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NOMINATIONS OF HON. DALE CABANISS AND MICHAEL E. WOOTEN, ED.D.

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

NOMINATIONS OF HON. DALE CABANISS TO BE DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT, AND MICHAEL E. WOOTEN, ED.D. TO BE ADMINISTRATOR, OFFICE OF FEDERAL PROCUREMENT POLICY, OFFICE OF MANAGEMENT AND BUDGET

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NOMINATIONS OF HON. DALE CABANISS AND MICHAEL WOOTEN

TUESDAY, MAY 7, 2019

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

The Committee met, pursuant to notice, at 2:30 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Lankford, Scott, Hawley, Peters, Carper, Hassan, Harris, and Sinema.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. This hearing will come to order on Senate time. I want to welcome all our guests, our distinguished current Members and former Members who are here to introduce our nominees.

I will just ask that my written statement be entered in the record.[1]

I want to start out by thanking the nominees for our past service to this country and your willingness to serve. Again, you realize, having served in the government, that this would be a pretty big task, and I want to thank your families, those that support you in your efforts, for their willingness to kind of give up a little bit of extra time with you because that is basically what it takes.

I do want to encourage the nominees during your opening statement to feel free to introduce your family members, your friends that are here supporting you during your confirmation hearing.

We are here to consider the nominees to be the Director of Office and Personnel Management (OPM) and to be Administrator of the Office of Federal Procurement Policy (OFPP) of the Office of Management and Budget (OMB)—Ms. Dale Cabaniss and Mr. Michael Wooten. I appreciate the time you spent with me in my office discussing the nominations.

Mr. Wooten, as we discussed, God bless you for devoting a career to government procurement.

I am an accountant. I like to do all kinds of details stuff, but I am not sure I would like that much detail. So I really do appreciate your emphasis and your qualifications, which I think is true of both nominees, highly qualified for the positions, and I look forward to

[1] The prepared statement of Senator Johnson appears in the Appendix on page 29.

a very good hearing here. I look forward to your testimony and your answers to our questions.

So, with that, I will turn it over to Senator Peters.

OPENING STATEMENT OF SENATOR PETERS[1]

Senator PETERS. Thank you, Mr. Chairman.

Thank you to both of our nominees for being here today and also for your willingness to serve.

As the Chairman mentioned, we are considering the nomination of Dale Cabaniss to be the Director of the Office of Personnel Management and Michael Wooten to be the Administrator of the Office of Management and Budget's Office of Federal Procurement Policy.

I think it is fitting that we are holding this hearing during Public Service Recognition Week, and I would like to take this moment to express my gratitude to our Nation's civil servants, including both of our nominees, for their dedication and contributions to Federal, State, and local government.

I appreciate that you have both expressed a desire to tackle some of the most pressing challenges that we are facing in the Federal Government and the Federal workforce in particular.

Currently, one-third of the workforce is eligible to retire at the end of this year, while agencies struggle to recruit and to retain talented employees, especially in critical areas such as cybersecurity and in acquisitions.

There are many reasons, of course, for this difficulty—antiquated hiring systems, layers of bureaucracy—that deter workers from considering Federal service in the first place.

The recent record-setting partial government shutdown also struck a severe blow to employee morale. Federal agencies cannot compete with the private sector financially. So we must seek out innovative ways to attract talented professionals to seek out public service.

I am proud of the bipartisan work this Committee is doing in this area. Just last week, the Senate unanimously approved bipartisan cyber workforce legislation that I authored and was cosponsored by Chairman Johnson and Senator Hassan. Thank you for your work on that issue.

This bill creates a rotational program that offers cybersecurity professionals the unique opportunity to gain experience in multiple Federal agencies.

I believe we must continue this Committee's longstanding commitment to pursuing bipartisan reforms to strengthen the Federal workforce and help our government better serve the American people.

Ms. Cabaniss, Dr. Wooten, you have both indicated that, if confirmed, you will pursue policies aimed at making government more efficient and more effective, and I share that goal with you.

Unfortunately, over the last 2 years, this Administration has shown a reluctance to engage with Congress in the pursuit of this shared priority.

In March 2017, the President issued an Executive Order (EO) directing OMB to develop a governmentwide reorganization plan

[1] The prepared statement of Senator Peters appears in the Appendix on page 31.

with the stated goal of making government more efficient and effective.

Nearly one year ago, June 2018, OMB released its proposal, which includes plans to dismantle OPM in its current form.

Throughout this process, we have repeatedly requested basic information about the reorganization, including data that justifies the proposal, an implementation plan, and an analysis of the impact on the Federal workforce. Nearly one year has passed since OMB unveiled this proposal, and we have yet to see any of these.

I am disappointed by the Administration's lack of transparency about this proposal. In order to work together to achieve our shared goal, we must build a shared understanding of what the facts are.

Ms. Cabaniss, if you are confirmed, you will be leading an agency facing sweeping changes, significant uncertainty, and a need to rebuild trust with Congress. You will need to provide leadership, not only for OPM's 5,400 employees, but for the 2.1 million dedicated men and women who are serving in the Federal workforce.

I will be listening carefully to both of your testimonies today, and I am hoping to hear an unequivocal commitment to transparency and to safeguarding the Federal civil workforce.

Thank you.

Chairman JOHNSON. Thanks, Senator Peters.

We are honored today to have two distinguished guests that are going to introduce our nominees, and I guess we will start with Senator Boozman.

OPENING STATEMENT OF THE HONORABLE JOHN BOOZMAN, A UNITED STATES SENATOR FROM THE STATE OF ARKANSAS

Senator BOOZMAN. Thank you, Chairman Johnson and Ranking Member Peters and the rest of the Committee for allowing me to appear today to introduce Dale Cabaniss, the nominee for the Director of the Office of Personnel Management.

I first met Dale in early 2015 when I became Chairman of the Financial Services and General Government Subcommittee on Appropriations. As this was my first subcommittee chairmanship on the committee, I relied heavily on Dale's advice and extensive Senate experience where she served for over 20 years.

I told Dale, in fact, I can remember meeting with her, and I told her, her number one job was to keep me out of trouble, and she not only did that, but so much more.

In 2016, for the first time in history of the most recent subcommittee jurisdiction, we passed a bill out of the full committee on a bipartisan unanimous vote. This was no small feat, and it would not have happened without Dale's knowledge and expertise. I am especially proud that under Dale's and Ranking Member Chris Coon's leadership, we were able to work as a committee very well together and get many positive things done for the American people.

As subcommittee chairman, I became deeply involved in issues related to OPM, especially in the wake of the massive data breach that occurred in 2015. While there were many red flags and no single person to blame, it was clear that the agency was struggling from a crisis of leadership.

I am confident that Dale is the right person at the right time to lead OPM. She is a lifelong public servant spanning two different Administrations. She is an honest broker whose moral character and integrity are unmatched.

Before I wrap up, I would like to take a minute, as the Chairman suggested, and recognize Dale's family who is here today, her husband Mitch Rose, also a former longtime Senate staffer; her brother, Colonel Christian Cabaniss, a U.S. Marine who serves our Nation with great honor and distinction. I would also like to recognize the rest of her family that are not present today. I know that they are so proud of their mom, her three children being Ben, Haley, and Shelby, and her mom.

In closing, I enthusiastically support Dale's nomination to lead OPM and really would encourage all of you to look at her nomination very closely and also support it as well.

Thank you very much. Thank you for giving me the opportunity.

Chairman JOHNSON. Thank you, Senator Boozman.

To introduce Dr. Wooten is Congressman Tom Davis.

OPENING STATEMENT OF THE HONORABLE TOM DAVIS,[1] A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. DAVIS. Thank you, Mr. Chairman, Ranking Member Peters, and Members of the Committee for the honor to introduce a fellow Virginian, Dr. Michael Wooten.

As a former government contracts lawyer and former chairman of the House Government Reform and Oversight Committee, I understand the importance of the Office of Federal Procurement Policy in OMB.

Hundreds of billions of dollars are procured by the Federal Government annually, and having an administrator who knows the underlying laws, regulations, and stakeholders are prerequisites. Michael Wooten has it all. I have known Dr. Wooten for several years. He is an honorable public servant with decades of military and governmental service.

Michael is a graduate of Chapman University and holds a Ph.D. from the University of Pennsylvania. He served in the Marines, where he retired as a major. He also served in the Department of Education, and he served in the District of Columbia Government as a procurement officer there, and he also served on the Prince William County School Board.

I believe that Dr. Wooten will carry out the duties as the Administrator of OFPP with the same integrity and independence that has marked his previous career.

Congratulations, Dr. Wooten, on your nomination. I know this Committee will give you fair consideration.

Thank you very much.

Chairman JOHNSON. Thank you, Congressman Davis.

Senator Corker, you sit on the Senate Foreign Relations. You are welcome to stay but just not sitting there. [Laughter.]

Thank you very much. I really do appreciate those introductions.

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[1] The prepared statement of Hon. Davis appears in the Appendix on page 33.

Now, it is the tradition of this Committee to swear in witnesses. So if you will both stand and raise your right hand. Do you swear the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. WOOTEN. I do.

Ms. CABANISS. I do.

Chairman JOHNSON. Please be seated.

Our first nominee is Dale Cabaniss. Ms. Cabaniss is the former clerk of Senate Appropriations Committee Subcommittee on Financial Services and General Government. Previously, she served as chairman of the Federal Labor Relations Authority (FLRA) and in various positions on Capitol Hill, including on this Committee when, as you said, it was just Governmental Affairs Committee (GAC), not Homeland Security and Governmental Affairs Committee (HSGAC). Ms. Cabaniss.

TESTIMONY OF THE HONORABLE DALE CABANISS,[1] NOMINATED TO BE DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT

Ms. CABANISS. Mr. Chairman, Ranking Member Peters, and Members of the Committee, thank you for giving me the opportunity to appear before you today.

I also want to thank Senator Boozman for his kind introduction. I have had an opportunity to work with many Senators throughout my tenure in the U.S. Senate, but my time with Senator Boozman and his staff definitely stands out as a highlight of my career.

I would also like to thank the members of my family who are here with me today, my husband Mitch Rose, and my brother, Colonel Christian Cabaniss.

Mr. Chairman, I am honored to have been nominated by the President to serve as Director of the Office of Personnel Management. I am grateful to have spent my entire career in public service.

I worked in the U.S. Senate for over 20 years and served in two Presidential administrations.

In the Senate, I had the fortune of working in a member's personal office, on an authorizing committee, and on the Senate Appropriations Committee, all of which gave me a chance to work on the issues impacting the civil service and the Office of Personnel Management.

In the Executive Branch, I served as a member of a three-member adjudicatory body, and I later had the responsibility of serving as the agency head as well.

These experiences each gave me a different perspective and insights into the challenges facing Federal employees and agencies as they work together on behalf of the American people.

Throughout my career, I have worked with incredibly dedicated civil servants, representing all three branches of government, employees on the front lines of combating terrorist financing, protecting our financial markets, assisting our Nation's small businesses, and ensuring the orderly administration of justice.

[1] The prepared statement of Ms. Cabaniss appears in the Appendix on page 34.

OPM's people, policy, and programs play a critical role in the accomplishment of these missions through the support of the civil service. When the Civil Service Commission was established, it laid the foundation for an impartial, professional civil service based on the merit principle that employees should be judged only on how well they can do a job.

In 1978, with passage of the Civil Service Reform Act (CSRA), OPM was charged with the responsibility for personnel management of the civil service.

Today OPM delivers policy and services to ensure the Federal Government has a trusted and effective Federal workforce. OPM employees serves Federal employees through the administration of health care, retirement, and other benefits, supporting merit-based hiring and a secure employment process.

Throughout my Federal service, Presidential administrations have continuously strived to improve performance and the management of the Federal Government, its workforce, and its service to Americans.

As a staff member on this Committee and later as an appointee in the Clinton Administration, I saw firsthand the work of Vice President Gore's National Performance Review.

As an appointee in the Bush Administration, I worked to try to ensure that the agency processes and policies were consistent with the President's Management Agenda.

As a member of the Appropriations Committee staff, I engaged on a daily basis with agencies seeking to execute President Obama's charge to make government more citizen-centered, not bureaucracy-centered.

All of these efforts contemplated the need to modernize government and to consider agency workforce planning and restructuring.

President Trump's Management Agenda continues the critical efforts to improve the Federal Government's delivery of service to its citizens. The agenda's focus on mission, service, and stewardship lays the foundation of a long-term vision to modernize the Federal Government.

The efforts of the Federal workforce are crucial to the success of leading the Federal Government into the 21st Century.

In order to effectively support the operations of government, the Federal workforce needs to keep pace with the changes and challenges facing our Nation. Improving the recruitment, retention, and reskilling of Federal employees will help both employees and agencies drive that modernization.

Mr. Chairman, I want to take a moment to discuss my tenure at the Federal Labor Relations Authority. It was an honor when President Clinton nominated me to serve on the FLRA, and I was very proud when President Bush nominated me to be chairman.

The FLRA is made up of three statutory components, each led by a Senate-confirmed Presidential appointee. When I arrived at the Agency, I realized the agency was acting as if it was three silo-ed separate agencies. There were duplicative functions in different offices. Employees were not treated the same or often fairly across components. Offices had difficulty justifying their budget requests and preferred budget and staffing levels based on historical levels rather than current workload.

I made several changes to try and make this agency function more as one. Employees needed to be treated equally, no matter where they sat. Resource decisions had to be made with the agency mission in mind and based on current workload and caseload trends. These changes were not necessarily welcomed, particularly by those who preferred their component's need take priority over another part of the agency, but we all had a fiduciary responsibility to ensure the best value on behalf of the American taxpayer. We worked to balance that need for stewardship with the mission of the agency.

Mr. Chairman, I believe my experience working with Members of Congress, the Executive Branch, congressional leadership, congressional staff, and other stakeholders on legislative and policy matters critical to the effective and efficient functioning of government have given me a clear understanding of the challenges facing Federal employees and agencies.

If confirmed, I will work with stakeholders to ensure that Federal employees and agencies have the tools that they need and the support to work effectively together on behalf of the American people.

I look forward to answering your questions.

Thank you.

Chairman JOHNSON. Thank you, Ms. Cabaniss.

Our second nominee is Michael Wooten. Dr. Wooten is a senior advisor at the Department of Education, previously serving as the Deputy Assistant Under Secretary for Career, Technical, and Adult Education. Dr. Wooten worked previously in the procurement for the District of Columbia. He was a professor at the Defense Acquisition University (DAU) following 20 years of service in the United States Marine Corps (USMC). Dr. Wooten.

TESTIMONY OF MICHAEL E. WOOTEN, ED.D.,[1] NOMINATED TO BE ADMINISTRATOR, OFFICE OF FEDERAL PROCUREMENT POLICY, OFFICE OF MANAGEMENT AND BUDGET

Mr. WOOTEN. Thank you, Chairman Johnson, Ranking Member Peters, and members of the Committee for inviting me here today.

I am honored to be here before you as the President's nominee to serve as the Administrator for Federal Procurement Policy in the Office of Management and Budget.

I am pleased and proud of the encouragement and support that I have received from family, friends, and professional colleagues, particularly from those in the acquisition community.

I am particularly honored to be joined by a few family members today. It is my great pleasure to introduce my wife of 31 years, D'Andrea Wooten. She is joined by her mother, Mrs. Maxine Wilson, my brother, Dr. David Wooten, and our son, John Wooten. Our daughter, Sarah Wooten Wright, resides in Buffalo with her husband, Emerson Wright, and they were unable to join us here today.

I would also like to acknowledge my father, Senior Chief James W. Wooten, U.S. Navy retired, and my father-in-law, Captain Alger L. Wilson, U.S. Navy retired. These two sailors were unable to make the trip here today, but I hope they are watching. Between

[1] The prepared statement of Mr. Wooten appears in the Appendix on page 98.

their service and my own service as a marine, our family has a proud legacy of over 70 years of naval service, and I know they support me as I ask to be considered for further national service.

I want to thank President Trump for nominating me to this position. I also want to thank and acknowledge the Honorable Margaret Weichert, Deputy Director for Management at OMB. She has provided steadfast support, and she always demonstrates upbeat leadership. I deeply appreciate the confidence that these two leaders have shown me by means of this nomination.

I would also like to thank the Honorable Thomas Davis for his kind introduction. He served as my Congress Member for over a decade and is the former Chairman of the House Oversight and Government Reform Committee. I am honored by his support here today.

I believe that the Administrator's role is to set priorities and an agenda to achieve best the economy, efficiency, and effectiveness mandates charged to the Office of Federal Procurement Policy. Today I believe that acquisition goodness can be best achieved by supporting the President's Management Agenda. Acquisition goodness also needs leadership that supports sparking innovation, promoting shared services, maximizing buying power, championing transparency, providing policy and management leadership, developing the acquisition workforce, and supporting small business participation, which is the heart of the American industrial base.

Over the past 20 years, I have served in various acquisition posts. I have served in various roles as a contracting officer in the Marine Corps, to include combat and humanitarian contracting in Afghanistan and surrounding regions.

I have served as a professor of Contract Management at Defense Acquisition University, and Deputy Chief Procurement Officer for the District of Columbia?

If confirmed, I intend to prioritize the following: institutionalizing category management, supporting our small business partners, improving major acquisitions, sparking innovation, and leading the acquisition workforce.

If confirmed, I hope to leverage my position as Administrator to increase awareness of these priorities and related initiatives, including the dissemination of best practices and tailored training that meets the different needs of agencies.

I believe that innovation and cost efficiency are the two most critical procurement concerns for the success and durability of the Federal acquisition system, and I believe that these policy priorities offer the most significant and positive impact on Federal procurement.

To overcome our innovation challenges and the near-peer threats posed by global adversaries, "faster, better, cheaper" must reemerge as the burning modernization imperative. Modernizing the way we buy over half a trillion dollars of goods and services each year is critical to providing the solutions our government requires at a price the taxpayers can afford over the long term.

The Office of Federal Procurement Policy has shown significant progress in implementing category management, a key initiative under the President's Management Agenda. Presently, category management has yielded tangible cost avoidance and cost savings.

At its zenith, all Federal agencies will benefit from category management as a strategy for sharing market intelligence, leveraging buying power, and using expertise across the Government enterprise for common areas of spending. Category management is a superb strategy for buying goods and services throughout the Federal enterprise at a price the taxpayers can afford over the long term.

Once again, thank you for the opportunity to appear before you today. If confirmed, I look forward to working closely with this Committee to deliver greater value to the taxpayer.

I am pleased to answer any questions you may have.

Chairman JOHNSON. Thank you, Dr. Wooten.

There are three questions we ask every nominee. I will ask the question, and then I would like you each to answer the question.

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

Ms. CABANISS. No.

Chairman JOHNSON. Dr. Wooten?

Mr. WOOTEN. No, sir.

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

Ms. CABANISS. No, sir.

Mr. WOOTEN. No, Senator.

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

Ms. CABANISS. Yes.

Mr. WOOTEN. Yes, Senator.

Chairman JOHNSON. Those are the correct answers.

Out of respect for my colleagues' time, I will turn it over to Senator Peters.

Senator PETERS. Well, thank you. Thank you, Mr. Chairman.

This Committee is the Senate's primary oversight body, as both of you know, and it has a constitutional duty to conduct oversight of governmentwide operations and ensure that Federal agencies and programs are serving the American people both effectively and spending the taxpayer dollars responsibly.

However, we cannot fulfill this critical oversight responsibility without the cooperation of the Federal agencies, and I know both of you address this in your written responses, but I think it is important for me to ask this question again and have you reiterate those answers.

So for both of you, if confirmed, will you commit to responding to oversight requests from Members of Congress and particularly from Members of this Committee as the primary oversight body of the U.S. Senate in a consistent and timely manner, regardless of the party?

Ms. CABANISS. Yes.

Senator PETERS. Dr. Wooten?

Mr. WOOTEN. Yes, Senator.

Senator PETERS. Thank you.

