to

- carry a firearm while engaged in official duties;
- make an arrest without a warrant while engaged in official duties; and
- seek and execute warrants for arrest, search of premises, or seizure of evidence.

This report identifies the laws and regulations that vest certain OIGs with law enforcement authority, which permits the use of guns and ammunition. This report also describes some of the requirements and expectations of OIGs that have law enforcement authority, and includes some reasons that OIGs have expressed a need for law enforcement authority.

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Introduction

Federal inspectors general (IGs) have been granted substantial independence and powers to combat waste, fraud, and abuse within designated federal departments and agencies. To execute their missions, offices of inspector general (OIGs) conduct and publish audits and investigations—among other duties.

In some cases, employees within federal offices or inspectors general are vested with law enforcement authority. For the purposes of this report, law enforcement authority is generally defined as having the legal authority to

- carry a firearm while engaged in official duties;[1]
- make an arrest without a warrant while engaged in official duties; and
- seek and execute warrants for arrest, search of premises, or seizure of evidence.[2]

According to some OIGs vested with law enforcement authority, these authorities are essential to certain missions of the office. In some cases, for example, OIG law enforcement officers conduct investigations that pose potential safety risks.

This report provides a list of the statutes and regulations that are used to vest OIGs with law enforcement authority. It also provides resources that add context to what some OIGs say is a need for law enforcement authority in their offices.

Why Purchase Weapons and Ammunition?

Each federal agency, including OIGs, has a unique mission, and, therefore, a unique purpose for its law enforcement authority. In some cases, especially when Congress and the public demonstrate concern about the agency's weapons procurement, an agency may release a public statement detailing its law enforcement authority and its need to acquire weapons or ammunition.

For example, in August 2012, the Social Security Administration's (SSA's) OIG posted information on its blog explaining an ammunition purchase that garnered public attention. According to an excerpt from the post,

> Media reports expressed concerns over the type of ammunition ordered. In fact, this type of ammunition is standard issue for many law enforcement agencies. OIG's special agents use this ammunition during their mandatory quarterly firearms qualifications and other training

[1] Offices of inspectors general are "independent and objective units" within federal departments or agencies. Law enforcement authority permits certain OIG employees to carry firearms, among other authorities. Generally, an agency contracting office—not the OIG—purchases the goods and services an OIG needs to perform its mission, such as weapons, ammunition, and other law enforcement-related equipment and supplies. The Special Inspector General for Afghanistan Reconstruction, however, is provided explicit statutory contracting authority in its authorizing legislation (P.L. 110-181; National Defense Authorization Act for Fiscal Year 2008).

[2] Component agencies within a larger federal department or entity may be vested with statutory law enforcement authorities. The law enforcement authorities of federal agencies other than OIGs are beyond the scope of this report.

> sessions, to ensure agent and public safety. Additionally, the ammunition our agents use is the same type used at the Federal Law Enforcement Training Center.[3]

In another, more recent example, the U.S. Department of Agriculture's (USDA's) OIG received inquiries about OIG solicitations for weapons and body armor. The procurement pertained to the OIG's effort to replace automatic firearms with new semi-automatic firearms.[4] On May 19, 2014, Mr. Paul Feeney, deputy counsel at the OIG, sent the following response to questions about the procurement:

> The Inspector General Act of 1978 authorized OIG to, among other duties, pursue criminal activity, fraud, and abuses impairing USDA's program and operations. The criminal investigation responsibilities and impact of OIG are quite extensive—from fiscal year 2012 through March 2014, OIG investigations pertaining to USDA operations have obtained over 2,000 indictments, 1,350 convictions, and over $460 million in monetary results. OIG Special Agents are authorized to make arrests, execute warrants, and carry firearms.
>
> Regarding the need for weapons' procurements, and for defensive vests, USDA OIG's Investigations division conducts hundreds of criminal investigations each year, some of which involve OIG agents, USDA employees, and/or members of the public facing potentially life threatening situations. OIG special agents regularly conduct undercover operations and surveillance. The types of investigations conducted by OIG special agents include criminal activities such as fraud in farm programs; significant thefts of Government property or funds; bribery and extortion; smuggling; and assaults and threats of violence against USDA employees engaged in their official duties.[5]

Sources That Vest OIGs with Law Enforcement Authority

Generally, there are three ways that an OIG can be vested with law enforcement authority.

- First, and most commonly, an OIG can be vested with law enforcement explicitly pursuant to Section 6(e)(3) of the IG Act of 1978, as amended (5 U.S.C. (IG Act) Appendix, Section 6(e)(4); hereinafter referred to as the IG Act).

[3] Social Security Administration Office of Inspector General, "Social Security's OIG Responds to Concerns Over Ammunition Procurement," at http://oig.ssa.gov/newsroom/blog/2012/08/social-securitys-oig-responds-concerns-over-ammunition-procurement.

[4] Pursuant to the Gun Control Act (GCA) of 1968, the term "semiautomatic rifle" is defined as any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge (18 U.S.C. §921(a)(28)). "Semiautomatic pistol" and "rifle" are similarly defined in the Code of Federal Regulations (27 C.F.R. §478.11).

By comparison, pursuant to the 1934 National Firearms Act (NFA), the term "machine gun" is defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term also includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person (26 U.S.C. §5845(b)). Enacted as part of the Internal Revenue Code, the NFA levies taxes on all aspects of the manufacture/importation and distribution of such firearms, and requires that these firearms and their owners be registered at every point the firearms change ownership in the chain of commerce.

[5] Information provided to the author by USDA's OIG on May 19, 2014.

- Second, an OIG can be vested with law enforcement authority by the Attorney General pursuant to criteria articulated in several provisions of Section 6(e) of the IG Act of 1978.
- Third, an OIG can be vested with law enforcement authority pursuant to statute outside of the IG Act of 1978, as is the case with six federal entities described below.

The Inspector General Act of 1978

Explicit Statutory Authority

As shown in **Table 1**, the IG Act provides direct law enforcement authority to 25 federal entities explicitly named in Section 6(e)(3) of the act.

Table 1. Federal Offices of Inspectors General Vested with Law Enforcement Authority Pursuant to Section 6(e)(3) of the IG Act of 1978, as Amended

Department of Commerce	Federal Deposition Insurance Corporation
Department of Education	Federal Emergency Management Agency[a]
Department of Energy	General Services Administration
Department of Health and Human Services	National Aeronautics and Space Administration
Department of Homeland Security	Nuclear Regulatory Commission
Department of Housing and Urban Development	Office of Personnel Management
Department of the Interior	Railroad Retirement Board
Department of Justice	Small Business Administration
Department of Labor	Social Security Administration
Department of State	Tennessee Valley Authority
Department of Transportation	Agency for International Development
Department of the Treasury	Environmental Protection Agency
Department of Veterans Affairs	

Source: 5 U.S.C. (IG Act) Appendix, §6(e)(3).

a. The Federal Emergency Management Agency (FEMA) is a component agency of the Department of Homeland Security (DHS), and, therefore, the DHS IG oversees this component agency as well as other component agencies. FEMA does not have its own OIG. Therefore, although 25 federal entities are explicitly vested with law enforcement authority in the IG Act, in practice, 24 OIGs are vested with law enforcement authority.

Authority Delegated by the Attorney General

As noted earlier, pursuant to Section 6 of the IG Act, the Attorney General is authorized to delegate law enforcement authority when

1. an OIG "is significantly hampered in the performance of responsibilities ... as a result of the lack of such powers";

2. "assistance from other law enforcement agencies is insufficient to meet the need for such powers"; and
3. "adequate internal safeguards and management procedures exist to ensure proper exercise of such powers" (5 U.S.C. (IG Act) Appendix, Section 6(e)(2)).[6]

The Attorney General has vested the OIGs within the 10 agencies listed below with law enforcement authority.

- The National Archives and Records Administration
- Amtrak
- The Peace Corps
- The Board of Governors of the Federal Reserve and Consumer Financial Protection Bureau
- The Corporation for National and Community Service
- The Export-Import Bank of the United States
- The National Science Foundation
- The Federal Housing Finance Agency
- The Securities and Exchange Commission
- Special Inspector General for Afghanistan Reconstruction.[7]

Law Enforcement Responsibilities and Requirements Pursuant to the IG Act

The IG Act authorizes the Attorney General to promulgate guidelines "that govern the use of law enforcement powers" for these OIGs.[8] On December 8, 2003, then-Attorney General John Ashcroft promulgated such guidelines, providing OIGs further detail on their law enforcement authorities' scope and limitations.

Within these guidelines, Mr. Ashcroft wrote that employees within the OIGs who qualify for law enforcement authority are required to complete various training, including the Basic Criminal Investigator Training Program (or equivalent) and initial and "refresher firearms training and

[6] Federal law and regulation (28 U.S.C. §566(c), 28 U.S.C. §561, and 28 C.F.R. §0.112) authorize the U.S. Marshals Service to deputize certain federal employees—which in some cases include OIG employees—with the ability to use existing law enforcement authorities across state boundaries to pursue particular investigations. See also U.S. Marshals Service, "17.11 Special Deputation Program, Tactical Operations Division (TOD)." According to the U.S. Marshals Service, certain employees within the OIGs of the following agencies are currently deputized by the Marshals Service: Amtrak, the Government Printing Office, the Library of Congress, the National Science Foundation, the Office of Personnel Management, the Smithsonian Institution, and the Social Security Administration. Additionally, Department of Labor OIG employees currently involved in a joint task force under the direction of the Federal Bureau of Investigation have Marshals Service deputation. Information provided to the author from the U.S. Marshal Service via email on July 24, 2014.

[7] Information provided from the Department of Justice to the author via email on September 8, 2014.

[8] 5 U.S.C. (IG Act) Appendix, §6(e)(4)

qualification."[9] OIGs are also required to heed the Department of Justice's (DOJ's) deadly force policy.[10]

According to Mr. Ashcroft's guidelines, OIGs vested with law enforcement authority through the IG Act must provide "periodic refresher" training in trial processes; federal criminal and civil legal updates; interviewing techniques and policy; law of arrest, search, and seizure; and physical conditioning and defensive tactics.[11] Additionally, the OIGs are responsible for following other DOJ law enforcement related policies and guidelines, must consult with DOJ before using electronic surveillance, and must receive other approval before beginning an undercover investigation.[12]

Other OIGs with Law Enforcement Authority

Statutes That Vest Law Enforcement Authority

As shown in **Table 2**, five additional OIGs are provided law enforcement authority through laws outside of the IG Act.

Table 2. Department and Agency OIGs with Law Enforcement Authority Provided by Statutes Outside of the IG Act of 1978, as Amended

Agency	Statutory Law Enforcement Authority
Department of Agriculture	Agriculture and Food Act of 1981; P.L. 97-98, Sec. 1337; 95 Stat. 1294; 7 U.S.C. §2270.
Department of Defense	Some law enforcement authority is provided by the National Defense Authorization Act of 1998; P.L. 105-85, Sec. 1071; 111 Stat. 1897; 10 U.S.C. §1585a; with authority to carry firearms delegated from the Secretary pursuant to 10 U.S.C. §1585.
U.S. Postal Service	Omnibus Consolidated Appropriations Act, 1997; P.L. 104-208. Sec. 207; 110 Stat. 3009-379; 39 U.S.C. §2009 note.
Treasury Inspector General for Tax Administration	Internal Revenue Service Restructuring and Reform Act of 1998; P.L. 105-206, Sec. 1103; 112 Stat. 707; 5 U.S.C. Appendix, §8D.
Special Inspector General for the Troubled Asset Relief Program	Special Inspector General for the Troubled Asset Relief Program Act of 2009; P.L. 111-15; 12 U.S.C. §5231(d)(3).

[9] Office of the Attorney General, "Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority," p. 2, at https://www.ignet.gov/pande/standards/agleguidelines.pdf. Training is required to take place at the Federal Law Enforcement Training Center.

[10] U.S. Department of Justice, "Policy Statement: Use of Deadly Force," at http://www.justice.gov/ag/readingroom/resolution14b.htm.

[11] Office of the Attorney General, "Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority," p. 2, at https://www.ignet.gov/pande/standards/agleguidelines.pdf.

[12] Ibid. For additional information on the requirements associated with an OIG's receipt of law enforcement authority, see Glenn A. Fine, "The New Statutory Law Enforcement Authority for OIG Criminal Investigators," *The Journal of Public Inquiry*, Spring/Summer 2003, pp. 15-22, at http://www.ignet.gov/randp/sp03jpi.pdf.

Inspector General Law Enforcement Staff Statistics

The Department of Justice's Bureau of Justice Statistics maintains a *Census on Federal Law Enforcement Officers*, which includes data on the number of federal employees who are authorized to carry firearms.[13] The most recent report available states that 33 OIGs had a total of 3,501 agents who were authorized to carry firearms in September 2008.[14] Additionally, the report states that no law enforcement officers within an OIG were assaulted or injured in 2008.[15]

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[13] U.S. Department of Justice, "Federal Law Enforcement Officers, 2008," June 2012, at http://www.bjs.gov/content/pub/pdf/fleo08.pdf.

[14] Ibid., p. 6.

[15] Ibid., p. 9.