Ms. Cabaniss, in our meeting last week, you and I discussed some strategies to deal with improving the Federal Government's ability to attract and retain top talent, and I am certainly pleased to hear your support of the Federal Rotational Cyber Workforce Program that I mentioned in my opening comments.

As you are well aware, the legislation helps the Federal Government develop and to integrate cybersecurity workforce and also, very importantly, to retain high-skilled employees by establishing a rotational program that allows professionals to get experience in other departments and then come back to their existing department.

So my question to you is, if confirmed, will you continue to the commitment that you expressed in my office supporting this legislation and working with us to get this signed into law and then implemented within the agencies?

Ms. CABANISS. Yes, Senator. I think it is a very important tool not to just address our cyber needs, but as a way to recruit and retain new talent coming into the government, giving people more opportunities to be able to work different places in Federal Government and keep them engaged, so yes, absolutely, I really look forward to working with you on it, if confirmed.

Senator PETERS. Right. Well, thank you. I look forward to that as well.

The American Federation of Government Employees (AFGE) represents about 700,000 Federal and D.C. Government employees. It makes it the largest Federal employee union in the Country.

AFGE sent a letter to this Committee expressing opposition to your appointment, Ms. Cabaniss.

Mr. Chairman, I would like to have that letter entered into the record[1] without objection.

Chairman JOHNSON. Without objection.

Senator PETERS. Related to the letter, if I may ask a question. In 2007, the FLRA, when you were the Chair of that organization, ranked last among small Federal agencies in the Best Places to Work in the Federal Government rankings. Of note, employees expressed very high levels of dissatisfaction with senior members.

So, as Chairman of the FLRA, what steps did you take to address this low employee morale, and how did you confront what was at the time appearing to be a difficult problem?

Ms. CABANISS. Well, it was difficult because it was a time of change. That when I arrived at the FLRA, I found a lot of deficiencies related to human resources (HR) management, procurement, acquisition issues. There were just a lot of deficiencies. Employees were not treated equally. So there were a lot of changes that we made in policies and agency guidance to be consistent not only with the President's Management Agenda, but ensure that employees were being treated fairly.

I understand that some of these changes were not necessarily popular, but they were things that we really needed to do to be good stewards of the taxpayer dollars but to also ensure that merit principles were being followed because employees were not necessarily being treated fairly.

[1] The letter referenced by Senator Peters appears in the Appendix on page 145.

We discussed a lot of these issues with the component heads of the different independent components of the FLRA, and the career employees with agency-wide responsibilities who reported to me worked a lot with other career managers, and those managers also talked with their employees.

So you are right. It was an issue, and I understand that morale was not necessarily great, but there were also external forces that were threats to the agency at the time. The Department of Homeland Security (DHS) was looking about whether or not collective bargaining was consistent with national security. This was an ongoing debate after September 11, 2001 (9/11). The Department of Defense (DOD) was looking about potentially creating its own personnel system and going away from the jurisdiction of the FLRA.

So at the same time we were making internal changes, there were threats to the agency that probably would have costed about 60 percent of its jurisdiction.

So I understand that there were concerns about the future of the agency, as people had come to know it, but there was not really anything that I could do to promise that Congress was not going to make these changes.

Senator PETERS. So, if confirmed as Director of OPM, your agency will be the leader of HR management for millions of Federal employees as well as retirees. So based on the answer you just gave me related to the FLRA, is there anything specifically that you would do differently as the Director of the OPM, and as the Chair, what were some of the lessons learned, and how do you think things may be different?

Ms. CABANISS. Well, I think any opportunity that you have to be a leader and a manager, you have constantly got to be learning from each experience, that you have that you never stop learning.

I think change is a constant in our world today. We have to help figure out a way to communicate more with our employees to help them manage the anxiety and the valid feelings that come about with that change and try and provide as much information as possible, knowing that we are not going to be able to promise that the world is not going to change, but do what we can so that people feel like they have enough information that they can help make an informed decision about what they want to do and just kind of manage those emotions around that change.

Senator PETERS. As I mentioned earlier, since OMB released the Administration's governmentwide reorganization proposal in June 2018, Members of this Committee have been asking for some basic information about these plans detailing estimated cost, implementation timelines, and an analysis of the expected impact on the Federal workforce.

In your written responses and during your staff interview, you have emphasized the importance of congressional oversight and of justifying major organizational change with a business case or a cost-benefit analysis. I think that is an accurate representation of how you have approached this issue.

So my question to you is, if confirmed, will you commit to go through a very thorough evaluation of the existing analysis and justification supporting any reorganization efforts already underway?

Ms. CABANISS. Yes, Senator. Obviously, what I know about the reorganization plan now is based on the President's Management Agenda and what was in the budget request.

In our discussions, one point I did raise was I am not sure about using cost-benefit analysis as a term of art. In my experience working on the Appropriations Committee, when agencies came to us wanting to restructure certain offices to make realignments or, for example, changing the Bureau of Public Debt to the Fiscal Service, I do not think that I ever saw a cost-benefit analysis. I tend to think of that more in terms of when people were looking at agency, the promulgation of regulations.

But I agree with you, absolutely, from sitting on the other side. I know that you have to get all the information you need to best understand it and particularly since, as I read the Management Agenda, it envisions the need for legislation. So the only way to get legislation to be able to effectuate this change would be to work with Congress.

Senator PETERS. Well, I am out of time.

Just to follow up, a quick answer. So, as you go through that process, will you commit to sharing any analysis or any supporting data with this Committee—that all that will be transparent and shared with us?

Ms. CABANISS. As a private citizen, I do not know what is available, and I do not know whether there is any of it that—I do not want to overstate, but obviously, I would do all I could to be as transparent as possible and provide you everything that I am able to.

Senator PETERS. Thank you.

Chairman JOHNSON. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Well, thank you, Mr. Chair and Ranking Member Peters, and thank you to Ms. Cabaniss and Mr. Wooten for being here, for your service.

Thank you to the families too. Both of you spoke of the service in both of your families. It is quite impressive to see two nominees here with families with such extraordinary records of service, and we are very grateful to you and your families.

Ms. Cabaniss, I wanted to start and follow up on something we began to talk about when we met last week. It is no secret that the current Administration is openly hostile toward Federal employees and the unions that represent them.

We have seen attempts to dismantle Federal employee unions, eliminate official time, bargain in bad faith, and use employees as pawns in a politically driven government shutdown.

In our meeting last week, I made it clear to you that it is the job of the OPM Director to advocate on behalf of the 2 million Federal employees who serve the American people and ensure that these employees are valued and respected. I believe this includes supporting Federal employees' rights to organize.

So, Ms. Cabaniss, do you agree that it is in the public's best interest to allow collective bargaining and the other activities that flow from it, which promote the recruitment and fair treatment of a modern Federal workforce?

Ms. CABANISS. Yes, Senator. As we discussed last week, the statute that we administered at the FLRA finds that collective bargaining is in the public interest.

Senator HASSAN. Thank you.

And will you unequivocally commit to support Federal employees and their right to organize, despite the efforts of the current Administration if you are confirmed?

Ms. CABANISS. Yes, Senator. I will follow the statute.

Senator HASSAN. Thank you.

My office is increasingly hearing from constituents about their frustration with the amount of time it takes OPM to process their Federal employee retirement benefit claims. These delays place a significant financial hardship on individuals and families who provided a great service to their country, and they deserve better.

Ms. Cabaniss, are you aware of these processing delays and the financial hardships that they cause?

Ms. CABANISS. Yes, Senator. As we discussed, for as long as I worked in the Senate, my entire career, the issue of delays in retirement processing has been a consistent problem, unfortunately.

Senator HASSAN. Yes.

Ms. CABANISS. As I mentioned in my own experience, it took me 6 months to receive a check after I retired.

Senator HASSAN. Right.

Ms. CABANISS. And I would like to think that I am an outlier, but I am afraid I am not.

Senator HASSAN. If our constituent calls are any indication, I think you are not.

So, if confirmed, what steps will you take to discover the causes of these delays and address this pressing concern?

Ms. CABANISS. I think we really need a bottom-up review to see what is working, what is not.

I know that we are always going to have some paper, and until those of us who retired who came into the government, and so you have that competing demand of trying to modernize and make electronic applications and electronic transmittal of information from agencies to OPM, but you are still going to have paper in caves in Pennsylvania for those of us who came in, in a different era.

I do not think you want to redirect resources to digitizing that paperwork.

But that said, I really think we do need a bottom-up review because this has been going on for too long. I know they are making progress, but it is not sufficient progress.

I would really like to look and see, in addition to finding out what works with the folks at Boyers and where they are finding success. I would also really like to look somewhat to the public sector—large pension plans, States—and see what we can learn in terms of best practices from other people and other kind of retirement programs to see how they have done because I think we have to find a solution.

Senator HASSAN. Well, it is good to hear your thoughts on that.

If confirmed, will you commit to reporting back to my office within 60 days with an explanation of what is causing the processing delays as well as your plan to address it?

Ms. CABANISS. I will certainly report back to you in 60 days with about what I have been able to find so far, if confirmed.

Senator HASSAN. OK. Understood.

I wanted to follow up with you on one of the topics that Senator Peters and you began to discuss, which is cybersecurity.

It has been one of my top priorities since joining the Senate and really have been trying to look at different ways we can strengthen government cybersecurity, and Senator Peters mentioned our legislation about a cybersecurity rotation.

It is really clear that we cannot defend our country against domestic and foreign cyber threats unless we employee a highly skilled cybersecurity workforce across the government.

OPM plays a critical role in ensuring that the government is adequately staffed with talented cybersecurity personnel.

You have discussed some ideas you have in this regard, but can you expand a little bit on how you plan to address challenges to recruiting and retaining cybersecurity professionals to ensure that the United States is protected against cyber threats and vulnerabilities, if confirmed?

Ms. CABANISS. Yes.

I think what you all have done is a great first step, and I think it really does somewhat institutionalize things that were started during the Obama Administration with the digital service and the information technology (IT) and oversight reform group that was in the White House that was brought in, people who came in from industry and essentially did what you are now going to institutionalize, but have people who could go from problem to problem.

I am really interested in talking to industry to figure out how they can convince people to come work in the Federal Government.

I would love to go back and talk to the three Federal Chief Information Officers (CIOs) that I worked with in the Obama Administration to see how they were able to recruit people in and then also what flexibilities that we already have or that we can consider to try and convince people to come in and essentially do tours of duty working in cyber because we are not going to be able to compete for the long haul. Also this next generation of cyber experts is not going to work for the government for 33 years, like I did.

I am really interested in talking to industry about how we can appeal to these people and what we can do to make this a place that is more interesting for them to work.

Senator HASSAN. Well, thanks for that. I hope we can make the case to this workforce because we really need them, and it is critical to our Nation's security.

Ms. CABANISS. I agree.

Senator HASSAN. Thank you, Mr. Chairman.

Mr. Wooten, I do not have any questions for you. I look forward to working with you, though, and thank you for your service.

Mr. WOOTEN. Thank you, Senator.

Senator HASSAN. I yield.

Chairman JOHNSON. Senator Sinema.

OPENING STATEMENT OF SENATOR SINEMA

Senator SINEMA. Thank you, Mr. Chairman, and thank you to our witnesses for being here today.

Arizona is home to over 50,000 retired and 30,000 current Federal employees, and these employees provide security at our borders, they support our veterans, and they manage our absolutely beautiful public lands. Many of these employees are dedicated to both the mission and service, and I want to make sure the Federal Government ensures they are properly supported in their efforts. Unfortunately, that does not always happen.

In Arizona, there is a crisis at our border. Customs and Border Protection (CBP) officers and agents are currently exhausted. They are being detailed outside their scope of expertise. Many are working 16-hour shifts to make up for staff shortfalls. We also are experiencing a shortage of VA staff and clinicians, and it has been challenging to attract critically needed staff in rural areas.

We can only meet these challenges with a strong OPM Director who will ensure the Nation's human resources department is ready to assist, and that is why it is so important for me to better understand the perspective of your opinion on the Administration's proposal to merge OPM into the General Services Administration (GSA).

Congress needs to know that the Director will do what is right for Federal employees and the citizens who rely on Federal services, and while this proposed merger has been presented as a cost-saving and efficiency-gaining mechanism, we have not received any significant analysis that shows that the merger will achieve those goals. We have not seen a legal analysis of the legislative authorities required for the merger to advance nor a business plan outlining the case for implementation, a timeline, impact on current employees, or more broadly, if this merger is even possible.

So we want to see all of the analysis that OPM has developed. So understanding how you will handle these requests will help us all understand how to approach your nomination. If confirmed to this position, what are the key factors that you will use to determine if this merger is a good business plan for our Country?

Ms. CABANISS. I think as a private citizen, I do not have a lot of details on what is going on. I know what I have seen, but I think what is going to happen, at least from what you can tell from the President's budget request, is that a lot of this is going to require legislation.

So what I would want to do would be to work with Congress and all of the stakeholders to make sure that we can work on reaching a conclusion that we think will actually be effective and will really help because the people, policy, and programs of OPM have to continue. It does not matter where they sit. Those things are critical, and they are critical to the functioning of government.

I commit to you, Senator, if confirmed, I would work with this Committee and anyone who is interested to make sure if on any kind of legislative implementation plan, to make sure that it is addressing people's concerns.

Senator SINEMA. Thank you.

What steps do you see yourself taking if during your review of OPM's work to date on this merger, if you find that the merger does not make sense from a business case or if there are technical problems? What kind of steps do you see yourself taking if you were to review that and have concerns?

Ms. CABANISS. I think, again, Senator, that I would approach it by working with Congress and working through those issues.

I have had some experience in working in the Senate on working very complex, contentious issues, with a lot of different opinions, a lot of different stakeholders, and I feel like I have had a significant amount of success in kind of trying to bring people together to reach a resolution. So that would be the same approach that I would take to this process.

Senator SINEMA. Thanks.

Just another question about this merger. If confirmed, as you are moving forward with the merger, would you be willing to ensure that a legal analysis is done to assess what legal authorities are needed to support the merger and, of course, share those legal outcomes with the Committee and make sure that we are working closely to draft legislation that might require legal changes?

Ms. CABANISS. I think any consideration of legislation, you would have to do that kind of analysis. Otherwise you would not be able to, it would be critical to the drafting.

Senator SINEMA. Finally, my last question for you is, What do you see as the role of the OPM Director in protecting both our Federal workforce and our Federal retirees?

Ms. CABANISS. I think it would be an incredible honor, if confirmed, to have this job, just the paramount role of the Director to protect the civil service and merit principles and those retirees.

I was talking to someone the other day, and we were discussing how when you become a Federal employees, the only agency that you really interact with your entire life is OPM, and whether it is even after you have gone on, your survivors. So we have to make sure that we get it right.

Senator SINEMA. My last question for you is about information technology. As you know, information technology capabilities is a key factor for ensuring that we have efficient government operations, and one of the first questions that many have regarding a merger, such as the one proposed here, is whether or not these existing computer systems can work together effectively.

We have certainly seen how sometimes computer systems in various agencies do not communicate well with each other.

So what would be your plan to ensure that the merger works from an IT perspective and that we were seamlessly moving folks from one database to another or one platform or system to another?

Ms. CABANISS. I think there would just have to be a real partnership between me and the CIO, who I have met with, and as well as the Office of Inspector General (OIG) and their folks who work on IT.

I have had the benefit of working with the OPM Inspector General (IG) over the years on IT issues related to the breach. I think they play a really important role to making sure that any kind of risk assessment is done and that no changes are made until people are confident that there is not going to be a problem because the last thing that we need to do is make things more difficult for Federal employees.

Senator SINEMA. Right.

Thank you so much.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Hawley.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you, Mr. Chairman, and congratulations to both of the nominees today. Great to have you here. I look forward to working with you.

Ms. Cabaniss, let me start with you. You and I were discussing earlier today data privacy, data security. That is something that is very important to me. As Attorney General of the State of Missouri, I launched an investigation of the Equifax data breach, which affected quite a few members of my State, residents of my State.

The OPM data breach predated Equifax's, and I am afraid it was quite a bit larger.

If confirmed, you will enter the job of Director at a time of heightened threats to our IT infrastructure. What lessons and best practices will you bring to OPM to ensure that it is appropriately fortified, shall we say, and that the sensitive personal information of Federal employees is protected?

Ms. CABANISS. I would continue to work with the OIG's office, as I mentioned that I have worked with before on the breach.

I have had an opportunity to meet briefly with the new CIO and the Deputy CIO. I am more positive about OPM's IT improvement than I have been in the past. They came from Digital Services. They are part of the original group who came in during the Obama Administration. They are just incredible technical people who really are here just because they want to serve.

And that I would also want to work with the Government Accountability Office (GAO) because I have worked with them as a partner, both their information technology people, but also their cybersecurity group, just to make sure that you have that second, third set of eyes to make sure we are doing what is right.

As I mentioned to you, OPM was one of the largest breaches when I worked on the Committee, and my information was compromised as well. But it was not the only breach. We had significant breaches at the Internal Revenue Service (IRS) and some other agencies that were not necessarily in the press.

I have always found GAO to be an incredible partner in kind of having that overview because they got their finger on their pulse with DHS and the United States Computer Emergency Readiness Team (US–CERT) and knowing what the best practices are. I really think it would be a collaborative effort.

I am not an expert, but I know where the experts are.

Senator HAWLEY. Thank you for that.

Let me draw your attention, both witnesses, to a story that ran in the *New York Times* with this headline, "How Chinese Spies Got the National Security Agency (NSA's) Hacking Tools and Used Them for Attacks."

Several weeks ago, the *Wall Street Journal* ran an expose on China's use of U.S. satellites, and every week we read about another technology that has been stolen by our adversaries, particularly China.

If confirmed, you will both oversee large portions of the Federal Government that are directly affected by these stories, the manage-

ment of the Federal Government's workforce, Inspector General, and of course, the technology that the government acquires.

Can you each describe for me why our government, which is the strongest in the world, appears to be so vulnerable? What is your view on this, and what changes do you propose to be made to address the kind of vulnerabilities that we are seeing reported in the press?

Dr. Wooten, I will let you go first.

Mr. WOOTEN. Well, thank you, Senator.

I agree that that is one of the most concerning areas of vulnerability for the United States. There are large nations that obviously can shore up military threats to the Nation, but the cyber threat is one that can be shored up by large small nations and even nonstate actors.

If confirmed, I would work with the appropriate agencies, the Chief Information Security Officer (CISO), and others to look at resources that are necessary from a contracting perspective and ensure that we do not have procurement regulations that get in the way of getting the type of cyber defense resources that we need.

Senator HAWLEY. Just on that last point, Dr. Wooten, are you aware now of any such procurement regulations that you think are a hindrance to getting the resources that you need?

Mr. WOOTEN. Well, Senator Hawley, thank you for that clarification question.

Actually, as it stands right now, I am not presently aware, but I think because of the nature of the cyber threat, we have to continually scan the environment, and I think that is a question that I would need to put to the leadership from time to time.

Senator HAWLEY. Yes. Thank you very much. Ms. Cabaniss.

Ms. CABANISS. I would definitely want to work with Dr. Wooten, and the reason I say that is based on my experience working on the Appropriations Committee and breaches that happened at large agencies, small agencies, too often there was a pattern. Sometimes it was just lack of skill when it came to project management, agencies thinking they needed to create their own systems in-house as opposed to seeking expert advice from other agencies or having difficulty developing their own requirements and then going to contractors who would write the requirements for them.

The people in the agency might be great experts of what their agency did, but they were not IT experts. I would really like to work with your office to find ways to like leverage that expertise because I think some of the problems are agencies just operating in their own siloes and their own systems, creating vulnerabilities without even realizing they are doing it.

Senator HAWLEY. Very good.

Dr. Wooten, a final question for you. Some of the procurement policies in the Federal Government, especially in the tech sector, are of concern to me, and I would like to get your views on them.