Senate Committee on Rules and Administration

Oversight of the Government Publishing Office - Office of the Inspector General
July 24, 2019
Questions for the Record

Mr. Michael P. Leary

Thank you for the opportunity to share my thoughts about the Government Publishing Office (GPO) and the GPO Office of Inspector General (OIG). I have been serving as the GPO Inspector General since April 14, 2019 and since that point have been assessing both the needs of the GPO and restructuring the GPO OIG to best help GPO succeed in its mission going forward. In these first few months I have begun to understand an agency responding to the incredible changes and opportunities presented by the digital age to the federal architecture – and GPO in particular. In answering your questions for the record following my initial appearance before your committee, it should be understood that my understanding and approach to the challenges of running my office and serving the GPO will continue to grow and evolve. I am fully committed to working closely with Congress, through my oversight committees and their staff and keeping you fully informed about my findings and recommendations.

Questions provided by Chairman Roy Blunt

1. **What are your initial impressions of the GPO after your first 90-days at the agency? What is the GPO doing well and with what matters is it struggling?**

As stated in my written testimony, my initial impression is that the GPO workforce is professional, and competent, and close knit. However, it is also my impression, that they are concerned about the future of the agency. In my opinion, based off my initial observations, is that there is a concern about commitment beyond the agency. The extended period without a confirmed Director can be understood as complacency towards this agency and cannot but affect the agency's view of itself. The current leadership is dedicated to the success of GPO. The agency has published a current Five Year Strategy and has continued targeted efforts to modernize agency workforce, equipment, and processes. However, a permanent director has inherent empowerment that represents commitment and translates into a tangible effect on the morale of the workforce. Examples of this extend beyond just articulating broad strategy to implementing specific efforts towards reshaping the workforce, developing effective long term business opportunities, and infrastructure investment. These are all long term efforts that require a permanent leadership working in partnership with Congress and other stakeholders.

2. **The GPO is an agency in transition with many recent retirements of longtime employees at the executive leadership level. How is the agency functioning with many of its executive leadership team serving in an acting capacity?**

GPO's existence has its roots in its most important responsibility, which, among other things, is to print the record of daily proceedings of the Congress. Adding to that its print procurement role in the government, including secure documents such as passports, my initial impression is that those areas are well-managed and functioning. However, with a wide-ranging mission and multiple challenges in transforming from a print-centric to a digital content-centric publishing operation, GPO needs a permanent Director confirmed by the Senate. An appointed and confirmed Director

would have the opportunity to articulate a vision for the future, put in place a team to implement that vision, advocate more effectively to the administration and Congress, and lead the workforce.

3. In your opinion, what are the top three challenges the next Director of the GPO will face upon arrival and which challenge should the Director address first?

Obviously, the next Director will have a number of challenges. An initial challenge will be setting-up the leadership team and developing and articulating a vision for the future. In order to be relevant and competitive, GPO must be able to attract and retain a highly qualified workforce while competing with a private market that can act with more agility and resources. As with any Director of an agency, the new Director will need to ensure GPO employs leading and secure technology. Given the volume of orders and number of vendors managed by GPO, the new Director will need to ensure that GPO acquisitions operations are fully staffed and have the policies and procedures in place to oversee a transparent and efficient acquisitions process.

4. The GPO implemented its five-point strategic plan for FY 2018-FY 2022 shortly before the departure of Director Davita Vance-Cooks. Do you think the agency is achieving progress towards its goals?

I think the current acting leadership has been committed to using the GPO strategy as a tool to focus their priorities and decisions. However, because the goals as written, seem to be broader and enduring *aspirations* as opposed to articulating a definite end state or goal, success is not best measured in terms of "progress" but relative improvements – "is GPO better or worse than before?" This is a distinction with a difference. In fact, each of the five GPO goals has an individual set of "strategies" to aid in achieving each goal instead of "objectives;" meaning that without a definite way to measure progress, the better question with the GPO Strategy is "What is an adequate improvement against an aspirational goal?" Such relative assessments can often be unhelpful. My office's Five Year Strategy will focus on deliverables as opposed to relative assessments which I believe will act as a counter-balance to the agency's approach.

5. Does the GPO strategic plan address any of the agency challenges you previously mentioned? Would you recommend the next GPO Director continue working through the current strategic plan or implement a new strategic plan to better address the agency's challenges?

I would expect that any new director would have prepared thoroughly for their new responsibilities before taking office. By evaluating the agency in its current operations, studying its current strategy, budget documents, and annual reports, etc., a new director should have a well formed vision and a plan for their first 90 days. Such preparations should include evaluating how well the current strategy aligns with their own analysis. Regardless of a new director's estimate of current practice, I personally believe that a new director should take the opportunity to speak directly to the workforce and the stakeholders early and issue their own strategy and vision upon taking office.

6. Two points of the GPO's strategic plan focus on exceeding stakeholder's expectations and promoting collaboration and innovation within the government. Have you witnessed GPO's efforts towards these goals during your tenure thus far?

I don't have a strong basis for saying that GPO is succeeding on these two goals; however, my office is initiating a new inspection that directly addresses one of these goals and I am evaluating focus areas for our 2020 work plan that may include Goal 4 of the GPO Strategy.

7. **As the use of technology in society has advanced, the mission of the GPO has had to adapt to the changing times. GPO has transitioned from being a print-focused agency to a publishing-focused agency. Two points of the GPO strategic plan focus on enhancing access to government documents and strengthening GPO's position as the government-wide authority on publishing. How do you feel GPO's modernization efforts in the field of publishing are progressing?**

I am aware of specific initiatives in these areas, such as the FDLP and Web access to a growing library of historical and current government documents. As part of my work plan for 2020 and in my new strategy, we will examine the best ways my office can help the agency to make progress towards these goals.

8. **The final focus of the GPO strategic plan is to engage employees and enhance internal operations. What is your sense of employee morale at the GPO currently? What do you think the next Director needs to do to achieve this goal?**

In my experience, employee morale is a relatively simple function of job security and usefulness. As I said in my testimony, I worry that the lack of a permanent director, eroding infrastructure, and a shrinking agency impacts the sense of relevance and security within the workforce.

9. **What were your first impressions of the state of the GPO OIG office when you arrived?**

As previously stated in my written testimony, my impression was the relationship between the agency and the OIG was clearly marked by distrust. I attributed this sense of distrust, partially due to several high profile investigations and the belief that investigations were the first choice for addressing effectiveness and efficiency. This had manifested itself in reduced interaction, communications, and cooperation. I also found the office to be seriously understaffed, which prevented the office from performing the full range of OIG responsibilities. I observed a vacuum in leadership within the OIG. I am the 5th IG over the last year, while there have been either no or acting Assistant IG's (AIG) for Audits and Investigations for over two years. As a result, oversight and continuity in managing the office and its decisions and actions were, at best, inconsistent. Past IG's or acting IG's had simply not been in place long enough to make programmatic changes or address the toxic relationships.

10. **How do you feel your past experiences have prepared you to lead the GPO OIG?**

What I would like to highlight here is that my experience is a strong balance between being responsible for delivering mission driven products and services and overseeing the effectiveness and efficiency of that delivery. I've spent a long career as an executive manager and a leader getting things done in the federal government, but I've also spent significant time evaluating and advising on how to get things done better. I think this is somewhat unique and gives me greater understanding of the challenges agencies face and the practical benefits good oversight can provide.

11. **What is the current organizational structure of the GPO OIG office? Do you have any proposals to restructure the office? If so, can you please explain how the restructuring will benefit both the office and agency?**

When I arrived, the OIG had an Audits Division and an Investigations Division. I am restructuring the office to add a separate Inspections and Program Analysis Division. In addition,

to strengthen the OIG in conducting its mission and better manage overall effectiveness for the agency, I am restructuring my front office to include a Deputy IG and a Quality Assurance (QA) Specialist. The Deputy IG will manage the day-to-day operations of the OIG and allow me to focus on engaging the GPO leadership, Congress, the IG community, and outside agencies on strategic level matters. The Quality Assurance Specialist will ensure a centralized review process for all OIG products and with the same level of quality controls. The restructuring will benefit the agency by shifting the focus of the OIG from a reactive office to a proactive office. This will allow the OIG to identify and address issues before they result in serious problems or investigations. For example, proactive inspections of acquisitions and contracting can avoid future fraud, waste, and abuse. During my office restructuring, the wider IG community has been very supportive and we were fortunate enough to arrange a 90-day Quality Assurance Specialist detailee from the Pension Benefit Guaranty Corporation OIG and recently a detailed Deputy IG from the Commodity Futures Trading Commission.

12. How many full time employees are you authorized to employ? Is this number of employees sufficient for you to fulfill the mission of the OIG? Do you currently have any vacancies you are planning to fill?

When I started at GPO in April, the OIG was authorized 21 full-time equivalent positions (FTEs). Since my arrival, I sought an additional 3 FTEs to fill key supervisory and quality assurance positions; specifically a Deputy IG, an Assistant Inspector General for Inspections and Program Analysis, and a Quality Assurance Specialist. This request was approved by the agency and my authorized FTEs increased to 24.

In my opinion, when fully staffed, 24 qualified FTEs should allow me to fulfill the OIG mission. I am always open to revisiting the size of my office once I have had the opportunity to operate at full strength; especially if it seems that OIG services provide significant return on investment, it may even make sense to increase the size and output of the audits and inspections divisions.

We currently have 10 vacancies which include the recent departure of two criminal investigators but also include auditors, inspectors, an AIG for Inspections, a Deputy IG and a QA specialist as discussed in #11 above. We are moving as quickly as possible to fill these positions including advertising vacant positions through USAJOBS.gov and the CIGIE Career Webpage.

13. Do you feel you have all of the necessary resources you need to fulfill your duties as the GPO IG? If not, what do you feel you need to set your office up for success?

I don't think the issue is whether or not I have sufficient resources. Rather, the issue is that I am overly dependent on the agency for those resources, which impacts my agility to manage my staff and direct my resources. As stated above, while I believe my authorized staff allows me to fulfill my basic mission, as currently structured I cannot classify, post, onboard, or conduct any other part of the hiring process without the agency's assistance or approval. Likewise, although I believe I have sufficient budgetary resources for the moment, I am completely reliant on the agency for approval of all budgetary requests. To shore up our independence and autonomy, we are discussing with committee staff possible legislative solutions for these and similar challenges (see #29 below) and look forward to continuing to work to enact changes that the make most sense for an independent OIG within GPO.

14. One of your most recent IG opportunities was serving as the Executive for Strategic Planning at the Council of the Inspectors General on Integrity and Efficiency (CIGIE). How do you plan to utilize CIGIE resources and your CIGIE experience in your new role as GPO IG?

I firmly believe that the work of IG's is a profession and forms a community. While there are a wide variety of missions being performed by parent agencies across the federal architecture, the methods and standards of IG's are the same. It is the application of those practices and standards to various mission sets that are the work of the various offices. I found CIGIE to be a remarkable organization offering opportunities for training, improving standards and learning best practices. Across the full spectrum of IG activities, audits, inspections, investigations, and management, CIGIE can aid offices seeking to improve their own performance, in particular, smaller offices that don't withstand turnover as well as the larger ones. In addition CIGIE offers IG's a forum for discussing common issues and providing peer mentorship.

All of my employees will attend the fullest range of CIGIE training possible. I will use CIGIE standards for all of my divisions, I will fully engage in peer reviews, and I will participate personally in seeking to expand CIGIE services to the IG community. My experience and observations in the military, the Intelligence Community and in the IG community has taught me that integration and enhanced collaboration is a best practice for increasingly larger and complex systems – like the IG profession has become at the federal level.

15. Can you please describe the differences between audits, investigations, and inspections that OIGs use to examine agency operations?

Audits, investigations, and inspections provide an OIG different options to assist an agency in efficiently and effectively managing government programs and operations and investigate allegations of fraud, waste, abuse or mismanagement. I fully support following CIGIE guidelines for operating every area of my office. CIGIE has published quality standards for inspections and investigations, and GAO has published standards for audits. Complying with these standards is critical for an effective OIG.

In "Government Auditing Standards," dated July 2018, the GAO outlines the framework for performing high-quality audit work and applying generally accepted government auditing standards (GAGAS) to help improve government operations and services, which states,. "Audits provide essential accountability and transparency over government programs." GAGAS also notes that, among other benefits to an agency, government auditing is essential in "providing accountability to legislators, oversight bodies, those charged with governance, and the public." In "Quality Standards for Investigations (QSI)," dated November 2011, CIGIE outlines the standards for producing high-quality investigations. It states that although "investigations vary in purpose and scope," they normally involve "alleged violations of criminal or civil laws" or alleged "administrative misconduct issues." The standards also note that the focus of an investigation can include, among many other allegations, the "integrity of programs, operations, and personnel" in an agency and alleged procurement fraud.

In "Quality Standards for Inspections and Evaluation," dated January 2012, CIGIE has recognized that within the IG community "inspections and evaluations have long afforded OIGs a flexible and effective mechanism for oversight and review of Department/Agency programs by using a multidisciplinary staff and multiple methods for gathering and analyzing data. They provide an OIG the ability to conduct systemic and independent assessments of the design, implementation, and/or results of an Agency's operations, programs, or policies. There are many benefits for

conducting inspections and evaluations including the ability of an OIG to "provide information that is timely, credible, and useful for agency managers, policymakers, and others."