In particular, I recently had the chance to ask the Chairman of the Joint Chiefs about Google's behavior and avoiding contracting with the U.S. Government, DOD, and instead partnering with China. And he went further to say that he believes Google partners with China in ways that directly threaten the security of the United States.

From your perspective, what needs to change on how the U.S. Government engages in contracting with tech companies, and how do you see your role if you are confirmed in integrating DOD's procurement policies with those of OMB?

Mr. WOOTEN. Senator, thank you for that question.

The fact is that there are many nontraditional—if I can use that term—nontraditional contractors who are reticent to work with the Federal Government. They see us as too cumbersome. Some of the smaller companies see us as a bit cumbersome, and those are the very companies that we need to work with often in looking for the right solution for cyber response.

If confirmed, I will look for opportunities to find the best practices in Federal Government where agencies are able to find innovation within the four corners of the Federal Acquisition Regulation (FAR), the existing innovation that they are already free to choose.

I would also consider hearing recommendations for innovations that perhaps are outside of that, to include understanding the judicious use of the transaction authority.

Senator HAWLEY. Thank you very much.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Dr. Wooten, before I arrived here, I understand in your opening statement, you spoke of your family's military service. Would you just in a nutshell tell me what it was? I heard Navy, maybe Marine Corps.

Mr. WOOTEN. Thank you, Senator Carper.

I am proud to say this in a nutshell. My father was a sailor for 20 years, and he retired as a senior chief in the Navy. My father-in-law was a sailor and Naval aviator, and for 30 years, he served and retired at the rank of Navy captain. I also served in the Marine Corps. We will admit that it is naval service. [Laughter.]

I served for 20 years. Collectively, that is a legacy of 70 years of naval service, and I am particularly honored that we have that legacy. So thank you for asking that question.

Senator CARPER. If you add together my service, retired Navy captain, not counting sometimes a midshipman, my dad's service as a chief petty officer, it would be I think about 60 years.

So we salute you and your dad, for you family for your service. Thank you.

Mr. WOOTEN. And likewise, sir.

Senator CARPER. I loved doing it.

I have a question, if I could, Dr. Wooten. I would like to highlight a concern about the current Administration's lack of cooperation with some oversight entities, with I think legitimate requests for information.

Several months ago, Senator Udall and I asked the Environmental Protection Agency (EPA) Inspector General to review an EPA decision to repeal emission limits for glider trucks, which are really diesel trucks, old diesel trucks that have a new exterior. Diesel engines are big polluters. Trucks, cars, boats, trains. A diesel engine is a big polluter of particulate matter, also something called

"black carbon," which is a lot more dangerous that just regular carbon dioxide.

But the EPA IG has been investigating the EPA's role and the OMB's role in issuing this regulation. Just last week, for example, the EPA IG sent a rare letter to Congress noting that the OMB is failing to respond to the EPA IG request for information about the OMB's role in issuing this rule.

Similarly, earlier today, my staff met with the GAO on a number of audits and investigations involving the OMB, and during their conversation, the GAO notified my staff that the OMB was recently asked by the Comptroller General—that is Gene Dodaro, whom you may know—was asked by the Comptroller General for the OMB to be more responsive, to be more transparent and cooperative with the GAO.

I find it concerning that the OMB is not being fully cooperative with oversight entities whose job it is to do oversight, to be a watchdog. If confirmed will you commit to respond to oversight requests, including requests made by Congress, by agency Inspectors General, and the General Accountability Office?

Mr. WOOTEN. Senator, thank you for the question.

Senator CARPER. You are welcome.

Mr. WOOTEN. If confirmed, I will be responsive. I believe in transparency.

Senator CARPER. Thanks so much.

Let me just ask also, What would you do to ensure that the OMB as a whole is more responsive to underlying legitimate oversight requests?

Mr. WOOTEN. Senator, if confirmed, my role, as I understand it, as Administrator for Federal Procurement Policy, would have me in that particular lane. I would, as a good partner, though, ensure that any information as required from my particular office was forwarded to the OMB at large so that we could provide timely responses.

Senator CARPER. Thank you.

Ms. Cabaniss, has your last name ever been mispronounced?

Ms. CABANISS. Just a few times.

Senator CARPER. Maybe even today?

Chairman JOHNSON. Not by me. [Laughter.]

Senator CARPER. And how do you gracefully when people say, "Ms. Cannabis"—how do you gracefully tell them that your name is Cabaniss?

Ms. CABANISS. I just let it go.

Senator CARPER. I thought you were very gracious, and I am sure it has happened many times. It happened as we were preparing for my meeting with you earlier this week.

Alright. Ms. Cabaniss, I am concerned that this reorganization proposal, which we discussed yesterday—thanks for spending the time with us, but this proposal in the President's budget proposal, which slashed in some cases agency budgets across the board and other Administration actions like unnecessarily shutting down our government earlier this year, are having a serious effect on morale across the government, and not only morale, but the ability of the government to recruit and retain a world-class workforce.

In this Committee, the Chairman and others on this Committee, myself, worked for years with the Secretaries of Homeland Security in order to try to bolster the morale of that agency, and finally, after years and years of trying, we saw a great deal of improvement in that morale. And we see it now just being dissipated, which is tragic for those of us who care about this.

But, if confirmed, what will you do, what would you go to improve morale at OPM and across the Federal Government?

Ms. CABANISS. Well, I would work with the Chief Human Capital Officers (CHCO). I would like to find out what they think best makes employees know that they are valued.

I have been through shutdowns several times, unfortunately, nothing to the extent of this one. I have seen the impact that it had on my fellow workers. So I think I very much empathize and understand that it is difficult for employees because they are caught up in something that really has nothing to do with them.

I would definitely want to work, at least at OPM, with the career managers and the OPM unions just to figure out what they think is the most effective way of communicating that message to employees that they are valued and that we support them and they are critical to our achievement of our mission.

Senator CARPER. When I served as Governor of Delaware, we had a huge focus for those 8 years on raising student achievement, and one of the things I would do is—we have 19 school districts in our State. Each district chooses their own Teacher of the Year, and one of those 19 is chosen as the Delaware Teacher of the Year. I used to invite them all in for lunch in June when school was over and just to talk for 2 hours about what was working in their classrooms to raise student achievement.

You may want to take a similar approach and look at some agencies. A good place to start is Homeland Security. For years, almost dead last. For years, almost dead last. And there are other agencies that for years are like right at the top and from different Administrations. I would like to see you find out what works, do more of that, find out what does not work and do less of that.

You may want to stop and take a look at particularly Homeland Security, which was a laggard forever, and then it finally rose from the ashes and at least until recently was a role model there.

One last quick question, if I could. How do you plan to work with frontline Federal employees in implementing the reorganization proposal before us?

Ms. CABANISS. As I have mentioned earlier, as I understand the President's proposal, it is going to require legislation for some of the changes to be effectuated. I would want to work with stakeholders to make sure that people have an understanding of how any changes would need to be implemented, working with Congress, but with employees, I think the more we can do just to communicate that information and be transparent, I think would be helpful.

As I mentioned earlier, I think change is a part of life. In government, it is the same, and the private sector, but we need to make sure that employees, to the extent that we can, that we have a transparent process, that they know what is going on, and while we cannot necessarily guarantee an outcome, we can provide people

with enough information to help them manage the concerns that they might have about any change.

Senator CARPER. My time has expired.

I am going to submit a question for the record, Dr. Wooten, to you about improper payments, overpayments, underpayments, mistaken payments, which added up last year to about $140 billion. This is a huge amount of money for our government. We have been working on this again for years, and we are not going to give up. I would just ask you to take a look at that question for the record and give me a good response. $140 billion, one year alone, that is a lot of money.

Thank you.

Mr. WOOTEN. Thank you, Senator.

Chairman JOHNSON. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you.

Thanks to you all for going through this process. It is not a fun process, but we really need good folks to be in these roles. So I appreciate you all going through the process and reaching this point.

Dr. Wooten, let just, I guess, tell you a story real quick. I met with one of our generals at one point in the military to be able to ask about procurement around their base, and I said, "What do we need to tweak on the Defense Federal Acquisition Regulation (DFAR)?" He did not hesitate. He said, "You do not need to tweak. You need to throw the whole thing away." All of our acquisition process, it is so bulky and so expensive and so difficult. We have to start all over to be able to figure out how to do this.

We desperately need people that know the system to make recommendations to us on how acquisitions are done in the contracting because we are getting too few small businesses. We are getting too few hungry businesses that want to engage and to get into Federal contracting. We are having more and more folks say, "It is too hard, too difficult. I am not going to even try," so we get larger and larger and larger companies, which love the regulations because they are the only ones built to do it, and so there is less and less competition in the process.

How can we lean on you and get information from you on how to fix the problem? Because some of the things, you can help manage, but we do not need to manage some of these. We need to blow up and rebuild some of these areas. How can we do that?

Mr. WOOTEN. Senator Lankford, you have asked a very thoughtful question, and thank you for that. That way, I can address it for the record.

The procurement process—or let me say the Federal Acquisition Regulation—has evolved over decades as a result of statutes, as a result of regulations, and as a result of case law, and it is now a Gordian Knot. And what I believe that you were suggesting is that we find someone who can come in and cut the Gordian Knot.

Senator LANKFORD. Right.

Mr. WOOTEN. I do not know where to cut the knot.

What I do know is that what has worked for us in drawing out incremental improvements is to rely on the rulemaking process to

make sure that all stakeholders can get involved and slowly make tweaks.

As we start talking about the need to gain some more rapid momentum—and you have made that case, and so have some of your colleagues, particularly in the area of IT and cyber defense, some of the quick win opportunities, I believe, would be found in, again, being able to identify and then publicize successes in innovation that are happening within the four corners of the FAR.

Too often, the answers that people have gotten—and I have been that customer wearing the uniform. Too often, the answers that we have gotten is the "no," "No, I cannot," because "no" is safe.

Senator LANKFORD. Right.

Ms. CABANISS. "No" needs to no longer be safe.

Senator LANKFORD. So another quick story. I saw a new piece of hardware. I will just leave it at that. I went to go visit to see what happened. It has been in process for years. I go see the new hardware. The first thing they do is fire up the computer, and then we stand around and talk—I do not know—6 minutes while it is booting up.

I looked at it and said, "Is it booting up, or is it having a problem?" And they said, "Oh, no. This is the first thing we are going to have to replace is the computer system because it was all built on the technology from 10 years ago. So, as soon as we get it, we have to replace it immediately." What in the world? That it is built in our system that there is a problem.

I always know anytime that anyone is told no that had the contract last year, if they lose it, we are guaranteed they are going to dispute it so they can still have the contract for at least another year and they are guaranteed those dollars and that flow while we are actually fighting it out.

There are issues in our system that were built to be able to protect all voices to make sure everyone gets heard, which is good, but what it is really doing is preventing small companies from getting in and allowing more voices to be heard. We are actually getting fewer, and you have to know the system and have the legal background to be able to actually get engaged. And most folks will say, "It is not worth the trouble. I am going to spend months and thousands or millions of dollars trying to compete to go get this big contract, and at the end of it, somebody is going to beat me that knows the system better, so why bother?"

I want to help with this. There are many of us in this Committee that want to help with this. We need practical ideas as we go through it, and so we are looking for more interaction as we go through the process, not less.

The last thing we want to have is this is the last time we see each other or for you to assume there is a lot to get done and so I will work on my stuff and wish this was different, whether it is dealing with off-the-shelf technology that often works, but every agency wants to do their own personalized stuff rather than off-the-shelf, or whether we try and fix the acquisition process. I want us to get away from the assumption that as soon as we buy equipment that has a computer attached to it, the first thing we always have to do is replace the computer. We should definitely get away from

that rather than just buying something twice. So we look forward to partnering together on that.

Let me switch over. Thank you for coming by to be able to visit and us be able to walk through some things. Can I ask you, How do we deal with USAJOBS and to make it as efficient as we possibly can?

To go through the process, just to go through history that you were not there for, but USAJOBS was originally run by Monster. It was run for about $6 million a year. We took it in-house, the Federal Government did in 2011 or 2010, somewhere through there, paid $6 million to create the new platform, then $12 million to run it every year.

And we get constant complaints from people that cannot find any of their listings on USAJOBS, or if you do not know the secret keywords to be able to get to it, you cannot actually navigate it. How do we fix this?

Ms. CABANISS. No, I agree with you, Senator. I really think, much like retirement processing, we need a bottom-up review of that, because I have seen that very experience with colleagues of mine who have tried to look for Federal jobs and could not find congressional liaison jobs in Washington, DC.

Senator LANKFORD. Right.

Ms. CABANISS. Things that were very easy to look for.

Also, besides USAJOBS and the problems with I think that relate somewhat to the technology is the problem is what happens on the other side once someone goes through USAJOBS, and a lot of the frustrations come from lack of information from agencies on the other side, not even an acknowledgment that an application has gone through or not any information about whether a position has already been filled.

So I think, again, it is something that we have really got to take a look at because when my kids can apply for a job on their phone and get an answer within—one of them did in a matter of hours, a response. I do not know how we compete against that.

Senator LANKFORD. Yes, we are currently not. We are having a difficult time in the USAJOBS.

It is taking over 100 days to actually do retiring, and if you get all the way to retirement. Great. Thanks for your service on this. Wait 6 or 8 months before your retirement actually begins because we are trying to figure out how to do the processing. Not that you have a few problems to be able to solve, but we are counting on you to be able to take the job.

Ms. CABANISS. No, but I think that is a huge issue because, as you and I discussed, I am most concerned about bringing in that next generation of Federal employees, and we just cannot have obstacles that discourage them from trying to get a job in the Federal Government.

Senator LANKFORD. Yes. We continue to want great folks.

So thank you to both of you for stepping up to be able to take this on. It is a critical moment.

Chairman JOHNSON. Thank you, Senator Lankford.

Before I ask my questions and close out the hearing, Senator Peters has a question.

Senator PETERS. Thank you, Mr. Chairman.

Ms. Cabaniss, just one final question. As you know, the reorganization plan that we have been talking about through this hearing is complex, and it can raise some novel questions of authority as well.

So, if confirmed, what will you do if you are directed by either the White House or the OMB to take a specific action that you believe is outside of the OPM's legal authority? How will you handle that?

Ms. CABANISS. Senator, I would strongly try and explain that throughout my career, whether it was in the Senate or in the Executive Branch, everyone I think has an expectation that I do not tell people what they want to hear. I tell people what they need to hear. So I think I would always be an advocate to try and make sure that people had the information they needed.

Senator PETERS. That they would have the information they needed to realize that it is outside the authority?

Ms. CABANISS. Absolutely.

Senator PETERS. And would you be willing and will you commit to making sure this Committee, both the Majority and Minority, are aware of that instance in the name of full transparency as to what is going on?

Ms. CABANISS. Yes. I think that would be part of the organic process of discussing legislation. I mean, I think if there is going to be legislation that is going to come up here that is going to be needed to effectuate some of these changes, it is going to be clear on its face where there are gaps, where you need legislation, where you need different legal authority.

There may be disagreements about that. I am sure we will engage, if confirmed, in robust discussions within the partners of the Administration but as well as the Hill about what authority is needed.

Senator PETERS. Obviously, on the legislation you are bringing forward, we would have that conversation, but the question is, if you are being asked to do something that you think is outside that scope, certainly we need to know that here on the Committee. You would be willing to come to us and say, "I think this is something that you need to look at?"

Ms. CABANISS. Senator, I think it would be clear on its face, but yes, I would have that discussion.

Senator PETERS. OK. Thank you.

Chairman JOHNSON. Thank you, Senator Peters.

Dr. Wooten, I could not help—I think I saw kind of a smile when Ms. Cabaniss was talking a little bit about the records in a cave on retirement.

First of all, I think we should stipulate for the record, they are actually in a four-drawer file in that cave. So it is not a total lost cause.

But it gets to be really kind of the question that Senator Lankford was talking about. How do you acquire? When do you design a system internally versus buying something off the shelf?

Now, the Federal Government is not the first entity that has transferred paper records into a computerized system. It boggles my mind that we are still here in 2019, and it has not happened.

Can you just kind of speak from the standpoint of acquisition and procurement or policy-wise, how do we grapple with that issue? How do we enforce a process where you really do try and use what is available in the private sector and try and minimize the customization to it as much as possible? Because let us face it, the customization has proved not to work too well, particularly for the Federal Government.

Mr. WOOTEN. Well, Mr. Chairman, thank you for that question.

I am pleased to be able to go on the record to address some things that I think can outline perhaps opportunities for the Federal Government and for Federal Procurement Policy.

First, in America, we are doing it right, but oftentimes, that is on the private-sector side. That is where we can learn some lessons. We can learn from what they are doing, find out what the private sector is doing to be able to procure the IT solutions it needs and then see if we cannot do that within the existing four corners of the FAR. I think that is the first and prudent, necessary step.

Next, as you mentioned and I think I have heard several of your colleagues discuss, oftentimes in the Federal Government, we procure commercial off-the-shelf (COTS) products, but then we proceed to break the COTS solution and try to retrofit it into the peculiar set of government policies or practices. That needs to end.

We need to look at the COTS solutions and, before we procure them, ask ourselves if we can retrofit the process instead of the product, and if we can retrofit the process and align government business processes to work with the existing COTS solution, then we truly have a commercial off-the-shelf solution.

Lastly, sometimes we do have large acquisition systems; in particular, on the DOD side, military weapon systems. As we used to say at DAU, every major weapon system is an IT procurement system, and when you have that realization, of course, that means you are going to be doing some development. We need to figure out better ways of doing the development for customized solutions so that we do not realize 2 and 3 years down the pipeline that we have built our way to something that is already antiquated.

Chairman JOHNSON. That made way too much sense. [Laughter.]

Thank you for that answer.

Mr. WOOTEN. Thank you, sir.

Chairman JOHNSON. Ms. Cabaniss, I should have asked you this in my office, and I did not. So this is coming a little bit from left field, but it is an issue kind of dear to my heart because I ran a manufacturing plant 24/7, 365 days a year. The only way you can do that industry, the way it is done in industry—I am not really aware of any exceptions—is with four shifts.

Now I come to the Federal Government, and particularly in areas of law enforcement, like Customs and Border Protection, many of these law enforcement agencies have to operate continuously, and yet we do it in three shifts. And it makes no sense to me.

I just kind of want to get your thoughts on that. I have written oversight letters trying to get some sense to where there may be some operations operating with four shifts, but can you just kind of speak to that?

Ms. CABANISS. Senator, I am not familiar with that, how many shifts there are, but it certainly—as I mentioned to you earlier, I

am willing to explore anything that we can to make government operate more efficiently, and I am happy to work with you and your staff to try and learn more about it.

Chairman JOHNSON. So consider this fair warning. It is going to be an issue I am going to continue to ask questions about because, again, what we are doing, in three shifts, over 168-hour work week, that is 56 hours, which burns people out.

Again, I was just down at the border in El Paso. The Border Patrol likes the pay, but the hours burn them out.

Ms. CABANISS. Right.

Chairman JOHNSON. Certainly, one of the many reasons why morale would probably not be as high as we would like to see it at all.

Ms. CABANISS. Right.

Chairman JOHNSON. The other issue we are seeing too is just our inability to hire as quickly, as we are witnessing attrition in other areas. Can you just kind of speak to that issue?

Ms. CABANISS. No, I agree with you. I think that is an issue, and I think we need to make sure that agencies are aware of the flexibilities that they have, whether it is direct hire authority or temporary, but we also need to look at some of the proposals the Administration has put forward to try and figure out a way to bring people more on board more quickly, particularly in areas where we need people to come in for a discrete project, do that project and leave. We do not necessarily need them to stay in one particular area for an entire career.

So we just need to look at all flexibilities. I mean, we have a system that is not really made for today's world, much less today's government, and I think we need to consider all available options.