16. How many audits, investigations, and inspections has your office opened during your 90-day tenure?

We have opened two inspections to evaluate activities in Security Intelligent Documents and Acquisition Services. Both inspections align with our work plan, our strategic plan and GPO's strategic plan. We have reviewed 6 allegations made to our office; we conducted one investigation at the agency's request and arranged for an outside agency to conduct another investigation. We have also closed 8 cases which were under review or in progress when I arrived.

17. How many ongoing audits, investigations, and inspections is your office working on?

We are currently working on 4 audits/inspections and 53 active investigations. We are also providing oversight for the annual Financial Statements Audit and the PKI/Web Trust Audit, which are being conducted by independent public accounting firms.

18. How many ongoing audits, investigations, and inspections did you inherit from your predecessors?

When I arrived there were four audits that were previously opened and 61 investigations. We were also working on two in a series of 10 IT systems tests. In addition, we have a number of matters in pre-investigation screening that require a number of preliminary steps to determine if they warrant formal investigations.

19. How many audits, investigations, and inspections has your office closed during your 90-day tenure?

During my tenure, we have closed eight investigations. We have or are in the process of transferring responsibility for IT systems testing and the PKI/Web Trust audits to the agency.

20. Have you made any recommendations to the agency since your arrival?

We have made several recommendations to the agency. These recommendations involved strengthening the procurement process, improving the bid review process to ensure a potential contractor is financially responsible, and strengthening the Contract Review Board (CRB) role to provide better oversight of the procurement process. All of the recommendations have been concurred with and accepted by GPO and, according to the agency are being implemented.

21. Past reports to Congress from your predecessors have mainly focused on financial and cybersecurity issues. Do you plan to continue this focus? Will you expand your scope to look at other agency functions?

I plan to continue focusing on these important issues. Nonetheless, as stated in my previous written testimony and #19 above, I remanded to the agency oversight of two contracts for performing IT penetration testing and PKI/Web Trust compliance because they were routine agency functions. We will continue to perform the other financial audits for the agency. Upon

attaining proper staffing and as part of the OIG work plan, we will also continue to focus on cybersecurity issues and expand our focus to inspect, evaluate, and audit other agency functions.

22. Two of your predecessors disclosed concerns to this Committee regarding GPO's procurement, acquisition, and contracting processes. Since GPO is responsible for assisting federal agencies with the procurement of printing and publishing contracts, do you plan to examine these processes? If so, how?

We are currently developing our top management challenges, strategic plan, and FY 2020 work plan. Areas of procurement, acquisition, and contracting will continue to be a priority to my office because of their importance to the agency's mission. As part of our effort over the next two months we will determine what specific priority to give these areas.

23. How many audits, investigations, and inspections do you expect your office to report out each year?

As I stated above, I am currently reorganizing the OIG and hiring new staff at all levels. The complexity of the audit, inspections and investigative work, along with the transitionary learning curve of management and staff, will determine the number of reports this office issues. We will initially issue fewer reports because of the reorganization but also as a function of changing our approach to our own work. In the past much of the work of this office was assigned to a single individual. I believe team based work is both more thorough and objective, so I have instituted a policy that all work in my office will be done by teams of two or more. It is my belief and expectation that while this will reduce volume it will increase the credibility and usefulness of my products. I am also committed to issuing products that have what I call strategic impact. I believe that as a smaller office, that is the expected approach and best utilizes my assets and resources.

24. Have you created your audit, inspection, and investigation plan for FY2020? If so, please provide details on the plan, including areas of focus and proposed timelines.

We are currently developing the work plan for FY 2020. We will focus on more strategic fraud matters, inspections, and financial audits.

Investigations will also focus on strategic or systemic level fraud matters; with a leaner case load consisting of matters of more significant impact and importance.

25. Do you plan to utilize "oversight.gov" to make your reports publically accessible?

OIG currently post audits, inspections and semiannual reports on oversight.gov. We plan to continue utilizing oversight.gov to make our reports publically accessible.

26. What is your personal view of the role and impact of an Inspector General within an agency?

The best analogy I can make and have used in the past is that an IG is to an agency like a doctor is to a patient. Just as a doctor can advise a patient on proactive measures to maintain and improve health or treat an existing ailment, some of which can be very serious; an IG also does the same through his proactive program reviews, inspections and audits to investigations into more serious and existing damage that can only be discovered and addressed through investigations. It's all

based on trust and transparency. The doctor recognizes that what he does takes a patient out of his comfort zone. If a patient hides symptoms or is not open about their condition it is difficult if not impossible to help them; however, where the patient trusts that the doctor has the best interest of the patient at the center of his concern, there is greater cooperation. It is the same with an IG and his agency. My job vis a vis my agency leadership is to gain and maintain that trust while at the same time understanding that it serves the goal of a healthy (effective and efficient) agency. Just as with a doctor, the more competent, transparent and helpful, the more an IG will be trusted.

The issue of independence is also well-illuminated by this analogy. The doctor does his patient no real good by telling them only what they want to hear or worrying about being fired because they have bad news. Professional integrity requires the moral courage to speak the truth regardless of consequences; professional competence requires understanding how to communicate that truth without alienating.

27. What is your working relationship like with the current Acting Deputy Director and other agency officials?

I would characterize my current relationship with agency leadership as good. They have been receptive and supportive of my initial efforts to reorganize my office. They have welcomed my efforts to shift in focus from reactive to proactive I also believe they are supportive of my efforts to gain greater independence and understand that it is best for the long term future of the relationship between an IG and GPO.

I currently meet with the acting Deputy Director, along with his acting Chief Administrative Officer, acting Chief of Staff, and acting General Counsel, once or twice a month, and I have met as a group and individually with the component heads. This has been generally positive, and I am optimistic that it will continue as such.

Whether cooperation with inspections, audits and investigations is acceptable and improves will be borne out over time and I will work with them to ensure timely and full cooperation. I will have a better sense of this and report to you and your staff over the course of the next work plan cycle.

28. What do you think a productive working relationship with a new Director should look like? How do you plan to build that working relationship when the Director arrives?

I expect to have direct and routine access to the Director. I would like to have an open and frank one-on-one relationship marked by a free exchange of thought on the direction of the agency and where the IG can help. I would hope to be invited to agency senior staff meetings on a regular basis in order to better understand the thinking and actions of the major agency components.

I operate on the assumption that building a constructive relationship is my responsibility. Once a Director is confirmed, I will seek to introduce myself and discuss my office's mission, focus and particular matters on which we are working, as well as my strategic plan. I will attempt to communicate and demonstrate that my office operates with competence, credibility, and integrity. If I do this well, I am confident that the new Director will welcome my office's efforts.

29. Legislative branch Inspectors General often face different challenges than their executive branch counterparts. Can you please describe some of the differences you have encountered in your first 90-days as the GPO IG?

There is a good side and bad side to the differences. As the new IG of a Legislative Branch agency, the first thing that impressed me was the fact that I have more direct relationships with the staff of our oversight committees, and they are positively engaged and interested in our work and what is going on in the agency. That is a unique, and potentially beneficial, arrangement compared with my work in the Executive Branch and discussions with colleagues in other agencies.

More generally, because we are established under our own organic act and not the Inspector General Act of 1978, and I am appointed by my agency head, our evolution toward independence from the agency will naturally be -- and has been – slower. Some of the basic tenets of independence enacted under the Inspector General Act Amendments of 2008 do not apply to me or to my Legislative Branch colleagues. Unlike Executive Branch IGs, I can be removed without 30 days' notice to Congress, my pay is not set in statute, I am not prohibited from receiving a performance-based bonus, and I am not statutorily entitled to independent legal advice - though my predecessors and I ensured that we have had it. To shore up our independence and autonomy, we are discussing with committee staff possible legislative solutions for these and similar challenges (see #13 above).

By far the most significant challenge our office has faced since my arrival is the impending loss of our law enforcement authority at the end of this calendar year. For the last decade we had relied on the US Marshal Service to deputize our investigators to allow them nationwide authority to conduct investigations as fully empowered officers of the law. Though we function identically to other Executive and independent OIGs and have been operating for 30 years, our standing as a Legislative Branch OIG has now been used to inexplicably call into question our standing as a law enforcement agency by the Department of Justice due to an unsupported separation of powers argument. This has severely curtailed our investigative program, which will leave criminal activity unchecked and potentially cost taxpayers hundreds of thousands, if not millions, of dollars.

With some sense of urgency, I look forward to continuing to work with the Committee to fix these inequities and harmonize our authorities with those of our colleagues in the Executive Branch.

30. Do you feel there are disadvantages to being a legislative branch IG compared to an executive branch IG? If so, please describe these disadvantages.

I do not think there are any disadvantages per se; one could even argue there are significant advantages, as I discussed above. I would describe it more as a need to recognize the differences between the Legislative and Executive branch OIGs and ensure we are on equal footing in terms of independence and authorities with Executive Branch IGs in order to be able to fulfill our common missions. As outlined above in #13 and #29, the contemplated legislative changes will go a long way toward fixing the disparities between IGs and create more independence for our office.

Questions provided by Senator Amy Klobuchar

1. **As an agency, the GPO has been without a director for a substantial period of time. Additionally, several other key leadership positions, including the agency's Chief of Staff, Chief Administrative Officer, Deputy Director, and General Counsel, are occupied by interim appointments.**

   Can you further expound upon your testimony on how these vacancies have affected the agency and its workforce?

   As stated in my written testimony and based on my observations, the agency has been well managed. Nonetheless, GPO needs a permanent Director confirmed by the Senate. There is an inherent instability in having Acting positions. The main impact of lacking a permanent Director and continuing with the interim positions in so many key positions, is that they are unable to more fully implement a long-term strategic vision. Likewise, GPO in unable to fully achieve the empowerment of the Congress, and the Executive Branch or the commitment of the workforce.

2. **Your office produces an annual work plan commonly referred to as the *OIG Strategic Plan*. This plan sets forth a formal strategy for the fiscal year (October to September), identifying priority audits, inspections, and investigations.**

   Understanding that your work plan will be unveiled in October, what are your expectations and priorities for the coming fiscal year?

   As my office prepares the OIG Five Year Strategic Plan as well as the annual Work Plan, we will consider the best areas to focus our efforts to best assist GPO in efficiently and effectively managing programs and operations and investigating allegations of fraud, waste, abuse, or mismanagement. My expectation and priority in formulating our Strategic Plan is for the OIG to be more proactive and focused on areas that have a strategic and positive impact on GPO. The longer range Strategic Plan will focus on identifying potential deficiencies before they result in serious problems and investigations. Furthermore, our Strategic Plan will be more focused on areas that can be objectively measured for progress and benefits to GPO's programs and operations.

3. **In your previous role as Executive for Strategic Planning at the Council of Inspectors General on Integrity and Efficiency, you developed and implemented a cross-agency strategic plan for the Inspector General community.**

   How will that strategic plan inform your work at the GPO?

   I have read the current GPO Strategic Plan, and in addition to my comments above, it is my responsibility to understand the agency's priorities and concerns as articulated in that plan and to support that in my work as I deem appropriate. Even though I read the agency plan as aspirational based and I intend to develop a more deliverable based plan, they can be aligned, and I will do so. If after my current process of evaluating and delivering the next OIG strategy I believe there are differences in our assessments, I will engage agency leadership to explain my position.

   How does the strategic plan you developed at CIGIE align with the agency's overall strategic plan and mission?

The Agency Strategic Plan and the CIGIE Strategic Plan address different audiences. The CIGIE Strategic Plan seeks to improve and enhance the activities of CIGIE to better serve the IG Community. Both directly and indirectly, I believe the success of the CIGIE Strategic Plan will help my office and therefore help me to support the GPO Strategic Plan.

4. **Your predecessors listed the following four items as top management challenges for the agency:**

    a) **Maintaining a focus on the core GPO mission.**
    b) **Improving the Enterprise Architecture (EA) and IT Infrastructure.**
    c) **Securing IT systems and protecting related information assets.**
    d) **Improving the Print Procurement Program.**

    These management challenges have persisted for years.

    Do you agree with your predecessors' assessment(s) of the management challenges facing the agency?

    We are in the process of evaluating top management challenges in preparation for the next semi-annual report. Our approach is to focus on relevant and achievable challenges using a one year cycle to orient both our recommendations and expectations for progress by the agency. Future management challenges will, therefore, be more narrowly defined, making them more valuable, and measurable on an annual basis.

    Can you detail what progress (if any) is being made to address these challenges?

    Same as the response above.

5. **In March 2017, GPO's FDsys system was compromised and an attacker defaced the website. In its Semiannual Report to Congress for the period of ending March 31, 2019, the previous OIG indicated that the GPO put in place a Web Application Firewall (WAF) to mitigate future attacks. WAFs attempt to detect and block intrusion attempts by looking for signatures in incoming or outgoing network traffic, but are not a substitute for fixing underlying vulnerabilities in the application behind the WAF.**

    Has GPO fixed the underlying vulnerability that led to the defacement, or is GPO depending on the WAF to prevent its exploitation?

    We have included Report Number 19-02, issued on March 22, 2019, as part of the response to this question. It details the circumstance surrounding the cyber-attack and the two recommendations made by OIG. GPO's corrective actions addressed both recommendations, and they were subsequently closed.