Chairman JOHNSON. OK. Again, I just want to thank both of our nominees for your willingness to serve, your past service. Again, I encourage you to work with this Committee. We are really here to help you perform your task as best you possibly can, and as well, our very legitimate oversight functions. I agree with Senator Peters. Please communicate with the Committee. If you are having issues or problems and stuff, those are things we do need to know, and it is a lot better being up front than hearing about it sometime later on in a hearing when it has not gone too well.

I will read the final magic words here for the hearing. The nominees have filed responses to biographical and financial questionnaires, answered prehearing questions submitted by the Committee, and had their financial statements reviewed by the Office of Government Ethics.

Without objection, this information will be made part of the hearing record,[1] and with the exception of the financial data, which are on file and available for public inspection in the Committee offices.[2]

Again, I want to really thank you, and the hearing record will remain open until 5 p.m., tomorrow, May 8, for the submission of statements and questions for the record.

This hearing is adjourned.

[Whereupon, at 3:47 p.m., the Committee was adjourned.]

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[1] The information for Ms. Cabaniss appears in the Appendix on page 36.

[2] The information for Mr. Wooten appears in the Appendix on page 100.

APPENDIX

Opening Statement of Chairman Ron Johnson
Nomination Hearing to Consider The Honorable Dale Cabaniss to be Director, Office of Personnel Management and Michael E. Wooten to be Administrator, Office of Federal Procurement Policy, Office of Management and Budget
May 7, 2019

Today the Committee will consider two nominations: the Director of the Office of Personnel Management and the Administrator of the Office of Federal Procurement Policy in the Office of Management and Budget.

The Director of the Office of Personnel Management (OPM) is the human resources and personnel policy manager for the federal government and is responsible for issuing government-wide policies and guidance for recruiting, hiring, developing, and retaining individuals for federal employment. The Director will play a critical role in proposed reorganization of OPM, which is already underway with the President's Executive Order to transfer of the National Background Investigations Bureau to the Department of Defense. In addition to reorganization, OPM faces many challenges in fulfilling its core mission as the human capital manager of the federal workforce. The Civil Service Reform Act has governed the federal workforce for 40 years, and there are concerns about whether the personnel systems established to protect merit-based employment are adapting to today's workforce needs, especially in crucial fields like information technology and cybersecurity.

The Office of Federal Procurement Policy (OFPP) is one of four key policy offices within the Office of Management and Budget. The Administrator of OFPP is responsible for coordinating all government-wide policies and procedures related to the procurement of goods and services by Federal agencies. Total contract spending by the federal government in 2018 totaled $560 billion. Any effort to streamline the immensely complex acquisition process has the potential to save taxpayers millions, if not billions of dollars.

Ms. Dale Cabaniss was nominated by the President to be Director of the Office of Personnel Management. Ms. Cabaniss has dedicated most of her 30-year career to federal workforce issues in both the executive and legislative branches. Ms. Cabaniss' first Senate-confirmed appointment was in 1997 to be a Member of the Federal Labor Relations Authority. President George W. Bush appointed and the Senate later confirmed Ms. Cabaniss to be the Chairman of the Authority, a position she held until 2008. Ms. Cabaniss worked in various offices of the U.S. Senate throughout her career, including the Senate Appropriations Committee Subcommittee on Financial Services and General Government and at the Subcommittee on Labor, HHS, and Education. She also worked for Senator Ted Stevens on the Senate Governmental Affairs Committee, and prior to that for Senator Frank Murkowski. Ms. Cabaniss earned a law degree from the Catholic University of America, and a Bachelor of Arts degree from the University of Georgia.

We will also consider the nomination of Mr. Michael Wooten to be Administrator of the Office of Federal Procurement Policy. Following a 20year career in the United States Marine Corps, Mr. Wooten continued his public service at the Defense Acquisition University, the District of Columbia government, and most recently the Department of Education.

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

U.S. Senate Committee on Homeland Security and Governmental Affairs
Nominations of Dale Cabaniss to be Director, Office of Personnel Management and Michael E. Wooten to be Administrator, Office of Federal Procurement Policy, Office of Management and Budget

OPENING STATEMENT OF RANKING MEMBER GARY C. PETERS
MAY 7, 2019
AS PREPARED FOR DELIVERY

Thank you, Mr. Chairman, and thank you to both nominees for being here and for your willingness to serve.

Today we are considering the nominations of Dale Cabaniss to be Director of the Office of Personnel Management and Michael Wooten to be Administrator of the Office of Management and Budget's Office of Federal Procurement Policy.

It is fitting that we are holding this hearing during Public Service Recognition Week. I would like to take this moment to express my gratitude to our nation's civil servants, including both nominees, for their dedication and contributions to federal, state, and local government.

I appreciate that you have both expressed a desire to tackle some of the most pressing challenges facing the federal government and the federal workforce in particular.

Currently, one-third of the workforce is eligible to retire at the end of this year – while agencies struggle to recruit and retain talented employees, especially in critical areas such as cybersecurity and acquisitions.

There are many reasons for this difficulty. Antiquated hiring systems and layers of bureaucracy deter workers from considering federal service.

The recent record-setting partial government shutdown struck a severe blow to employee morale. Federal agencies cannot compete with the private sector financially. So we must seek out innovative ways to attract talented professionals to public service.

I am proud of the bipartisan work this Committee is doing in this area. Just last week, the Senate unanimously approved bipartisan cyber workforce legislation I authored that was cosponsored by Chairman Johnson and Senator Hassan.

This bill creates a new rotational program that offers cybersecurity professionals the unique opportunity to gain experience serving in multiple agencies.

We must continue this committee's longstanding commitment to pursuing bipartisan reforms to strengthen the federal workforce and help our government better serve the American people.

Ms. Cabaniss, Dr. Wooten, you have both indicated that if confirmed, you will pursue policies aimed at making government more efficient and effective. I share this goal.

Unfortunately, over the past two years, this Administration has shown a reluctance to engage with Congress in pursuit of this shared priority.

In March 2017, the President issued an executive order directing OMB to develop a government-wide reorganization plan with the stated goal of making government more efficient and effective.

Nearly one year ago, in June 2018, OMB released its proposal, which included plans to dismantle OPM in its current form.

Throughout this process, we have repeatedly requested basic information about the reorganization including data that justifies the proposal – an implementation plan – and an analysis of the impact on the federal workforce.

Nearly one year has passed since OMB unveiled this proposal and we have yet to see any of these.

I am disappointed by the Administration's lack of transparency around this proposal. In order to work together to achieve our shared goals, we must build upon a shared understanding of the facts.

Ms. Cabaniss, if you are confirmed, you will be leading an agency facing sweeping changes – significant uncertainty – and a need to rebuild trust with Congress. You will need to provide leadership, not only for OPM's 5,400 employees, but for the 2.1 million dedicated men and women serving in the federal workforce.

I will be listening carefully to your testimony today, and I am hoping to hear an unequivocal commitment to transparency and to safeguarding the federal civil service.

Hon. Tom Davis
Statement for the Record

Thank you Mr. Chairman and Ranking Member Peters for the opportunity to introduce a fellow Virginian, Dr. Michael Wooten to this Committee.

As a former government contracts lawyer and chairman of the House Oversight Committee, I understand the importance of the office of Federal Procurement Policy in OMB. Hundreds of billions of dollars are procured by the federal government annually, and having an Administrator who knows the underlying laws, regulations and stakeholders are prerequisites. Michael Wooten has it all.

I have known Dr. Wooten for several years, and he is an honorable public servant with decades of military and governmental service.

Michael is a graduate of Chapman University and holds a PhD from the University of Pennsylvania. He served in the Marines, where he retired as a Major. He also served in the Department of Education and the District of Columbia Government, as was elected and served on the Prince William County School Board.

I believe that Dr. Wooten will carry out the duties as the Administrator of OFPP with the same integrity and independence that has marked his previous career.

Congratulations Dr. Woolsey on your nomination. I know this Committee will give you fair consideration.

Thank you.

Opening Statement to the
Committee on Homeland Security & Governmental Affairs
United States Senate
United States Office of Personnel Management Director Nominee Dale Cabaniss
May 7, 2019

Mr. Chairman, Ranking Member Peters and members of the Committee. Thank you for giving me the opportunity to appear before you today.

Also, I want to thank Senator Boozman for his kind introduction. I have worked for many members of the U.S. Senate throughout my tenure, but my time with Senator Boozman and his staff stands out as a highlight of my career.

I would also like to introduce the members of my family here with me today, my husband Mitch Rose and my brother, Colonel Christian Cabaniss.

Mr. Chairman, I am honored to have been nominated by the President to serve as Director of the Office of Personnel Management. I am grateful to have spent my entire career in public service.

I worked in the United States Senate for over twenty years and in two presidential administrations. In the Senate, I had the fortune of serving in a member's personal office, on an authorizing committee and on the Senate Appropriations committee, all of which gave me the chance to work on issues impacting the civil service and the Office of Personnel Management.

In the executive branch, I served as a member of a three member adjudicatory body and later had the responsibility of serving as the agency head as well. These experiences each gave me different perspectives and insights into the challenges facing Federal employees and agencies as they work together on behalf of the American people.

Throughout my career, I have worked with incredibly dedicated civil servants, representing all three branches of government — employees on the front lines of combating terrorist financing, protecting our financial markets, assisting our nation's small businesses, and ensuring the orderly administration of justice.

OPM's people, policies and programs play a critical role in the accomplishment of these missions through the support of the civil service. When the Civil Service Commission was established, it laid the foundation for an impartial -- professional civil service based on the merit principle - - that employees should be judged only on how well they can do the job.

In 1978 with passage of the Civil Service Reform Act, OPM was charged with the responsibility for personnel management of the civil service. Today OPM delivers policies and services to ensure the Federal Government has a trusted and effective workforce. OPM employees serve Federal employees through the administration of retirement, healthcare and other benefits, supporting merit based hiring and a secure employment process.

Throughout my Federal service presidential administrations have continuously strived to improve the management of the Federal Government, its workforce and its service to

Americans. As a staff member on this committee and later as an appointee in the Clinton Administration, I saw first-hand the work of Vice President Gore's National Performance Review.

As an appointee of the Bush Administration I worked to try to ensure that the agency's processes and policies were consistent with the President's Management Agenda. As a member of the Appropriations Committee staff, I engaged on a daily basis with agencies seeking to execute President Obama's charge to make agencies more "citizen-centered, not bureaucracy-centered." All of these efforts contemplated the need to modernize government and to consider agency and workforce planning and restructuring.

President Trump's management agenda continues the critical efforts to improve the Federal Government's delivery of service to its citizens. The agenda's focus on mission, service and stewardship lays the foundation of a long term vision to modernize the Federal Government. The efforts of the Federal workforce are crucial to the success of leading the Federal Government into the 21st century. In order to effectively support the operations of Government, the Federal workforce needs to keep pace with changes and challenges facing our nation. Improving the recruitment, retention and reskilling of Federal employees will help both employees and agencies drive that modernization.

Mr. Chairman I want to take a moment to discuss my tenure at the Federal Labor Relations Authority (FLRA). It was an honor when President Clinton nominated me to serve on the FLRA. And I was very proud when President George W. Bush nominated me to be the Chairwoman.

The FLRA is made up of three statutory components each led by a Senate-confirmed presidential appointee. When I arrived I realized the Agency was acting as if it was three silo-ed separate agencies. There were duplicative functions in different offices. Employees were not treated the same, or often fairly, across components. Offices had difficulty justifying their budget requests and preferred budget and staffing levels based on historical levels rather than current workload.

So I made several changes to try to make this agency function more as one. Employees needed to be treated equally no matter where they sat. Resource decisions were made with the agency mission in mind and based on current workload as well as caseload trends. These changes were not necessarily welcomed, particularly by those who preferred that their component's need take priority over another part of the agency. But we all had a fiduciary responsibility to ensure the best value on behalf of the American taxpayer. We worked to balance that need for stewardship with the mission of the Authority.

Mr. Chairman, I believe my experience working with members of Congress, Executive Branch officials, congressional leadership, congressional staff and other stakeholders on legislative and policy matters critical to the effective and efficient functioning of Government has given me a clear understanding of the challenges facing Federal Government. If confirmed, I will continue to work with stakeholders to ensure that Federal Employees and agencies have the support and tools they need to work effectively on behalf of the American people. I look forward to addressing your questions. Thank you.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Director, Office of Personnel Management	

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Virginia	Dale	Cabaniss	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			Street:		
City: McLean	State: VA	Zip: 22101	City:	State:	Zip:

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Dale	Cabaniss	Rose			6/91 Est ☐	present Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1961	Spartanburg, SC

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	X	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Mitchell	Franklin	Rose	

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
					Est ☐	Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
Benjamin	**Christian**	**Rose**	
Shelby	**Fulton**	**Rose**	
Haley	**Marion**	**Rose**	

2. Education

List all post-secondary schools attended.

Name of School	Type of School (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	Date Began School (month/year) (check box if estimate)	Date Ended School (month/year) (check box if estimate) (check "present" box if still in school)	Degree	Date Awarded
The Catholic University of America	College/university	8/89 Est ☐	6/93 Est x Present ☐	JD	6/93
University of Georgia	College/university	8/79 Est ☐	5/83 Est ☐ Present ☐	BA	5/83
		Est ☐	Est ☐ Present ☐		
		Est ☐	Est ☐ Present ☐		

3. Employment

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

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Non-federal employment	Kay Shirley Vaught and Co.	Executive Assistant	Atlanta GA	7/83 ☐x Est	11/83 x Est
Non-federal employment	Equity Programs Investment Corporation	Executive Assistant	Falls Church, VA	11/83 Est x	2/84 Est x
Other federal employment	Office of Congressman Marvin Edwards	Staff Assistant	Washington, D.C.	3/84 Est x	7/84 Est x
Other federal employment	Office of Senator Frank Murkowski	Legislative Correspondent - Legislative Assistant - Legislative Director	Washington, D.C.	8/84 Est	1/93 Est ☐
Other federal employment	Senate Governmental Affairs Committee, Senator Ted Stevens	Subcommittee Chief Counsel	Washington, D.C.	1/93 Est ☐	12/96 Est ☐
Other federal employment	Senate Appropriations Committee Subcommittee on Labor, HHS, Education	Professional Staff	Washington, D.C.	1/96	12/97
Other federal employment	Federal Labor Relations Authority	Member, 12/97-7/08 Chairman, 3/01-7/08	Washington, D.C.	12/97	7/08

Other Federal employment	Senate Appropriations Committee Subcommittee on Labor, HHS, Education	Professional Staff	Washington, D.C.	7/08	1/10
Other Federal employment	Senate Appropriations Committee Subcommittee on Financial Services and General Government	Clerk	Washington, D.C.	1/10	4/18

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

Name of Government Entity	Name of Position	Date Service Began (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

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

None.

5. Honors and Awards

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

None.

6. Memberships

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

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

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
116 Club	7/08 to present	Member

7. Political Activity

Have you ever been a candidate for or been elected or appointed to a political office? No.

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)

(C) **List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.**

None.

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

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

None.

Name of Recipient	Amount	Year of Contribution

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

None other than decisions I participated in as a member of the Federal Labor Relations Authority.

Title	Publisher	Date(s) of Publication

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

None.

Title/Topic	Place/Audience	Date(s) of Speech

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

None.

Title	Place/Audience	Date(s) of Speech

9. Criminal History

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

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

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

A) Date of offense:

a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?
1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: Yes / No
2) Firearms or explosives: Yes / No
3) Alcohol or drugs: Yes / No

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

1) Name of the law enforcement agency that arrested/cited/summoned you:

2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

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

3) If no, provide explanation:

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

H) Provide a description of the sentence:

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

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

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

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

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

N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

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

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

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

None other than administrative proceedings associated with my time as a member of the Federal Labor Relations Authority.

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

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

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No.

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

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

Yes. I was separated from the Senate Appropriations Committee as a result of the change in the chairmanship of the committee.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

13. Lobbying

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

14. Outside Positions

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

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

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

		educational institution)			

15. Agreements or Arrangements

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

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

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

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

16. Additional Financial Data

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

REDACTED

REDACTED

SIGNATURE AND DATE

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

Virginia Dale Cabaniss

This ____03_____ day of APRIL 2019

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

March 14, 2019

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Virginia Dale Cabaniss, who has been nominated by President Trump for the position of Director, Office of Personnel Management.

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

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

Sincerely,

DAVID APOL Digitally signed by DAVID APOL Date: 2019.03.14 18:31:43 -04'00'

David J. Apol
General Counsel

Enclosures REDACTED

Mark A. Robbins
General Counsel and
Designated Agency Ethics Official
Office of Personnel Management
1900 E St., NW
Washington, DC 20415

MAR 1 1 2019

Dear Mr. Robbins:

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

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

My spouse is an employee of Comcast, and he holds Comcast stock, stock options, and restricted stock units. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Comcast, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

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

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

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

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

Sincerely,

Virginia Dale Cabaniss

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Dale Cabaniss to be
Director, Office of Personnel Management

I. Nomination Process and Conflicts of Interest

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

   No.

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

   No.

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

   No.

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

   No.

II. Background of the Nominee

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

   I worked for a decade through two Administrations on resolving disputes between Federal agencies and unions. I have over 20 years of experience in the United States Senate working on civil service issues on the then named Committee on Governmental Affairs as well as on the Committee on Appropriations, Subcommittee on Financial Services and General Government. Throughout my career, I have worked with Members of Congress, executive branch officials, congressional leadership and staff, Federal managers and retirees, as well as Federal union organizations on legislative and policy matters critical to the effective and efficient functioning of government. I believe I have a clear understanding of the challenges facing Federal employees and the agencies as they work together on behalf of the American people.

6. Please describe:

   a. Your leadership and management style.

   I believe in hiring the best people and letting them do their jobs. I bring in people smarter than me, who I can learn from and who will bring their own diverse critical thinking skills to any task that must be accomplished and provide their own unique leadership skills that help lift the entire team. In the executive branch I had the opportunity to supervise some incredibly talented career staff who made great contributions to the agency. This approach extends to any organization I've joined and is the foundation of my relationships to coworkers and existing staff. I've always sought out those I can learn from the most and am cognizant of the fact that there is always someone who is an expert or knows more than I do about an issue or process. With new employees I've always tried to provide the opportunity for them to succeed without micromanagement. I have found it much more rewarding and effective to help define goals and provide guidance and counsel as necessary to a particular situation.

   b. Your experience managing personnel.

   I have been a manager as a legislative director in a Senator's personal office, as a subcommittee staff director, as a member of a quasi-judicial adjudicatory body and as an agency head.

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

   As an agency head, I had five or six direct reports, with a total agency count of approximately 200 FTEs. I had approximately 15 direct reports as a legislative director.

   d. Your experience in leading organizational change.

   As an agency head, I set goals and standards with respect to agency-wide administrative programs and strived to address preexisting deficiencies in agency budgeting, space and facilities, human resources, procurement, and adherence to merit system principles. I worked with Senate-confirmed heads of the other statutorily independent components of the agency to ensure actions taken addressed those components' needs as well as to identify any unique issues they might have.

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

   With respect to an employee I supervised, who had been placed on a performance improvement plan by his previous supervisor, I followed all applicable agency policies, laws and regulations, and consulted extensively with the agency human resources personnel and had ongoing discussions with the employee. With new employees, I have also made an effort to provide guidance and assistance as necessary. As supervisor to agency SES, I held my

direct reports accountable for ensuring that all applicable agency policies, laws and regulations, and merit principles were followed in their management of subordinate staff.

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

As chairman of the Federal Labor Relations Authority (FLRA), I had responsibility under FISMA to ensure that the agency developed, documented and implemented an agency-wide security program to provided information security for the information and systems that supported the FLRA. In addition, I did some work in briefing my principal on the Senate Governmental Affairs Committee on the Clinger-Cohen Act. As Chairman of the FLRA, I established an investment review board, to help to insure a focus on information resource planning to ensure that information technology resource decisions were made consistent with agency mission requirements on an agency-wide basis. Prior to establishment of this review board, agency information technology decisions were made based on requests from the three statutorily independent components of the FLRA which resulted in incompatible systems and potential security vulnerabilities.

As clerk of the Financial Services subcommittee, I worked closely with the first chief information officer for the Federal government on oversight of government information technology contracting, project management, and security. I also worked with two subsequent Federal CIO's in the prior Administration. In addition, I worked closely with the director of information technology issues at the General Accountability Office (GAO) on oversight issues related to project management, acquisition reform, data center consolidation, problems with legacy information technology across government, and specific problems with significant projects at agencies within the jurisdiction of the subcommittee. I also worked closely with the cybersecurity information technology staff at GAO on issues related to specific cybersecurity incidents at agencies within the subcommittee's jurisdiction as well as ongoing oversight work related to NBIB.

In my work on the subcommittee, I also had account responsibility for the Information Technology and Oversight and Reform Program within the Executive Office of the President under the previous administration.

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

As chairman of the FLRA, I had responsibility for oversight of the administrative work of the agency and had frequent discussions with the office of the executive director and the agency's contracting officer about agency acquisitions and contract management. In my role, I established new internal controls policies and procedures to ensure that all procurement actions were consistent with all applicable rules and regulations and increased training for program staff designated as the contracting officer's technical representative. As agency head, I was not directly involved with the development of requirements for contracting but did supervise career SES that were responsible for this work.

As clerk of the Financial Services Subcommittee, I have conducted oversight of acquisitions, contract management and reviewed issues related to the development of requirements. This work was generally conducted when agency projects experienced significant cost overruns, delays in schedule and missed deliverables.

III. Role of the Director of OPM

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

    OPM serves as the chief human resources agency and personnel policy manager for the Federal Government. If confirmed as Director, I would support this mission and ensure the civil service continues to be a merit based system.

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

    If confirmed, I expect my biggest challenges at OPM will be to modernize the civil service system for the modern era while ensuring it remains merit based, and the Federal government can recruit and retain the best talent available in the face of an aging workforce. I also want to improve OPM's performance on retirement processing.

IV. Policy Questions

Reorganization

12. In June 2018, the Office of Management and Budget released a government reorganization plan that included 32 cross-agency proposals to make the federal government more effective and efficient. One of the proposals would transfer OPM's human capital operational services to the General Services Administration (GSA) and elevate OPM's policy functions into the Executive Office of the President (EOP).

    a. What are the anticipated risks during the transfer of OPM's services, and how will OPM mitigate those risks to ensure the transfer does not result in a disruption of services for federal employees and employing agencies?

       As with any transfer of function, it is important for the impacted agencies to conduct an assessment of the programs, policies, procedures, personnel, and systems involved from both the transferring as well as the receiving agency. The assessment should describe any potential risks and how to alleviate such risks. If confirmed, I will work with impacted program offices to verify that a proper risk assessment has been performed and any potential risks are addressed prior to transfer in order to prevent disruption of services to Federal employees, agencies, and other stakeholders.

    b. As of February 2019, OPM had not met its strategic plan goal of adjudicating 90 percent of retirement cases within 60 days. If confirmed, how would you address

claim processing delays up to the transfer of retirement services to GSA? If confirmed, how would you advise GSA to address these delays?

As of April 2019, I understand that OPM's average processing time is 55 days for new retirement claims. If OPM's Retirement Services (RS) function transfers to GSA, I will work with RS to better understand how they have made improvements and ensure they remain able to continue to improve. After I have an understanding of the challenges, I will work with RS staff to establish a plan that will keep RS on the path of success they are on. While improvements have been made, I know first-hand that challenges remain with RS, including processing claims and customer service wait times. If confirmed, I will advise GSA of what has worked, what has not worked, and the suggested path forward (including the plan discussed above) in order to adequately address the delays with the adjudication of retirement applications.

c. If confirmed as OPM Director, how would you lead the elevation of OPM's policy functions into the EOP? If confirmed, how would you ensure that OPM within the EOP develops and issues guidance to agencies in an apolitical manner?

If confirmed as OPM Director, I would ensure that OPM continues to develop and implement apolitical human capital policies that modernize the Federal workforce and honor merit system principles, regardless of where that office is located.

13. The reorganization of OPM involves consolidating its information technology (IT) system with that of GSA. OPM has long faced challenges in its IT operations and cybersecurity, culminating in the most detrimental cybersecurity breach by foreign operatives in U.S. history.

a. What do you believe are the drivers of the current and historical challenges in the IT programs at OPM and what would be your approach to improving its IT systems during the consolidation with GSA?

I cannot assess and speak to the current status unless and until I am confirmed and able to see things for myself at OPM. As to the historical challenges in the IT programs at OPM, I suspect they have been impacted by a number of factors. I believe some of those factors include the constantly evolving technology landscape and the difficulties this poses for small agencies like OPM to continuously change and incorporate new technology/procedures at such a rapid pace; the frequent change in leadership in the CIO position at OPM; and the critical skills gaps across Government in the areas of information technology and cyber professionals.

If the decision is made to consolidate with GSA, my approach to improving the IT systems is to work with OPM's OCIO to better understand the IT systems that support OPM's operations and to have an analysis conducted, if one is not already available, to determine whether such systems are sufficiently stable and secure prior to consolidation to permit the consolidation to occur (or, if not, what steps need to be undertaken to make them more stable and secure). In addition, I will seek out and

work with OPM's OIG to discuss OPM's security programs and practices, if confirmed and read the reports of other third-party entities that have studied OPM's systems or assisted with solutions at OPM.

b. The OPM Office of Inspector General (OIG) has repeatedly warned about challenges that OPM faces regarding information security, including its most recent audit of OPM's compliance with the FISMA. The serious data breaches that affected OPM demonstrated the consequences of poor information security management—including the theft of personal information of millions of people. As Director, how would you ensure these cybersecurity and information security lapses do not endanger a consolidated IT system with GSA?

If confirmed, I think it is important that OPM's OCIO collaborate with OPM's OIG to ensure that OPM's systems are stable and secure prior to consolidation with GSA. This collaboration would involve reviewing and working to resolve recommendations from the OIG, as appropriate.

c. Many of the systems being transferred to GSA are still heavily paper-based and lead to backlogs and delays in processing. How would you address this issue during the transfer? How would you advise GSA to address this issue?

Obtaining an understanding of the challenges leading to backlogs and delays in processing and developing a plan to address such challenges will assist in preparation for any transfers. Currently, I understand that work is underway to build a prototype online application and Retirement Services is working with a payroll center to implement receipt of electronic retirement records rather than paper records. This is an important step in the iterative modernization process that OPM has previously outlined. Collaboration with OPM program offices, GSA and the agencies that supply information essential to OPM in conducting its functions will be ongoing in order to better understand how to address the issue going forward.

Security Clearances

14. Another proposal in the OMB reorganization plan is to transfer all of the National Background Investigations Bureau (NBIB) to the Department of Defense (DOD). The past several years have seen increases in the inventory and processing times of background investigations, with the inventory peaking to more than 700,000 in April 2018. In December 2017, Congress mandated the transfer of background investigations processing for all DOD personnel from NBIB to DOD, and the OMB reorganization plan proposed moving all of NBIB to DOD.

    a. In conjunction with this transfer, OPM is working with DOD to develop a new end-to-end system for security clearance background investigations. What do you see as the key considerations for OPM as this system is developed?

The National Background Investigations System (NBIS) will be developed to modernize and securely safeguard the government's sensitive background investigative information. Since 2017, I understand that NBIB has provided subject matter experts to assist with the development of NBIS and anticipates beginning processing lower level cases this fall. Over the next two to three years as NBIS expands to process labor intensive cases, I understand that OPM will begin to decommission legacy IT systems.

b. What are the risks associated with this transfer of NBIB, and if confirmed as OPM Director, how will you ensure those risks are mitigated?

Because I am not yet confirmed, I'm not aware of non-public details of the transfer plan. However, if confirmed, I would ensure that I am promptly briefed on these details. I am committed to implementing the transfer consistent with the mandates in the recently signed Executive Order.

15. As the Suitability and Credentialing Executive Agent of the Performance Accountability Council, OPM is engaging with other principals in the Performance Accountability Council in Trusted Workforce 2.0, an initiative to comprehensively reform the methods and standards for determining eligibility for access to classified information.

a. What reforms to the security clearance process would maximize efficiencies while maintaining the integrity of background investigations and clearance adjudications?

There are three primary areas that can lead to greater efficiency while maintaining the integrity of background investigations and clearance adjudications. First, incorporating and employing better information technology into the vetting processes. Second, reforming the approach to vetting so that it is more tailored to agencies' needs. Instead of conducting an initial investigation and then re-doing the same process periodically, it is time to transition to a more continuous process. Finally, aligning the vetting processes for national security, suitability for employment, and eligibility for access to federal facilities and information systems, can improve the mobility of the workforce.

Management

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

    More than 40 years have passed since the Civil Service Reform Act of 1978 was enacted. Yet, in the past four decades, the Federal personnel system has only changed incrementally, despite the many changes that have occurred in the workplace, the major technological advancements that have changed how and where we do work, and new paradigms and expectations that people have about jobs and work. Shifts in the way work will be accomplished must be accommodated within an agile and flexible personnel system that is capable of supporting agencies as they adopt new technologies and update talent strategies for evolving skill needs. This includes creating hiring, compensation, and talent management structures that enable agencies to attract and retain top talent to fulfill important obligations to the American people. I am also concerned about the aging of the Federal workforce and a possible retirement wave. If confirmed as Director, I would make recruiting and retaining a new generation of Federal workers a priority.

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

    The GAO high risk report helps agencies in identifying challenges to Federal government operations. The OPM Director's role is to review the GAO recommendations and take appropriate actions.

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

       While GAO noted that there has been improvement in this area, the continued evolution of work and how it gets done means that we must continually pay attention to human capital strategy. If confirmed as Director of OPM, I will solicit the views of career managers in OPM, agency Chief Human Capital Officers, good government groups, workforce representatives and others to gather inputs and insights about how our civil service system must change to address the human capital challenges that may pose risk to mission delivery, effectiveness, and efficiency.

    b. What, if anything, would you do differently to address GAO's recommendations in the 2019 high-risk report?

       If confirmed, I will initially need to find out the status of implementing the GAO recommendations in the 2019 high risk report that are addressed to OPM and that OPM has accepted, and any problems the agency is experiencing in resolving them. Second, after determining the current status of each recommendation, I will work with agency leadership to ensure we are following through on agreed upon actions to address the open recommendations, with set deadlines for implementation. With

respect to other recommendations pertaining to other agencies, I will communicate OPM's willingness to assist with ideas for resolution, guidance, or the like.

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

    The FEVS has evolved over time and remains an important tool that, if used effectively, can provide an agency with valuable information. Any changes in the FEVS should continue to incorporate modern survey techniques and responsive content that will assist agency leaders and managers to effectively manage the Federal workforce in accord with the PMA goals of service, mission and stewardship.

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

    I believe that at the local level there exists a productive and beneficial relationship between individual collective bargaining units and the department and agency management structures with which they work. I am always willing to listen to and discuss issues of concern to union membership. *My tenure on the Federal Labor Relations Authority has led me to conclude that Federal labor-management relations are best conducted and most productive when each side understands its responsibilities, obligations, and can set expectations accordingly.*

20. The Inspector General has identified serious deficiencies in OPM's contract oversight, and in the 2018 Management Challenges report identified that work was still needed to improve internal controls through corrective actions plans. If confirmed, what would you do to ensure that forward progress is made in this area?

    I take these recommendations very seriously. Internal controls and contract oversight are important to agency operations and ensuring taxpayer dollars are being well spent. I understand OPM has made improvements to correct these issues and I support these efforts. These include improving process and procedures, addressing contract close outs, reviewing contract files, and staff training and development.

Strategic Human Capital Planning

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

    A well-functioning Government requires a modern human capital strategy that allows agencies to recruit, hire, develop, engage, and retain a world-class civil service at all levels of Government. OPM should facilitate and support the creation of policies, programs, and guidance that enable agencies to attract and retain top talent to fulfill important obligations

to the American people, consistent with Executive Orders, Congressional requirements, and effective human capital management strategy and practice.

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

    Providing Governmentwide leadership to help agencies identify and close critical skills gaps is an important function of OPM. OPM should do this by providing strategic workforce analytics, tools, assistance, and guidance that helps agencies anticipate, understand, and address workforce needs that align with agency strategy, ideally informed and supported by experimentation and pilots. This would be an important issue for me as Director, if I am confirmed, because it ensures that agencies are hiring right not just for the present but for the future.

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

    I believe service contracts can best be used to fill workforce needs for work that is not inherently governmental. It is up to individual agencies to determine the best mix of Federal and contractor support for their missions.

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

    As the Government continues to evolve, the SES corps is extremely important. It will need to lead agencies in order for them to meet the needs generated by the changing role of Government. Agencies need the flexibility the SES laws provide to both recruit future leaders from the private sector and develop future leaders internally. Proper succession planning and talent management can assist agencies with identifying, recruiting, developing and retaining experienced professionals to meet the needs of agencies. As with any entity or organization, there are always areas for improvement and I would look forward to working with the SES and with Congress to enact any areas of improvement that are necessary.

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

       Agencies need the flexibility to develop compensation plans and strategies for the needs of their workforce. However, there should be oversight in this area to ensure compensation plans are appropriate.

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

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

OPM issued a wide range of guidance on performance management, including performance evaluations and addressing poor performance. I understand there are sometimes challenges in implementing these policies. Managers are responsible for communicating performance standards to employees and to continuously evaluate job performance. Conversations about performance should be ongoing, not just once a year.

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

If confirmed I would work to ensure managers are provided, and understand, all the tools available to properly assess an employee's performance, to include assisting managers with setting performance expectations as well as properly communicating those expectations.

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

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

At the FLRA, I had some experience with hiring employees through the competitive service (generally with respect to personnel related to administrative services), the excepted service (generally for attorney-advisors) and within the Senior Executive Service.

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

If confirmed, I would support the Administration's legislative proposals to streamline the hiring process and make it easier for qualified applicants to enter the civil service. These include noncompetitive term-limited appointments of highly qualified experts, noncompetitive term and temporary hiring authority for critical needs, and supporting the appropriate use of Direct Hire Authority. In addition, I would support changes to make it easier for people to move in and out of Federal service over the course of their careers.

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

There are over one hundred different hiring flexibilities agencies can use to recruit and retain top talent. It is important that agencies understand which are best suited for their workforce needs. If confirmed, I would work through the CHCO Council to help ensure agencies understand which available tools and flexibilities are best suited

for their needs, including tools like Direct Hire Authority and the use of term and temporary positions, and where appropriate look to reduce complexity in the existing system.

27. In 2016, Congress passed legislation that would reform the federal government's abuse of administrative leave (Pub. L. No. 114-328, Sec. 1138).

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

    I support Congress's efforts to impose standards on the use of administrative leave and I support this law.

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

    OPM is responsible for developing the implementing regulations and guidance related to administrative leave policy. It is up to the individual agency managers and leaders to ensure they are observing and adhering to the recordkeeping requirements of the law.

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

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

    I believe there are cases where a one-year probationary period may not be a sufficient amount of time for a supervisor to make a determination as to whether an employee should be retained (e.g., in the case of a position that requires extensive initial training before the employee can actually begin to perform the duties of the job). I know Congress extended the probationary period for new Department of Defense employees and I am interested in seeing the data to further inform possible broader government-wide reforms.

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

    My understanding is that many agency HR data systems currently have this functionality. I would encourage agencies to fully leverage any existing capabilities in this area, or to develop new functionality to help ensure that managers are taking intentional actions to determine whether a probationary employee should be retained.

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

My understanding is that, under current law and regulations, managers are required to determine that a new employee has demonstrated successful performance, fitness, qualifications, and conduct prior to the end of the probationary period.

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

Agency HR offices could better train managers on how to effectively rate the performance of a new employee. If confirmed, I would recommend that the CHCO Council take the initiative to remind agencies about their responsibilities in appropriately assessing an employee's performance and characteristics needed for success during this critical time. Also, agencies should take steps to notify supervisors that an individual's probationary period is ending and that the supervisor needs to make an affirmative decision regarding continued employment or otherwise take appropriate action.

Personnel Systems

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

The Federal Government needs a modern, agile, and flexible civil service that will best serve the Nation, while using core tenets of the Merit System Principles as part of the design. Through legislation and administrative action, we should prioritize revisiting traditional constructs for how the Federal Government hires, compensates, and maximizes performance of its workforce to deliver results for the American taxpayer. However, we must also ensure that key enablers are in place to support effective human capital management, including foundational things like strong support from HR staff; effective human capital strategy development and workforce planning; a willingness to experiment and be open to change; and embracing a culture of upskilling and reskilling. These enabling conditions are prerequisites to effective human capital management, both for the current system, as well as any future changes to the system.

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

It is important for the Federal Government to examine alternative compensation structures and examine best practices. Any move to a pay-for-performance system for all of Government should include clear objectives as well as measurable outcomes.

Information Technology & Cybersecurity Policy

31. According to the FY16 Federal Information Security Modernization Act (FISMA) Report to Congress, only 13 of the 23 civilian CFO Act agencies have met government-wide performance goals. Overall, the Median Government-wide Maturity Model Rating is Level 2 (Level 5 is the highest). In its most recent FISMA report, the OPM IG reported that "a lack of resources dedicated to IT operations and the agency's culture of minimizing the role of the Chief Information Officer [CIO] are primary factors causing these issues." If confirmed, how would you improve the relationship with the OPM CIO and assist agency CIOs in meeting their performance goals and raising their Maturity Model Rating?

    I understand the need for information security and, if confirmed, I would work with the new OPM CIO in implementing the outstanding FISMA recommendations and performance goals for OPM. I would also work with the CIO Council to ensure OPM is working towards implementing these goals. This work also conforms to the IT Modernization component of the President's Management Agenda.

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

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

        As described above, the Administration has put forth several recruitment and retention initiatives that I believe can be tailored for cyber personnel. With a focus on mission outcomes, the Federal government should look to utilize temporary and term appointments for IT and cyber positions. We should also look to reskill current employees to focus on IT and cyber work.

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

        Aside from the above, if confirmed I would also work with the Federal CIO and the CHCO Council to assess what actions are currently being taken to recruit and retain cyber talent. Based on this information, I would formulate ideas for what we can do differently in the future.

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

        If confirmed, I would support the CIO's top-down application of cybersecurity policies to instill the culture of compliance with FISMA requirements. This would be supported by a strong culture of communication and collaboration between the OPM CIO and OPM lines of business. The heart of this collaboration would be to integrate cybersecurity and business practices, resulting in cybersecurity being included, and promoted, with each service delivered to our customers.

Accountability and Oversight

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

    The only IG investigation that involved my conduct as a Federal employee that I can recall was related to time I was home with my twins following their premature birth. The IG conducted an investigation into whether I violated agency time and attendance requirements. During that time I was a member of the Authority and I worked from home on cases that my chief counsel delivered to me weekly. In her report on the investigation the IG concluded that time and attendance requirements did not pertain to Senate confirmed presidential appointees.

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

    Identifying, preventing and recovering improper payments are extremely important for any agency. Although the estimated improper payment rates for OPM's earned benefits programs is among the lowest in the Federal Government, as reported on Paymentaccuracy.gov, if confirmed, as the OPM Director I will work closely with OPM staff to make certain this continues to be a high priority item for the agency and that we are working to continue to lower OPM's improper payment rates.

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

    An agency's IG has a very important role with identifying waste, fraud and abuse within an organization and pointing out potential areas for improvement to programs. If confirmed, I will meet with OPM's OIG to find out current status of recommendations, discuss Top Management Challenges, and items highlighted in the Semi-Annual Report. In addition, I will hold periodic meetings with the OPM OIG in order to adequately discuss and address any concerns.

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

    Yes, I do.