    According to the agency, GPO fixed the underlying vulnerability which was present in FDsys and is no longer present in **govinfo.**

    Additional questions regarding security systems to protect against cyber breaches would be best addressed by GPO management.

How rapidly does GPO commit to fixing underlying application vulnerabilities (including patching vulnerabilities discovered in underlying software libraries and components) in govinfo, the system which will replace FDsys?

The agency has issued ITSEC Procedure for Processing Critical and High Risk CVE Vulnerability Announcements. GPO has replaced FDsys with govinfo and the agency is in the best position to answer questions about fixing any future application vulnerabilities in **govinfo**. I recognize the importance of your concern, and commit to evaluating how to address it in my future efforts.

6. **According to the US Postal Service OIG's Computer Crimes Unit, which investigated the defacement of FDsys, one factor that made the breach of FDsys worse was that FDsys lacked "capabilities...sufficient enough to allow for a more robust forensic review." GPO is aware that FDsys is a legacy system and has been working to transition users away from FDsys to its new govinfo system for multiple years. GPO originally planned to shut down its FDsys system entirely in December 2018.**

   Why did GPO delay shutting down FDsys, and what is GPO's current timeline for shutting down FDsys?

   FDsys was retired in December 2018. The agency website informs the public that FDsys links are now redirecting to **govinfo.**

   How will GPO ensure that the transition from govinfo to any future successor service will be quicker and more reliable than the transition from FDsys to govinfo has been?

   I am not aware of any such plan. The agency is in the best position to answer questions about any future plans for transitions from **govinfo**, though as I stated above I will incorporate your questions on these issues into my own plans.

7. **As with any other online system, GPO should expect that vulnerabilities will continue to be discovered, in its own application code and in the third-party components GPO integrates into its application. Many government agencies have processes in place to receive information about potential vulnerabilities.**

   If someone discovers a vulnerability in govinfo and would like to report it to GPO to be fixed, how could they do this?

   According to the agency, the **govinfo** site has links to contact GPO in order to provide public feedback. Users can address technical issues with the **govinfo** site through AskGPO. GPO's AskGPO service is available for external inquiries at https://www.gpo.gov/askgpo.

Is GPO planning to publish language that confirms that they welcome vulnerability reports in govinfo (or other GPO systems) that are submitted to them privately and in good faith?

I am not presently aware of any such plan. The agency is in the best position to answer questions about any future plans to welcome vulnerability reports submitted by the public for **govinfo** or other GPO systems.

8. **When the OIG conducted penetration testing of GPO's Productivity Reporting for Operations, Budgeting, and Expenditures (PROBE) system, it discovered 14 vulnerabilities in the system.**

What corrective actions have been taken to address the vulnerabilities in the PROBE system?

GPO has reported corrective actions such as replacing database servers and implementing work arounds for low level vulnerabilities.

Questions provided by Senator Catherine Cortez Masto

1. **In your opening statement you highlighted how seriously understaffed both the GPO and the OIG are right now. You also noted that the staff shortages have prevented the IG's office from performing all of its responsibilities. Which OIG responsibilities are currently not being fulfilled due to understaffing?**

The understaffing prevents me from fully implementing my priorities and achieving a strategic impact. Specifically, I am limited to addressing only the most immediate and pressing issues while spending significant amounts of my own time on addressing the quality and focus of work and staffing of my office. To the best of my office's ability, I continue to operate across the required areas of audits, evaluations/inspections, and investigations.

2. **Currently there are several positions that are still unfilled at the GPO including Chief of Staff, Chief Administrative Officer, Deputy Director, and General Counsel.**

   A. **How is it possible that GPO could be running effectively at all with so many essential roles still vacant?**

   These key positions are being filled in an Acting capacity, as opposed to unfilled. In my opinion, there is an inherent instability in having Acting positions. The main impact of lacking a permanent Director and continuing with the interim executives in so many key positions, is that they are unable to more fully implement a long-term strategic vision. Likewise, GPO is unable to fully achieve the empowerment of the Congress and the Executive Branch or the commitment of the workforce.

   B. **Which GPO responsibilities are currently not being fulfilled due to understaffing?**

   Similar to the question about my office, I believe that GPO continues to perform its day-to-day functions and mission while conforming its actions and decisions with the current GPO Strategic Plan.

   C. **What is the reason behind this staffing shortage?**

   I do not see this as a staffing shortage; I see it as a problem with empowered permanent leadership. Key to this is that a nominee has to be named and confirmed by Congress. A well-qualified permanent Director will be prepared to address filling key positions and establishing a direction for the agency.

3. **In its strategic plan the OIG listed some of the challenges that it faces to achieving its goals, including a "changing business environment." Can you provide more detail on what is meant by changes to the business environment and how these changes are impacting the OIG's ability to carry out its strategic plan?**

We are currently in the process of developing a new strategic plan. The new plan will provide an updated and more detailed assessment of GPO's top management challenges. I look forward to sharing those with you and your staff.

4. **In the semiannual report to Congress, your office stated that protecting valuable information is a continuing challenge for the GPO. The report also says that "substantial harm" would be caused if its information systems were compromised.**

   A. Can you outline more specifically the type of "substantial harm" that could be caused if the GPO's information systems were compromised?

   GPO is the Federal Government's primary resource for producing, procuring, cataloging, indexing, authenticating, disseminating, and preserving the official information products of the U.S. Government in both digital and tangible formats.

   GPO is responsible for producing and distributing information products and services for all three branches of the Federal Government, including U.S. passports for the Department of State as well as official publications of Congress, the White House, and other Federal agencies. In addition to publication sales, GPO provides for permanent public access to Federal Government information

   We are reviewing top management challenges in preparation for the next semiannual report. We remain focused on management challenges related to cybersecurity and our assessment of the challenges will include protecting valuable information. Again, I will plan to share those with the committee and your staff.

   B. Is the understaffing at GPO affecting implementation of cybersecurity protections?

   GPO continues to implement measures and programs to address cybersecurity. I am not aware that GPO's cybersecurity section has a staffing issue. Cybersecurity is a priority for this office, and I will continue to assess whether there is an issue with cybersecurity and staffing. Specific questions about GPO's staffing can be better addressed by the agency directly.

5. **An audit conducted after a 2017 cyberattack on the Federal Digital System (FDsys) found that before the cyberattack there were already protections in place to prevent a security breach. However the attacker was still able to access more than 24,000 files.**

   A. Why were the security systems in place insufficient to protect against such a significant breach?

   We have included Report Number 19-02, issued on March 22, 2019, as part of the response to this question. It details the circumstance surrounding the cyber-attack.