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

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

    It is important for employees to feel encouraged to provide suggestions that will improve OPM's programs and procedures without fear of reprisal. If confirmed, I will work with agency leadership and managers to make certain that employees are aware of the policies in place and, if needed, will provide updates to the policies to ensure that employees are comfortable raising items of concern to agency senior leaders or other appropriate avenues.

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

    If confirmed, I will work with agency leadership and managers to make certain that employees are aware of the various avenues and methods for reporting any waste, fraud and abuse within OPM. The avenues can include reporting information to managers, agency leaders, the OPM OIG, the Office of Special Counsel, and the Congress.

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

    Yes, I do.

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

    Yes, I do.

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

    Although I do not recall specific examples, my career SES direct reports would have reviewed any reports in their particular program area, provided me or any other relevant component head with analysis of the findings, a determination of whether the agency had or should take any particular corrective action, taken steps necessary to take any appropriate corrective action and provided information to the OIG or GAO if the agency did not think a specific action was necessary or appropriate.

V. Relations with Congress

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

    Yes, I do.

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

    Yes, I do.

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

    Yes, I do.

VI. Assistance

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

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

Minority Supplemental Pre-hearing Questionnaire
For the Nomination of Dale Cabaniss to be
Director, Office of Personnel Management

I. Nomination Process and Conflicts of Interest

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

   No.

2. Has the President or his staff asked you to make any pledge or promise if you are confirmed as Director of OPM?

   No.

3. Have you been asked to pledge loyalty to the President, Administration, or any other government official?

   No.

II. Background of Nominee

4. Why do you want to be Director of OPM?

   I have spent my career working on issues related to the civil service, government-wide policy and challenges facing Federal agencies. OPM is critical to formulating human capital policy for millions of Federal employees. I would be honored to have a role at OPM working with the people, policies and programs that are integral to the accomplishment of this mission.

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

   For most of my career my superiors were U.S. Senators or a committee staff director. I was always willing to advocate for the position I believed my superiors should consider when they sought my counsel on a particular issue. I have been a forceful advocate to my supervisors for the position or course of action I believed we should take.

6. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

   Absolutely. I am very open to listening to dissenting views and alternative approaches. Spirited debate, especially with subordinates, encourages us all to engage in critical thinking and helps to hone and refine efforts to reach our goals. During my time in the Senate, I know this happened often. At the FLRA, this was a constant part of my discussions with my direct

reports on the adjudication of cases, administrative issues and the work of the solicitor's office.

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

   Making administrative decisions consistent with the President's Management Agenda were sometimes unpopular. For example I believe basing agency resource decisions on agency workload rather than historical budget and staffing levels was the right thing to do.

8. What would you consider your greatest success as a leader?

   As chair of FLRA, I was very proud of our efforts to improve internal controls, agency financial management and ensure that agency budget requests were reflective of our fiduciary responsibilities to taxpayers. I also was proud that component leadership worked effectively together on agency-wide issues rather than in the often siloed approach relied on in the past that had resulted in different resources based on components and unequal treatment of employees. As a Senate employee, my greatest successes were instances where I was able to play a leadership role in reaching solutions to contentious complex problems, often working across the aisle, with not much more than my credibility and persuasive authority.

9. What do you consider your greatest failure as a leader? What lessons did you take away from that experience?

   When I was became chairman at the FLRA, I had no idea what a time of great change it would be in Government. The attacks of September 11 occurred only six months into my tenure. In the aftermath of September 11, and the creation of the Department of Homeland Security and its personnel system, there was then a significant effort to propose a new personnel system for the Department of Defense (DoD). There were also debates about collective bargaining rights and national security. If enacted, the FLRA could have lost jurisdiction over DoD cases which could have resulted in an over 50% reduction in the agency's workload. At that time, Congress was also considering legislation to merge FLRA functions with other Federal employment agencies. These potential changes contributed to an uncertainty and apprehension about the future. In hindsight, I realize that I should have communicated more directly with employees in all of the components about changes and the potential impact of external forces on the agency, and the uncertainty felt by all of us. While I don't know that it would have assuaged employees concerns, the increased communication would have been helpful in managing employee expectations during a period of change and uncertainty.

10. Please describe your professional experience, if any, with major organizational changes, such as mergers, internal restructuring, expansions, etc.

    I have been involved in internal agency restructuring, office closures and creations and realignments from an oversight perspective consistent with statutory language requirements

of committee approval pursuant to the financial services and general government appropriations bill.

11. Please describe your experience with developing and setting personnel policies and addressing human resources issues.

    As chairman of the FLRA, I undertook agency-wide management assessment activities and updated agency-wide policies and procedures for all management activities including human resources. Consistent with President Bush's management agenda the agency conducted significant human capital planning efforts including succession planning, updating of position descriptions, classification audits, and skills gap analyses.

12. Have you ever received a formal performance review related to your management experience? If so, please list the position and describe the outcome of the review.

    No.

13. In your biographical questionnaire you state that you were employed by the Senate Appropriations Committee Subcommittee on Financial Services and General Government from January 2010 until April 2018. For each position/title you held during this time, please provide the following:
    a. Position title;

       Clerk

    b. Start and end dates for that position;

       January 2010-April 2018

    c. A brief summary of your responsibilities;

       Responsible for all aspects of the legislative process necessary for annual enactment of an approximately $22 billion bill, including conducting budget and oversight hearings, drafting of the bill and report, the committee markup process and bicameral conference negotiations. Directed overall policy and legislative language and funding levels for the agencies in the subcommittees jurisdiction including the Executive Office of the President, the Department of the Treasury, the Internal Revenue Service, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Judiciary, the General Services Administration, the Office of Personnel Management, the District of Columbia and over 20 additional independent agencies.

    d. Size of organization (number of employees, annual budget);

       3, N/A

e. Number of direct reports, if any;

2

f. A description of your involvement, if any, with reviewing the programs, operations, or budgets for OPM, the General Services Administration (GSA), and the Office of Management and Budget (OMB); and

g. A description of your involvement, if any, with making specific recommendations regarding funding for OPM, GSA, or OMB.

As clerk of the subcommittee, I was ultimately responsible for all language and funding levels for agencies in the bill. Even if I was not the day to day lead on a particular account it was still my responsibility to provide guidance, support and oversight of all aspect of the Appropriations process. I had account responsibility for OMB throughout my time on the committee. I had responsibility for GSA the last year I worked on the Committee but worked with them throughout the years on construction funding that related to other accounts, for example the Federal Judiciary. I also did significant work on the GSA issues and hearings related to misuse of funds related to an agency conference. I also worked some with GSA on IT issues given my direct work with the Federal CIO and Information Technology Oversight Reform program in the Executive Office of the President. On OPM I had oversight responsibility but not day to day account responsibility. I was however involved in issues related to the breach at OPM and worked on the hearing and oversight related to that. I worked closely with GAO cybersecurity staff to establish ongoing oversight related to the transfer of certain functions to the NBIB.

14. During your tenure as Chairman of the Federal Labor Relations Authority (FLRA), did you have a particular management philosophy? If so, please describe that philosophy.

Foremost was my concern that all employees be treated in accordance with merit system principles. Operating within a government personnel system I believed it was very important for career SES to help bridge the gap between political appointees and career staff and I undertook efforts to update the agency's Executive Review Board SES performance appraisal process to ensure goals and accountability were transparent and cascaded down into the work plans of employees. Again, I tried to hire the best people and let them do their jobs. I've always tried to identify people who are smarter than me, who I can learn from and who will bring their own critical thinking skills to any task that must be accomplished and provide their own unique leadership skills that help lift the entire team. In the executive branch I also had the opportunity to supervise some incredibly talented career staff who made great contributions to the agency.

15. Please describe your approach to communicating with employees, including soliciting and responding to feedback during your tenure at the Federal Labor Relations Authority (FLRA).

a. Please describe the specific methods you used to communicate with employees regarding administrative, policy, or other agency matters (e.g. weekly newsletter/email; conference calls, etc.).

Methods I used to communicate with employees included e-mail, in person discussions, and headquarters meetings and events. The headquarters staff was relatively small and I knew a significant number of the employees by name. Some employees asked to meet with me directly to discuss issues of concern and I was happy to do so.

b. Please describe the nature and frequency of any in-person meetings held that were open to all FLRA employees.

I don't recall specific agency-wide in person meetings unrelated to specific training or events during my time at FLRA in either administration. This was likely due in part to the fact that I think approximately fifty percent of employees were located in OGC offices around the country. During a previous administration I believe the General Counsel brought regional office employees to Washington for an OGC meeting maybe once a year. While not open to all employees, there were meetings surrounding the five year update of the agency strategic plan.

c. How did you ensure adequate communication with FLRA employees assigned to Regional Offices?

The FLRA's regional offices are part of the statutorily independent prosecutorial component of the Agency, the Office of the General Counsel. Those employees were supervised by a Senate confirmed presidential appointee, the FLRA's general Counsel. In an effort to be respectful of the statutory independence of the Office of the General Counsel I didn't directly communicate with the employees in that component as those communications were handled by the General Counsel. I communicated at least weekly with the General Counsel regarding any agency-wide administrative or policy issues that arose, for example the need for agency wide ethics training or continuity of operations policy as well as any proposed changes in agency policy or budgeting practices. She communicated regularly with the regional directors and their staffs on management and performance and other supervisory issues in the regions. SES career managers with agency-wide cross-component responsibilities such as maintenance of the agency ethics program or budget formulation and agency-wide administrative policy communicated extensively with their counterparts. I also visited two of the regional offices.

d. Did you obtain feedback from employees primarily through formal (e.g. Federal Human Capital Survey) or informal means? If so, how did you use the feedback?

Most feedback was obtained from line managers responsible for day to day supervision of employees. The presidential appointees for the other statutorily independent components provided information they received from their career

managers and employees. Feedback was reviewed and incorporated as appropriate. I also received information through discussions I or other career managers with agency-wide responsibility had with the president of the Union of Authority Employees. The agency footprint in Washington was relatively small and I think I knew virtually every employee in headquarters by name. Employees often asked to meet and talk to me about particular concerns and I made an effort to listen.

16. Please describe your approach to making major administrative and policy decisions during your tenure at the FLRA.

    The need for a change was often identified through an evaluation which may have been triggered when a problem arose. The most significant changes that were made were data driven often by audits or assessments by outside experts. There were numerous deficiencies that were identified in a number of agency policies and guidance. Some were significantly outdated or inconsistent with current laws rules and regulations. Some were inconsistent with the concept of agency-wide management principles and reflected a siloed approach too grounded in an agency culture of three independent components. How the office of the General Counsel made a determination to file an unfair labor practice charge against an agency or how the Federal Services Impasses Panel decided whether or not to assert jurisdiction in a particular dispute were and should be statutorily independent from the Authority. How a manager should be able to support and demonstrate his need for resources in the context of budget formulation was not. Revisions to ensure agency-wide internal controls policies were in place were a priority.

    a. Did you seek input from employees and management?

       I worked consistently to keep the independent component heads apprised of all proposed changes to agency-wide policies and took into account any feedback provided. They communicated with their career managers as did I.

    b. Please describe how you used this feedback to inform your decision-making.

       The feedback was considered and incorporated as appropriate.

17. During your tenure as Chairman of the FLRA, what metrics did you use to assess the agency's performance? Please provide examples of how you used metrics to inform your approach to managing the agency.

    The agency used to a certain extent its strategic plan to assess performance but it was at times more helpful in counting actions rather than outcomes on behalf of agency customers. The agency also used a workforce and caseload analysis.

18. You served as a member and then Chairman of the Federal Labor Relations Authority (FLRA) from December 1997 until July 14, 2008. Public records indicate that on March 12, 2007, then-President Bush nominated you to serve on the FLRA for an additional term.

However, he withdrew the nomination on June 28, 2007. Please describe the circumstances surrounding this withdrawal and any reasons you are aware of for the President's decision.

I asked that my nomination be withdrawn.

19. Public records indicate that you resigned as Chairman of the FLRA on July 14, 2008. Please describe the reasons for your resignation.

I accepted another professional opportunity.

20. A June 2009 report by the FLRA Office of Inspector General (OIG) described the FLRA under your leadership as "diminished as a labor management adjudicatory agency," and that "[b]oth mission related and administrative programs were diminished." Do you agree with this assessment? If not, please explain your reasons for disagreement.

The report covers a time period after I left the agency and does not provide a detailed explanation of these statements. As chair of FLRA, I was very proud of our efforts to improve internal controls, agency financial management and ensure that agency budget requests were reflective of our fiduciary responsibilities to taxpayers. I also aligned the agency budget with the workload. The IG's statement may be related to my efforts to move the FLRA to a shared service provider for much of the agency's "back of the house" administrative work. It may be in response my efforts to curb end of the fiscal year spending simply to use up the agency's appropriation or my requirement that any carryover request to Congress be consistent with federal appropriations law. I don't think that ensuring that an agency is on a sound financial footing diminishes it.

21. During your career, has your conduct as a federal employee ever been subject to an investigation or audit by an Inspector General, Office of Special Counsel, Department of Justice, agency Equal Employment Opportunity office or investigator, or any other federal investigative entity? If so, please describe the nature of the allegations/conduct and the outcome of the investigation(s) or audit(s).

As I recall, any OSC or EEO activity that may have named me was doing so only in my capacity as agency head and was unrelated to any action on my part. The only IG investigation that related to my conduct as a Federal employee that I can recall was related to time I was home with my twins following their premature birth. During that time, I was a member of the Authority and I worked from home on cases that my chief counsel delivered to me weekly. The IG investigated whether I was in violation of time and attendance requirements. In the report, the IG concluded that time and attendance rules did not cover Senate confirmed presidential appointees.

III. Policy Questions

Reorganization

22. In June 2018, the Administration announced a proposal to dismantle OPM in its current form and transfer most of its current functions to the General Services Administration (GSA) and the Office of Management and Budget (OMB).

    a. Please describe your familiarity with the Administration's reorganization proposal and its expected impact on OPM.

    My familiarity with the reorganization proposal and the expected impact is from the Administration's Reform Plan and Reorganization Recommendations Report as well as the Congressional hearings held on the topic.

    b. What are your views of the proposal?

    I support the Administration's efforts to make the organization more efficient and effective in order to adequately meet the needs of the agencies customers and stakeholders.

    c. If confirmed, what do you anticipate your role will be with respect to implementing this proposal?

    If confirmed, I anticipate that my role will be to make certain that OPM's programs are transferred consistent with applicable law and with the least amount of disruption to the Federal workforce, OPM's critical mission, and OPM's customers and stakeholders.

    d. If confirmed, how will you ensure that OPM's 5,000+ employees are adequately informed and supported throughout the reorganization process?

    If confirmed, I will work with agency leadership and managers to make certain that OPM employees are provided timely updates. This will include periodic meetings with OPM employees in order to understand and address their concerns throughout the reorganization process.

23. Despite repeated requests from Congress, the Administration has failed to provide a comprehensive written plan, cost-benefit analysis, or other data-driven justification for its plan to reorganize the current functions of OPM. The Administration has also failed to provide regular briefings to Congress regarding its reorganization plans. Most recently, OMB unexpectedly cancelled a bipartisan, bicameral briefing scheduled for March 2019 and has yet to reschedule.

    a. Do you believe that a thorough cost-benefit analysis is necessary prior to implementing major organizational changes within the federal government?

    I believe that any major organizational changes within the Federal government should be justified by a business case, which could include a cost-benefit analysis.

b. If confirmed, will you commit to promptly providing this Committee with a detailed plan, timeline, and cost-benefit analysis justifying the proposed reorganization of OPM's functions?

I will provide what is available if confirmed. As a private citizen I am not involved with this reorganization.

c. If confirmed, will you commit to providing this Committee with regular briefings to provide transparency into the proposed reorganization?

Yes, I will.

Government Shutdown

24. As you are aware, this year over 800,000 Federal employees were impacted by the 35-day partial government shutdown. Many of these employees were furloughed while other excepted workers were required to work without pay. Traditionally, according to the Antideficiency Act, excepted workers were only those whose responsibilities were essential to protecting life and property. However, as the shutdown wore on, the administration recalled over 50,000 federal workers to process tax refunds, farm loans, etc.

a. In your opinion, what is OPM's role during a government shutdown?

In my opinion, during a government shutdown OPM's role is to provide Federal agencies and Federal employees with guidance and assistance on various human resources matters so they can comply with statutory and regulatory requirements.

b. How would you improve upon the guidance provided to Federal employees during the recent shutdown?

OPM's primary role is to ensure that agencies are provided with guidance and information so they can implement statutory and regulatory requirements related to a shutdown furlough. While Federal agencies are in the best position to communicate with their employees, OPM provides an array of information to CHCOs, as well as information on its website, regarding issues that employees should be aware of, such as treatment of their pay, benefits, and other common concerns. To improve upon guidance provided to Federal agencies and their employees, I will work with OPM's senior leaders and consult with the CHCO Council to discuss lessons learned and determine what, if any, additional guidance should be provided in the event of a future lapse in appropriations, if confirmed.

c. What guidance would you provide Federal employees for shutdown furloughs during a funding lapse of this duration in the future?

If confirmed, I will work with OPM's senior leaders and solicit views from other stakeholders to incorporate lessons learned and determine what, if any, additional guidance should be provided in the event of a future lapse in appropriations.

d. In your opinion, is it appropriate to recall federal workers to perform tasks that are not essential to protecting life and property?

My understanding is that decisions related to "exempting" or "excepting" employees from furlough are made by senior agency managers in consultation with their agency legal counsels, in accordance with OMB and DOJ issuances and guidance.

25. If confirmed, what specific steps will you take to assess the recent shutdown's short and long-term impacts on the federal workforce?

If confirmed, I will work in my capacity as the Chair of the CHCO Council to communicate responses to concerns raised from Federal agencies about the guidance provided and the impact to agencies operations during the shutdown.

Strategic Human Capital Planning

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

Contractors should not perform work that is inherently governmental in function, nor should they be in decision making roles. Each agency has a unique mission and its workforce should reflect it. A mixture of Federal and contractor personnel is not uncommon and agencies should determine their own individual workforce needs. However, OPM does offer strategic workforce planning services to assist agencies in preparing for the future workforce needs.

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

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

I believe it is the role of the OPM Director to develop Government-wide policies and guidance to assist Federal agencies in building diverse, inclusive, and engaged workforces and organizational cultures.

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

If confirmed as Director of OPM, I would continue to work with and support agencies to drive effective recruitment and outreach practices to recruit talent, including individuals with disabilities.

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

I support the hiring of veterans into the Federal Government, and I believe that the available statutory and discretionary hiring authorities are contributing to fulfilling this purpose. If confirmed as Director, I will continue to ensure OPM provides Government-wide leadership for improving employment opportunities for veterans in the Federal civil service.

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

There are a variety of options available for the Federal Government, including OPM, to better enhance employee morale while being good stewards of taxpayer dollars. Initially, Federal agencies need to assess the views and perceptions of the workforce. Agencies have access to FEVS results and other surveys that provide valuable information on the perceptions of the Federal workforce. Agencies can utilize the data from these instruments to improve engagement with their employees. Agencies can also realign employees to high value work, that provides both a great sense of accomplishment and effectively steward taxpayer dollars. Additionally agencies can enhance communication with their workforce. For instance, agencies can provide meetings with employees to provide information the workforce and to thank employees for their service. Federal agencies can provide non-monetary awards highlighting employees making superior contributions to an organization. Internal professional development opportunities and interagency rotations can be provided to employees looking to enhance their professional skill sets. Finally, Public Service Recognition Week provides another opportunity for agencies to thank the Federal workforce.

Management

30. In your approach to personnel management, how would you define success?

If I can hire the right people and give them the authority and support they need to do their jobs.

31. The Government Accountability Office (GAO) 2019 High Risk List report cited 29 open recommendations made to OPM in prior reports. How will you address closure of these recommendations?

If confirmed, I will work with the OPM Office of Internal Oversight and Compliance to ensure OPM has corrective action plans in place to address these recommendations, and that OPM has prioritized for closure those recommendations highlighted on the High Risk List, as appropriate.

32. The 2019 high risk report cites an open issue from 2015 calling on the Director of OPM to make more strategic use of government workforce data to build a predictive capacity for identifying and mitigating emerging skills gaps across government. How would you address this recommendation?

If confirmed, I will work with the program offices to get a clear understanding of the recommendation, the approach OPM is using to address it, and the status of actions in progress. We would address any corrective actions as necessary to ensure OPM's continued progress in identifying and mitigating emerging skills gaps across the Federal Government.

33. If confirmed, how do you plan to use annual Federal Employee Viewpoint Survey data to effect organizational change?

If confirmed, I will utilize data from the OPM Federal Employee Viewpoint Survey (FEVS) to identify if there are special issues or challenges within the organization in the areas of employee engagement and global satisfaction. With this information, I can track progress and develop action plans for agency leadership to drive organizational change.

34. If confirmed, how would you apply Human Resources (HR) industry best practices to updating federal employee performance evaluations?

OPM issued guidance on performance management, including performance evaluations and addressing poor performers. It is essential for Federal agencies to have effective performance management procedures in place and having employee performance evaluations are a part of an effective performance management program. If confirmed, I look forward to working with external groups and Federal agencies, through the CHCO Council, to discuss best practices in developing employee performance evaluations.

35. For OPM and the Federal workforce as a whole, what are your thoughts on succession planning and knowledge transfer to mitigate the impact of the "retirement wave"?

Agencies need to take a systematic and committed approach to talent management and succession planning. It is critical that Federal agencies have plans ready to be implemented that will allow them to recruit, develop, promote, and retain talent as current employees transition from Government. I look forward to working with the

stakeholders to determine how OPM can continue to best support agencies with the development of their plans.

36. Please describe your approach to professional development, both in your own career and for your employees? How do you allocate scarce resources for training and professional conferences? What criteria do you use to determine a fair allocation of resources?

In my career in the Senate, I've always tried to find or hire people smarter than myself to learn from. From staff to members to agencies and GAO and CRS I've always tried to learn more and engage in a lifelong learning process. In the offices where I was employed in the Senate there were not specific professional development programs unrelated to the legislative process for example on CBO baseline training and principles of Appropriations law training with the General Accountability Office. As for allocation of resource dollars in an agency I focused in the Executive Branch and in the Senate conducting agency budget review on need and effectiveness. Mandatory training, such as ethics and IT security, must be the first priority and conferences should be evaluated on based on value to the agency and taxpayers.

Whistleblower protections

37. Please describe any previous experience—in the public or private sector—with handling whistleblower complaints, and what steps you took to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

I have been contacted by whistleblowers a few times during my time working in the Senate. The committee used this information often to conduct agency oversight. I never revealed the source or methods by which I received this to any agency.

38. If confirmed, how will you ensure that whistleblower complaints are properly investigated?

If confirmed, I will work with agency leadership that supports the prompt consideration of whistleblower complaints and appropriate disposition.

IV. Relations with Congress and the Public

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

If confirmed, I will work with the OPM leadership to ensure I appropriately responding to all Member requests for information in a timely manner.

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

Yes, I will.

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

Yes, I will.

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

Yes. I will.

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

Yes, I do.

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

Yes, I will.

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

Yes, I will.

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

Yes, I will.

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

Yes, I will.

V. Assistance

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

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

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

Virginia Dale Cabaniss
(Signature)

This 29th day of April, 2019

Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to the Honorable Dale Cabaniss

Nominations of Dale Cabaniss to be Director of the Office of Personnel Management, and Michael E. Wooten to be Administrator for Federal Procurement Policy at the Office of Management and Budget
Senate Homeland Security and Governmental Affairs Committee
Tuesday, May 7, 2019

1. In your testimony you stated that you are not currently aware of what data or analysis is available to support ongoing or planned reorganization efforts at the Office of Personnel Management (OPM), but that if confirmed, you would "be as transparent as possible."

   a. If confirmed, what specific steps will you take to assess whether reorganization efforts already underway at OPM have been adequately justified?

   If confirmed, I will work with OPM senior leaders in order to analyze and review the reorganization efforts and the supporting justification for the reorganization. I will ensure the supporting justification includes any potential risks and a plan for addressing such risks.

   b. Will you commit to providing this Committee with any data or analysis that you review as part of your assessment of existing reorganization efforts?

   Yes. I will.

2. What will you do if you find that elements of the current reorganization plan are not supported by a data-driven analysis or business case? Will you commit to suspending further implementation and reevaluating the existing plan?

   If confirmed, I will work with OPM's senior leadership to make certain that a review and analysis has been conducted to support the reorganization plan. If there are elements of the plan where an analysis has not been conducted, I will work to make sure such plan is in place that outlines justification for the reorganization taking into account a process for identifying and resolving any potential risks involved in the reorganization. We know there is a need for change, and I look forward to pursuing the right solution in a collaborative manner working together with Congress.

3. Do you believe that, if confirmed, you will have the authority to amend or discontinue any of the existing reorganization efforts or plans that impact OPM?

   If confirmed, I believe I will have the authority, working in consultation with the Office of Management and Budget, to amend or discontinue any of the existing reorganization efforts or plans that do not further the goals of making OPM a more efficient and effective organization.

4. Please describe the specific steps you will take to ensure that Congress receives timely updates and the opportunity to engage in dialogue regarding all aspects of the planned OPM reorganization (i.e. elements that will require legislative action to implement as well as those OPM can implement under existing legal authority).

   If confirmed, I am committed to working with Congress to provide timely updates regarding the reorganization plan, including working with Congress on any legislation needed to implement the plan.

5. In your testimony regarding the Administration's reorganization proposal for OPM you stated that "if legislation is going to be needed . . . to effectuate some of these changes, it's going to be clear on its face where there are gaps."

   However, when asked about the authority to implement reorganization proposals, OMB Deputy Director for Management (now also Acting OPM Director) Margaret Weichert, in answering Questions for the Record following a July 18, 2018 hearing before this Committee stated: "The Administration continues to examine what additional statutory authorities are required to implement elements of the reorganization proposals." Similarly, in response to Questions for the Record following a July 26, 2018 Subcommittee hearing, former OPM Director Jeff Pon stated that "OPM is currently reviewing legal authorities" and "attorneys from the relevant agencies and OMB are engaged in interagency discussions to review current authorities."

   a. If confirmed, will you commit to promptly informing this Committee of the status of OPM's review of the legal authorities available to implement the reorganization proposal?

   Yes, I will.

   b. How do you plan to resolve any continued uncertainty regarding the legal authority needed to execute parts of the OPM reorganization proposal?

   If confirmed, I will need time to review and obtain an understating of the underlying analysis that has been conducted regarding the reorganization. If there are underlying uncertainties regarding the legal authority needed for the reorganization, I will work with OPM's senior leadership to ensure a plan is in place that properly addresses any legal uncertainties to make certain that programs are transferred consistent with applicable legal authorities.

   c. Will you commit to only pursuing actions for which OPM's legal authority is undisputed?

   Yes, I will.

6. The Senior Executive Service leads the federal workforce. However, in recent years, this top tier of civil service has not reflected the diversity of our nation, or of the rest of the federal workforce. For example, in FY2016 – the most recent period for which OPM published this data – women made up only 35% of the Senior Executive Service and minorities made up just over 20%.

   a. If confirmed, will it be a priority to recruit and retain more women and minorities to leadership roles in the federal government and specifically in the SES? If so, please describe the specific steps you will take to accomplish this.

   Yes. Diversity and inclusion is important and agency leadership sets the standard and must be committed to having a diverse Federal workforce at all levels of the Federal Government. If confirmed, I will continue efforts to work with agencies and their Senior Executives to examine selection procedures and processes to reduce subjectivity and to provide guidance to assist Federal agencies in building a more inclusive Federal workforce, especially in the SES corps.

   b. What are your other plans and priorities for OPM's Office of Diversity and Inclusion?

   If confirmed, I will work with OPM's Office of Diversity and Inclusion staff and continue working with affinity groups and associations from all segments of society to bring diversity into the SES candidate pools and provide sufficient guidance to agencies and Senior Executives to ensure current plans and priorities include promoting a diverse and inclusive workforce.

Senator Kamala Harris
Post-Hearing Questions for the Record
Submitted to the Honorable Dale Cabaniss

Nominations of Dale Cabaniss to be Director of the Office of Personnel Management, and Michael E. Wooten to be Administrator for Federal Procurement Policy at the Office of Management and Budget
Senate Homeland Security and Governmental Affairs Committee
Tuesday, May 7, 2019

Diversity and Inclusion in the Federal Workforce

1. As OPM Director, you would have a critical role in helping OPM and all federal agencies strengthen diversity and inclusion efforts.

   Have you thought about Executive Order 13583, "Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," issued under the previous Administration and if so, do you agree with the purpose of this initiative?

   I believe recruitment should consider a broad range of perspectives, experiences, skills, approaches and methods that address problems facing the Federal Government while adhering to the merit system principles. Agencies should recruit from all segments of society and provide proper development opportunities that help create future leaders. It is my understanding OPM has developed tools, guidance, programs, and courses for agencies to recruit individuals from all segments of our society and I plan to continue supporting these efforts. I have reviewed Executive Order 13583 and related materials, and, if confirmed, I will continue to build upon the goals identified in the Governmentwide Inclusive Diversity Strategic Plan issued by OPM in 2016, which outlines the second phase of implementation of Executive Order 13583, in compliance with all applicable authorities.

2. While minority groups are under-represented across the federal workforce, this is especially true of the Senior Executive Service (SES), our federal government's leadership cadre. Latinos, African-Americans, and Asian and Native Americans make up only 21% of the SES combined. Just 35% of the SES are women.

   What specifically will you do to ensure that agencies are sourcing a more diverse applicant pool for SES positions?

   I am committed to having a diverse Federal workforce at all levels of government. I will work with Agencies and their Senior Executives to examine selection procedures and processes to reduce subjectivity and to provide guidance to assist Federal agencies in building a more inclusive Federal workforce, especially in the SES corps.

When it comes to diversity and inclusion, OPM must lead by example. OPM's strategic plan for 2014-2018 lists OPM's first strategic goal as "attracting and engaging a diverse and effective OPM workforce." OPM's strategic plan for 2018-2022 omits this goal.

3. Will you commit to amending OPM's strategic plan to include creating a diverse OPM workforce as a strategic goal?

   If confirmed I will review OPM's strategic plan and update its as appropriate to ensure diversity in the Federal workforce. I will also review how the recruitment process works in practice and ensure we are considering new a diverse pool of applicants for new hires. Furthermore I will consider any additional efforts OPM can make to attract applicants from every segment of society to ensure we have the most-qualified candidates filling roles in our agency and throughout the government.

Protecting LBGTQ Federal Employees from Discrimination

4. Under the previous Administration, OPM provided training and resources to agencies and employees on preventing, detecting, and responding to discrimination based on sexual orientation and gender identity.

   Will you commit to continue this work?

   Yes, I will make sure Federal agencies have the training and resources they need.

5. In 2015, OPM joined the Equal Employment Opportunity Commission, the U.S. Office of Special Counsel, and the U.S. Merit System Protection Board to issue a guide on LGBTQ discrimination protections for federal workers.

   Do you commit to maintaining this guide? How will you ensure that it is made available to agencies and employees?

   Yes, and it is my understanding that OPM makes this guide available on its website and I will continue to make sure it is accessible. Please see this hyperlink: https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reference-materials/addressing-sexual-orientation-and-gender-identity-discrimination-in-federal-civilian-employment.pdf

Senator Kyrsten Sinema
Post-Hearing Questions for the Record
Submitted to the Honorable Dale Cabaniss

Nominations of Dale Cabaniss to be Director, Office of Personnel Management, and Michael E. Wooten to be Administrator for Federal Procurement Policy at the Office of Management and Budget
Senate Homeland Security and Governmental Affairs Committee
Tuesday, May 7th, 2019

1. As Director of OPM, it will be your responsibility to consider a wide range of proposals that impact federal employees and weigh whether those proposals should be implemented. Please outline your process for considering whether a proposed idea is feasible and will meet the intended outcomes. As part of your outline, please include the key factors you will use to consider the merits or drawbacks of proposals?

   It is important to have a business case for any major reform proposal. I would expect this business case to include both merits and drawbacks. My first key factor assessing the feasibility of a reform proposal is to ensure its legality. I would also want to ensure that it is in the best interests of its customers – our millions of dedicated civil servants and the US taxpayers. Other key factors I would look for are whether this proposal presents any potential cost savings, ensures there is no disruption of services, and improves upon current plans and programs.

2. If you are given a proposal and you find it is not in the best interest of OPM's mission, its employees, and federal workforce it supports, would you be willing to recommend the proposal be abandoned? What steps would you take as you make such a decision? What other specific steps might you take when faced with a proposal that is not in the best interest of OPM's mission and those it employs and serves?

   I would evaluate any proposal based on the above criteria and give an honest review of my assessment. I would also not support any proposal, executive or legislative, that I did not think was in the best interests of OPM, its customers, or the US taxpayers. I would work with OMB, the White House, Congress, and any other stakeholders to ensure the proposal is the best it can be.

3. If you are confirmed to this position, please identify at least five specific key factors that you will consider when determining if the OPM-GSA merger is a good business plan and in the best interests of federal employees and the federal government. Please outline the process by which you will consider these factors and how you will use them to inform your assessment of the merger.

   One key factor would be legality. I would want assurance that this merger complies with the law. If any aspect requires legislation I would support its enactment. Another key factor is that it is in the best interests of OPM customers – the millions of dedicated civil servants and the US taxpayers. That is, I would want to ensure the merger improved the

delivery of key OPM services, such as retirement processing, and elevated the core mission of OPM – to provide human capital services to the Federal Government. I would also look for potential cost savings. Another key factor would be that there is no disruption of services to OPM's customers. For example, it is imperative that retirees continue to receive their annuity checks, that Federal employees and retirees continue to receive health insurance coverage, and that OPM continues to provide human capital services to agencies. Lastly, I would look to improvements in current plans and programs. For example, I want to understand how the merger may reduce retirement claims processing times, how human capital policy would be elevated, especially outside of title 5, and how HRS can provide even better services to agencies.

4. Should the OPM-GSA merger proceed, the Director will be tasked with the creation of what is effectively a new agency with a revised mission, and a workforce and program office in transition. This will not be the OPM we know today. What in your background has prepared you for effectively creating a new vision for OPM and how will you tackle this task?

   I have experience leading the Federal Labor Relations Authority over a similarly transitional period, and I have experience as a professional staff member of the Senate Appropriations Committee overseeing the OPM account. This past experience has given me the insight on how to effectively manage an organization and how the policies of OPM are implemented. It is important to note that while the location of OPM may change, its core mission will not. Improving retirement processing, providing outstanding health care delivery, and acting as the Federal Government's human capital office will not be impacted by this merger.

5. In reviewing the U.S. Office of Personnel Management, Office of the Inspector General *Final Audit Report for the Federal Information Security Modernization Act FY 2018*, I am alarmed at the findings showing severe problems with OPM's security programs and practices. Further, OPM did not concur with a number of OIG recommendations, and the report noted that the OPM response was "unusually adversarial, challenged our authority to make recommendations in certain areas, and asserted that our work violated Government Auditing Standards." While the report recognizes that OPM has made improvements, it outlines a long road ahead to get to where OPM needs to be to ensure data safety and security. What specific steps will you take to immediately address the needs of OPM's information security systems to evaluate the current status and put together a coordinated, long-term plan to advance these systems further? What role do you see the OPM OIG and other oversight entities playing in the development of these plans?

   I am well aware of OPM's IT deficiencies. My personal information was also stolen in the 2015 breach. And as a professional staff member of the Senate Appropriations Committee I was involved with OPM's IT account during that time. I commit to you that securing OPM's IT infrastructure will be one of my top priorities as OPM Director, if confirmed. In my briefing with the OPM CIO, I understand there is currently a plan in place to safeguard OPM's IT systems. It seems good progress has been made but there is

more work to be done, and I support the plan. A key component of this plan is ongoing, dedicated funding for OPM IT modernization, which I supported as a staff member of the Appropriations Committee and will support as OPM Director, if confirmed. Also, I understand and respect the role of the OPM OIG, as well as other oversight entities. While I may not always agree with every recommendation, I understand the need for outside reviews of plans and projects and appreciate their input.

Statement of Michael Wooten

Nominee to Serve as Administrator for Federal Procurement Policy

Before the Committee on Homeland Security and Governmental Affairs

United States Senate

May 7, 2019

Thank you Chairman Johnson, Ranking Member Peters, and members of the committee for inviting me here today. I am honored to be here before you as the President's nominee to serve as the Administrator for Federal Procurement Policy in the Office of Management and Budget (OMB).

I am please and proud of the encouragement and support that I have received from family, friends, and professional colleagues – particularly those from the acquisition community. I am particularly pleased and proud to be joined by a few family members today. My wife, D'Andrea, her mother, Mrs. Maxine Wilson, and my son, John Michael Christopher Wooten. Our daughter, Sarah Mary Elizabeth Wooten Wright, resides in Buffalo with her husband Emerson Wright. They were unable to join us today. I would also like to acknowledge my father, Senior Chief James W. Wooten, U.S. Navy retired, and my father-in-law, Captain Alger L. Wilson, U.S. Navy retired. These two sailors were unable to make the trip here today, but I hope they are watching. Between their service and my own service as a Marine, our family has a proud legacy of over 70 years of naval service, and I know that they support me as I answer this call to national service.

I want to thank President Trump for nominating me to this position. I also want to thank and acknowledge the Honorable Margaret Weichert, Deputy Director for Management at OMB, for the steadfast support she has given me and the upbeat leadership she displays. I deeply appreciate the confidence that these two leaders have shown me by means of this nomination.

I believe that the Administrator's role is to set priorities and an agenda to achieve best the economy, efficiency, and effectiveness mandates charged to the Office of Federal Procurement Policy. Today, I believe that acquisition "goodness" can be best achieved by supporting the President's Management Agenda. Acquisition "goodness" also needs leadership that supports sparking innovation, promoting shared services, maximizing buying power, championing transparency, providing policy and management leadership, developing the acquisition workforce, and supporting small business participation, which is the heart of the American industrial base.

Over the past 20 years, I have served in various roles as a contracting officer in the Marine Corps to include combat and humanitarian contracting in Afghanistan and the surrounding region. Additionally, I have served as Director of Contracts for the Chief Financial Officer of the District of Columbia, professor of contract management at Defense Acquisition University (DAU), researcher for the Defense Acquisition Workforce, and Deputy Chief Procurement Officer for the District of Columbia. In our nation's service, these experiences gave me a strong foundation

finding business solutions for warfighters that best enabled them to defend our nation, at a cost that taxpayers could afford, and in a manner that our citizenry would trust. In the service of our nation's Capital, these experiences gave me a strong foundation finding solutions that best served the District's residents, at a cost that District taxpayers could afford, and in a manner that DC residents would trust. Throughout my years in procurement, I have pushed innovative commercial buying practices such as soliciting proposals from a Statement of Objectives, using serial pre-solicitation conferences, and leveraging the full power of the Government Commercial Purchase Card as provided in FAR Part 13. As a professor at DAU, I taught hundreds of contracting professionals the disciplines of cost and price analysis so that they could maximize America's buying power. In 2015, I was please to enhance cost analysis discipline at DC Government procurement as well. Under former District CFO, Dr. Natwar Gandhi, I was pleased to become the first Director of Contracting to achieve the District's mandatory 50 percent spend with small business. I strongly believe that small business is the heart of the American industrial base.

If confirmed, I intend to prioritize the following: institutionalizing category management, supporting our small business partners, improving major acquisition, sparking innovation, and leading the acquisition workforce. If confirmed, I hope to leverage my position as Administrator to increase awareness of these and other initiatives including the dissemination of best practices and tailored training that meets the different needs of agencies. I believe that innovation and cost efficiency are the two most critical procurement concerns for the success and durability of the federal acquisition system, and I believe that these policy priorities offer the most significant and positive impact on federal procurement.