   B. Do you believe the GPO is currently being proactive enough in implementing necessary cybersecurity measures?

   As I said in response to your question 4(B) above, GPO continues to implement measures and programs to address cybersecurity. My office recognizes cybersecurity as a GPO Management Challenge and is a principal concern for my office. As we develop the OIG Work Plan and Strategic Plan this will be one of my office's main areas of focus. Going forward as a government leader in digital content-centric publishing, GPO will need to continue having cybersecurity as one of the agency's primary concerns and I am committed to ensuring this.

C. If a cyberattack similar to what occurred in 2017 were to take place today, would GPO be protected from intrusion?

We have included Report Number 19-02, issued on March 22, 2019, as part of the response to this question. The report includes the two recommendations made by OIG.

GPO concurred with the recommendations, took corrective action to address both recommendations, and they were subsequently closed. Additional questions regarding security systems to protect against cyber breaches can be directed to GPO.

6. In your opening statement you made a reference to the "high profile" investigations that your office has conducted in recent years. One of those investigations is the 2020 Census printing contract that was initially agreed to in 2017. That contract had to be reassigned earlier this year after the originally contracted company filed for bankruptcy. Unsurprisingly, the OIG's audit found that the GPO did not properly vet the company's financial resources.

A. Do you believe the necessary oversight requirements have since been put in place to ensure that contracts of this size are properly vetted?

The agency agreed with our findings and recommendations arising from our report on the integrity of the procurement process for the 2020 Census Printing and Mailing Contract. We will continue to be fully involved with the agency on implementing our recommendations and in monitoring this high profile issue.

B. Does the IG have plans to continue to oversee the GPO's work on printing of the 2020 Census? If so, what are those specific plans?

We continue to monitor and evaluate the need to audit or inspect the printing of the 2020 Census for any allegations of fraud, waste, abuse, or mismanagement as well as other areas of acquisitions and procurement.

C. Has the IG audited the process to select the current contract? Do you believe the current contract was selected through proper procedures and protocols?

The OIG did not audit the process to select the current contract. The OIG will continue to carry out its responsibilities to monitor and evaluate all GPO agency programs and processes for indications of fraud, waste, abuse or mismanagement. This will include contracts related to the 2020 Census. If my office identifies a need to look into the selection and continued management of the 2020 Census contract we are prepared to do so.

7. Over the last ten years the GPO has made substantial efforts use technology to increase productivity, reduce costs and offset the decline in print demand. In fact, for FY 2020 the GPO's appropriations request was $117 million—the lowest level since 2010. Importantly though, most of its revenue comes from reimbursements from federal agencies or sales of publications to the public.

A. Do you believe the cost reduction measures implemented since 2010 have been enough to offset the decline in print demand?

I intend to consider this question and your question in 7(B) for inclusion in my next Work Plan within the re-organized audits or inspections division.

B. Do you think the GPO is doing enough to adjust to changing revenue streams that are the result of technology and modernization?

Same as the response above.

8. **During the hearing you mentioned your concern regarding Law Enforcement Authority for the IG's Special Agents. You noted that only two of the seven agents in your office are deputized to carry out law enforcement functions when investigating fraud. This restriction to the IG's work is especially concerning given the potential for fraud within the process for awarding procurement contracts, which is the main the business of the GPO.**

A. How many deputized agents do you believe your office needs in order to fulfill its responsibility to investigate fraud, waste and abuse?

Seven deputized agents should allow me to fulfill our investigations mission. This includes the AIG/Investigations, a supervisory Special-Agent-in-Charge (SAC), and five criminal investigators.

While we currently only have two deputized agents, we have two additional agents who are not deputized but can continue to work on limited portions of cases. In addition, all of our agents also serve as GPO Police and are authorized to carry firearms while on GPO premises. This is insufficient since our mission to prevent and detect waste, fraud, and abuse takes us to print procurement vendors around the country. Without proper authority, we will have to rely on other law enforcement agencies to help seek and execute warrants, conduct interviews, make arrests and ensure our agents' safety as they do the jobs they are trained to do. As resources are tight all over, our OIG partners or local law enforcement will not typically prioritize another agency's cases over their own, so our investigations will lag and important steps may not happen in a timely fashion.

Our Office of Investigations has been held at 7 FTEs for the last decade. Our open caseload is currently 53 cases, which are at all stages of investigation. We recently closed several older cases and recently hired a new Assistant Inspector General for Investigations to focus the division proactively on potential new cases involving fraud, waste, and abuse.

B. Can you explain in further detail the impact to the work of the IG's office that is caused by lacking agents with law enforcement authority?

Presently, GPO OIG employs an Assistant Inspector General for Investigations and four special agents with a combined 84 plus years of law enforcement experience garnered through various positions with the FBI, U.S. Army, U.S. Air Force Office of Special Investigations, U.S. Marine Corps Criminal Investigation Division, U.S. Secret Service, and various OIGs. All of our special agents have completed extensive basic criminal investigator training at the Federal Law Enforcement Training Center, or an equivalent training course such as the FBI Academy, or military academy. Our agents complete additional specialized law enforcement and continuing legal education training courses through various training providers including the Federal Law Enforcement Training Center.

Examples of the negative impacts OIG special agent face under the limitations of GPO special police designation include the ability to:

1) Obtain and serve search warrants;
2) Obtain and serve arrest warrants;
3) Conduct surveillance;
4) Conduct investigative activity without outside agency law enforcement partners;
5) Fully support DOJ in criminal prosecutions; and
6) Fully support other federal investigative agencies when appropriate.

Since GPO OIG began receiving deputation from the U.S. Marshals Service (USMS) for all special agents in approximately 2010, investigators from this office have made 131 case presentations to prosecuting authorities with 24 cases being accepted for criminal prosecution. These cases have resulted in 14 arrests, 4 convictions, and 8 guilty pleas/deferred prosecution agreements. During that same time period OIG investigations have resulted in 85 contractor debarments and investigative cost-efficiencies, restitutions, fines, and penalties.

Furthermore, 52% of the investigations reported in GPO OIG's Semiannual Report to Congress since 2010 involve allegations of procurement fraud. The subjects of these investigations are GPO vendors located throughout the U.S.

Limiting GPO OIG special agents' jurisdiction to GPO buildings and grounds would significantly impact OIG's oversight of GPO's print procurement program.

C. Has the U.S. Marshals Service provided you information on why they have yet to deputize the agents in your office?

On July 30, 2019, the U.S. Marshals Service sent a memorandum to my two Legislative Branch IG colleagues and me stating, "Such deputations present separation-of-powers concerns and are not 'necessary to carry out the powers and duties of USMS.'" 28 U.S.C. § 561(f). I am aware that the GAO and DOJ's own Office of Legal Counsel (OLC) have opined that there were no separation of powers issues in similar cases. With our Legislative Branch colleagues we are pursuing a legislative path forward and look forward to working with the Committee to that end.

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