To overcome our innovation challenges and the near-peer threats posed by global adversaries, "faster, better, cheaper" must reemerge as the burning modernization imperative. Modernizing the way we buy over half a trillion dollars of goods and services each year is critical to providing the solutions our government requires at a price the taxpayers can afford over the long term.

The Office of Federal Procurement Policy has shown significant progress in implementing category management – a key initiative under the President's Management Agenda. Presently, category management has yielded tangible cost avoidance and cost savings. At its zenith, all federal agencies will benefit from category management as a strategy for sharing market intelligence, leveraging buying power, and using expertise across the government enterprise for common areas of spending. Category management is a superb strategy for buying goods and services throughout the federal enterprise at a price the taxpayers can afford over the long term.

Once again, thank you for the opportunity to appear before you today. If confirmed, I look forward to working closely with this Committee to deliver greater value to the taxpayer at a price America can afford over the long term. I am pleased to answer any questions you may have.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Administrator, Office of Federal Procurement Policy	**February 13, 2019**

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Michael	**Eric**	**Wooten**	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:** **U.S. Department of Education** **400 Maryland Avenue**		
City: **Woodbridge**	**State:** **Virginia**	**Zip:** **22192**	**City:** **Washington**	**State:** **DC**	**Zip:** **20202**

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
N/A	N/A	N/A			Est ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1959	San Diego, California

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
☐	X	☐	☐	☐	☐

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
D'Andrea	Michele	Wooten	

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
D'Andrea	Michele	Wilson		X	05/1960 Est ☐	02/1988 Est ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
John	**Michael Christopher**	**Wooten**	
Sarah	**Mary Elizabeth (Wooten)**	**Wright**	

2. Education

List all post-secondary schools attended.

Name of School	**Type of School** (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	**Date Began School** (month/year) (check box if estimate)	**Date Ended School** (month/year) (check box if estimate) (check "present" box if still in school)	**Degree**	**Date Awarded**
University of Georgia	University	Sep 1977 Est ☐	Jun 1978 Est ☐ Present ☐	None	N/A
DeKalb Community College	College	Sep 1978 Est ☐	Jun 1981 Est ☐ Present ☐	A.A. Liberal Arts	Jun 1981
DeKalb Community College	Technical	Aug 1978 Est ☐	Mar 1979 Est ☐ Present ☐	Cert. Graphic Arts	Mar 1979
Mercer U. Southern School of Pharmacy	College (professional school)	Jan 1980 Est ☐	Apr 1982 Est ☐ Present ☐	None	N/A
Chapman College	College/University	Jan 1984 Est ☐	Dec 1986 Est ☐ Present ☐	B.A. Psych-ology	Dec 1986
Georgia State University	College/University (transient Chapman U. student)	Sep 1986 Est ☐	Dec 1986 Est ☐ Present ☐	None	N/A
Albany State University	College/University	Mar 1992 Est x	Jun 1992 Est ☐ Present ☐	None	N/A
Vermont College of Norwich University	College/University (distance)	Oct 1991 Est ☐	Oct 1995 Est ☐ Present ☐	M.A. Leader-ship	Jan 1996
U.S. Naval Postgraduate School	College/University	Jul 1996 Est ☐	Dec 1997 Est ☐ Present ☐	M.S. Contract Manage-ment	Dec 1997
The George Washington University	College/University	Sep 2001 Est ☐	Jan 2008 Est x Present ☐	M.A. Higher	Aug 2008

				Educ. Admin	
University of Pennsylvania	College/University	Aug 2010 Est ☐	Aug 2013 Est ☐ Present ☐	Ed.D. Higher Ed. Mgt.	Aug 2013
		Est ☐	Est ☐ Present ☐		

3. Employment

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

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Federal Employment	U.S. Department of Education	Deputy Assistant Secretary for Career, Technical, and Adult Education	Washington DC	Oct 2017 Est ☐	Present Est ☐
State/Local Government	Office of Contracting & Procurement, District of Columbia Government	Deputy Chief Procurement Officer	Washington DC	Sep 2015 Est ☐	Oct 2017 Est ☐
Federal Employment	Defense Acquisition University	Professor of Contract Management	Ft. Belvoir, VA	Jun 2005 Est ☐	Sep 2015 Est ☐
State/Local Government	Office of the Chief Financial Officer, DC Government	Director, Contracting & Procurement	Washington DC	Nov 2003 Est ☐	Jun 2005 Est ☐
Federal Employment	Defense Acquisition University	Deputy for Contacting	Ft. Belvoir, VA	Jul 2003 Est ☐	Nov 2003 Est ☐

Active Military Duty Station	U.S. Marine Corps/ Marine Corps Base Quantico	Commanding Officer, Tenant Activities Command	Quantico, VA	Jul 2002	Est ☐	Jul 2003	Est ☐
Active Military Duty Station	U.S. Marine Corps/Camp Doha, Kuwait	Contingency Contracting Officer	Kuwait/ Afghan./ Uzbekistan	Jan 2002	Est ☐	Jul 2002	Est ☐
Active Military Duty Station	U.S. Marine Corps/ Marine Corps Base Quantico	Deputy Director, Regional Contracting Office, NE	Quantico, VA Quantico, VA	Jul 2001	Est ☐	Jan 2001	Est ☐
Active Military Duty Station	U.S. Marine Corps/ Headquarters, U.S. Marine Corps	Contracting Officer	Arlington, VA	Feb 1998	Est ☐	Jul 2001	Est ☐
Active Military Duty Station	U.S. Marine Corps/ U.S. Naval Postgraduate School	Graduate Student	Monterey, CA	Jul 1996	Est ☐	Jan 1997	Est ☐
Active Military Duty Station	U.S. Marine Corps/ Marine Corps Air Station, Yuma, AZ	Battalion Supply Officer	Yuma, AZ	Mar 1993	Est ☐	Jul 1996	Est ☐
Active Military Duty Station	U.S. Marine Corps/Marine Corps Logistics Base, Albany, GA	Battalion Logistics Officer	Albany, GA	Mar 1990	Est ☐	Mar 1993	Est ☐
Active Military Duty Station	U.S. Marine Corps/	Battalion Supply Officer	Jacksonville, NC	Oct 1987	Est ☐	Mar 1990	Est ☐
Active Military Duty Station	U.S. Marine Corps/Marine Corps Base, Quantico	Marine Officer Student	Quantico, VA	Feb 1987	Est ☐	Oct 1987	Est ☐
Non-government Employment	Georgia State University	Gym Attendant	Atlanta, GA	Nov 1986	Est ☐	Jan 1987	Est ☐
Other (full-time student)	Georgia State University	Full-Time college student	Atlanta, GA	Sep 1986	Est ☐	Dec 1987	Est ☐
Active Military Duty Station	U.S. Marine Corps/Marine Corps Air Station, Tustin	Marine Air Traffic Controller	Tustin, CA	May 1983	Est ☐	Aug 1986	Est ☐
Active Military Duty Station	U.S. Marine Corps/Naval Air Station, Memphis	Air Traffic Control School	Millington, TN	Jan 1983	Est ☐	Apr 1983	Est ☐
Active Military Duty Station	U.S. Marine Corps/Marine Corps Recruit Depot, Parris Island	Marine Officer Student	Parris Island, SC	Oct 1982	Est ☐	Dec 1982	Est ☐
Non-government Employment (part-time)	Rentz Security	Security Guard	Atlanta, GA	Dec 1981	Est x	Sep 1982	Est x
Non-government Employment (part-time)	McDonalds	Food Service Worker	Decatur, GA	Sep 1981	Est x	Jul 1982	Est x

Non-government Employment (part-time)	Columbia Heights Pharmacy	Pharmacy Intern	Decatur, GA	Sep 1981	Est x	Apr 1982	Est ☐
Other (full-time student)	DeKalb Community College, South Campus	Full-Time college student	Decatur, GA	Sep 1978	Est ☐	Jun 1981	Est ☐
Other (full-time student)	DeKalb Community College, North Campus	Full-Time vocational student	Dunwoody, GA	Jul 1978	Est x	Mar 1979	Est ☐
Other (full-time student)	University of Georgia	Full-Time college student	Athens, GA	Sep 1977	Est ☐	Jun 1978	Est ☐

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

Name of Government Entity	Name of Position	Date Service Began (month/year) (check box if estimate)		Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)		
Prince William County Schools	School Board	Jun 2012	Est ☐	Nov 2012	Est ☐	Present ☐
Northern Virginia Community College Board/Virginia Community College System	Board Member	May 2009	Est ☐	Jun 2016	Est ☐	Present ☐
District of Columbia Government/University of the District of Columbia	Adjunct Professor of Public Procurement	Jan 2004	Est x	Jun 2005	Est ☐	Present ☐

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. NONE

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

In February 2016 in Richmond, Virginia, in my capacity as Chairman of the Board for Northern Virginia Community College, I addressed an informal meeting of the Veteran's Caucus of the Virginia General Assembly in an effort to persuade them to fund career and technical education programs of short duration.

5. Honors and Awards

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

1. **Commissioned a Kentucky Colonel (2018)**
2. **Meritorious Service Medal (2003)**
3. **Combat Action Ribbon (Afghanistan) (2002)**
4. **Army Commendation Medal (2002)**
5. **Meritorious Service Medal (2001)**
6. **Military Outstanding Volunteer Service Medal (2000)**
7. **Citation, World Taekwondo Federation (2000)**
8. **Joint Service Commendation Medal (1999)**
9. **Superior Service Award for Outstanding Marine Corps Student, U.S. Naval Postgraduate School (1997)**
10. **Navy and Marine Corps Commendation Medal (1993)**

6. Memberships

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

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

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Fork Union Military Academy Board	June 2018 – present	Trustee
Sigma Pi Phi Fraternity	May 2018 – present	Member

Honorable Order of Kentucky Colonels	March 2018 - present	Member
Association of Career and Technical Education	Sep 2017 – Sep 2018	Member
International Society for Philosophical Enquiry	February 2016 – present	Member
Association of Community College Trustees	2010 - 2017	Virginia Representative
Northern Virginia Community College Board	May 2009 – Jun 2016	Chairman of the Board (2014 – 2016), Vice Chairman of the Board (2011 – 2013), Chairman of the Curriculum and Community Relations Committee (2013 – 2014)
Army Navy Country Club	Mar 2003 - present	Member
Prince William County Republican Committee	Oct 2002 – present	Vice Chairman (2004 – 2006)
American Mensa	2002 - present	Member
National Contract Management Association	Apr 1997 – present	Chairman for the Graalman Award, Monterey Chapter (1997)

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)
Deputy Assistant Secretary	Appointed	2017 – 2018	At the pleasure of the President
Prince William County School Board	Appointed and candidate for election	2012	Interim term (Jun 2012 – Nov 2012)

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service
NONE	N/A	N/A	N/A

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

Name of Recipient	Amount	Year of Contribution
Alyson Satterwhite	$500	2018
Rob Wittman	$250	2018
D.J. Jordan	$500	2018
Ruth Anderson	$500	2015

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

Title	Publisher	Date(s) of Publication
A Study in the Professionalization of Civilian Contract Managers in the Department of Defense: The Relationship between Educational Attainment and Job Proficiency	University of Pennsylvania	2013
Factors Affecting Negotiator Orientation	Storming Media	2004

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

Title/Topic	Place/Audience	Date(s) of Speech
NONE	N/A	N/A

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

Title	Place/Audience	Date(s) of Speech
Earn and Learn Models	Swiss Embassy in Washington/international leaders in career and technical education	October 11, 2017
The Journey Begins	Maritime Museum, Baltimore, MD/ Data Quality Institute	November 16, 2017
The Courage to Weather the Storm	Florida Keys Community College, Key West, FL/ Winter Commencement	December 13, 2017
Ensuring All Students Are Prepared for Success Through CTE	Hotel del Coronado, Coronado, CA/National Conference of State Legislators	December 11, 2017
21st Century Mindsets Versus 21st Century Skill Sets and How We Bridge the Gap	Capitol Hill, Washington, DC/DECA Thought Leadership Forum	January 24, 2018
Special Session: Addressing the Adult Learner	Orlando, FL/National Policy Summit 2018, National Council of State Directors of Community Colleges	January 27, 2018
Black History Month Feature: Infrastructure Workforce Summit,	Washington, DC/STEM4US!,	February 27, 2018
Rethinking CTE, Apprenticeships, and the "Gig Economy"	Crystal City, VA/ Association for Career and Technical Education, National Policy Seminar	March 5, 2018

Rethinking CTE, Apprenticeships, and the "Gig Economy",	National League of Cities, Washington, DC,	March 11, 2018
Workforce (Keynote Address)	Falls Church, VA/Aviation Institute of Maintenance	March 16, 2018
Expanding your Horizons and Souring to New Heights: Rethinking Education	Phoenix, AZ/Keynote Address on Adult Education, Council on Adult Basic Education	March 27, 2018
State Association Panel Discussion	Phoenix, AZ/Council on Adult Basic Education	March 27, 2018
Aim: Focus on Doing the Job Right	Aviation Institute of Maintenance, Manassas, VA/Commencement	Apr 6, 2018
The Community College Response: Resources and Opportunities	Cleveland, OH/American Association of Community Colleges	Apr 12, 2018
Rethinking CTE, Apprenticeships, and the "Gig Economy"	Dirksen Senate Office Building, Washington, DC/ National Alliance for Partnerships in Equity Summit	Apr 18, 2018
Rethinking CTE, Apprenticeships, and the "Gig Economy"	Arlington, VA/National Meeting for Adult Education State Directors	May 8, 2018
Apprenticeships	Washington, DC/White House Initiative on Asian Americans and Pacific Islanders	May 17, 2018
Rethinking CTE, Apprenticeships, and the "Gig Economy"	Fredericksburg Regional Chamber, Woodford, VA,	May 24, 2018
Rethinking CTE, Apprenticeships, and the "Gig Economy"	Washington, DC/American Association of Community Colleges	Jun 12, 2018
Rethinking CTE, Apprenticeships, and the "Gig Economy"	Washington, DC/Association of Community College Trustees	August 6, 2018

Key Note at Kansas Workforce Innovation and Opportunity Act (WIOA) Conference	Wichita, KS/Kansas Workforce Innovation and Opportunity Act Conference	October 8, 2018

9. Criminal History

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

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

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

A) Date of offense: March 25, 1981

   a. Is this an estimate (Yes/No): Plus or minus one day

B) Description of the specific nature of the offense: **Misdemeanor – Criminal Solicitation.** Attempting to buy $5 worth of Marijuana. Fined $300. No jail time. Record sealed.

C) Did the offense involve any of the following?
   1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
   2) Firearms or explosives: **Yes / No**
   3) Alcohol or drugs: **Yes / No – marijuana**

D) Location where the offense occurred (city, county, state, zip code, country): **Atlanta (Fulton County) Georgia 30316**

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**

   1) Name of the law enforcement agency that arrested/cited/summoned you: Fulton County Police

2) Location of the law enforcement agency (city, county, state, zip code, country): Atlanta, Georgia 30303

F) As a result of this offense were you charged, convicted, ~~currently awaiting trial~~, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**

1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country): Fulton County Courthouse, Atlanta, Georgia 30303

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense: Misdemeanor – Criminal Solicitation. Attempting to buy $5 worth of Marijuana. Fined $300. No jail time. Record sealed.

3) If no, provide explanation: N/A

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

B) Provide a description of the sentence: N/A

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

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

E) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated: N/A

F) If conviction resulted in probation or parole, provide the dates of probation or parole: N/A

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

H) Provide explanation: N/A

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

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

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

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

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity. N/A

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

Name of Agency/Association/ Committee/Group	Date Citation/Disciplinary Action/Complaint Issued/Initiated	Describe Citation/Disciplinary Action/Complaint	Results of Disciplinary Action/Complaint
N/A	N/A	N/A	N/A

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

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

13. Lobbying

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

14. Outside Positions

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

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

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

15. Agreements or Arrangements

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

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

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

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

16. Additional Financial Data

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

REDACTED

REDACTED

SIGNATURE AND DATE

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

This 7th **day of** March **2019**

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

February 27, 2019

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Michael E. Wooten, who has been nominated by President Trump for the position of Administrator, Office of Federal Procurement Policy, Office of Management and Budget.

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

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

Sincerely,

DAVID APOL Digitally signed by DAVID APOL Date: 2019.02.27 17:05:22 -05'00'

David J. Apol
General Counsel

Enclosures REDACTED

February 21, 2019

Mr. Mark Paoletta
General Counsel and Designated Agency Ethics Official
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

Dear Mr. Paoletta:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Administrator, Office of Federal Procurement Policy, Office of Management and Budget.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position as Trustee of Fork Union Military Academy. For a period of one year after my resignation from this entity, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My spouse is employed by Wellstone Properties, a commercial real estate leasing company, from which she receives a fixed salary. For as long as my spouse continues to work there, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on my spouse's compensation or employment with that entity, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). I also will not participate personally and substantially in any particular matter involving specific parties in which I know my spouse's employer or any client of my spouse is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

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

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

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13770) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

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

Sincerely,

Michael E. Wooten

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Michael Wooten to be
Administrator, Office of Federal Procurement Policy
Office of Management and Budget

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to be the next Administrator of the Office of Federal Procurement Policy (OFPP)?

   No.

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

   No.

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

   No. N/A

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

   I am aware of no business relationship, dealing, or financial transaction that could present me with a conflict of interest. If confirmed, and if some unforeseen event related to the position of Administrator for Federal Procurement Policy should require my recusal, I would recuse myself.

II. Background of the Nominee

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

   I have the benefit of nearly 20 years of professional preparation in government contracting. My experience as a Marine officer and contracting officer gave me a strong foundation finding business solutions for warfighters that best enabled them succeed at a cost that taxpayers could afford and in a manner that they would trust. I was awarded four medals for my work in contracting and earned the federal government's most prestigious certification for contracting specialists. My experience includes over seven years of teaching and research management at Defense Acquisition University. My

experience as Deputy Chief Procurement Officer for the District of Columbia required me to lead a cadre of Chief Contracting Officers who managed construction contracting, IT contacting, and operational contracting. I have written a doctoral dissertation examining the relationship between DoD certification and the competencies required of contracting officers.

6. Please describe:

   a. Your leadership and management style.

   As a leader, I am extremely comfortable delegating authority to subordinate leaders to enable them to do their job. While I will delegate authority within the limits of the law, I will always retain responsibility. As a manager, I value data and I value the processes used to make decisions; I believe that understanding both data and processes is essential to good government.

   b. Your experience managing personnel.

   I have over 20 years of experience managing personnel who implement government policy, manage funds, and uphold the public trust. My experience includes hiring, firing, promoting, disciplining, training, granting awards, evaluating performance, counseling, coaching, managing pay for government personnel, and approving other personnel actions under the purview of federal personnel management. I have led Marines, sailors, soldiers, airmen, professional civilians, and volunteers. My procurement and supply chain management experience ranges from leading supply platoons of typically 30 Marines to managing the 165 contract specialists in the District of Columbia Government's Office of Contracting and Procurement.

   Most recently, while serving as acting Assistant Secretary for Career, Technical, and Adult Education at the U.S. Department of Education, I managed senior career employees. These leaders were responsible for national activities that impacted the career and technical education community and the adult education community.

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

   While serving as the Deputy Chief Procurement Officer for the District of Columbia, approximately 165 contracting professionals were under my administrative and operational control. Nine GS-15 equivalents and SES equivalents reported directly to me.

III. Role of the Administrator

7. Please describe your view of OFPP's core mission and the Administrator's role in achieving that mission.

OFPP's core mission is to provide overall direction for government-wide procurement policies, regulations and procedures and to promote economy, efficiency, and effectiveness in acquisition processes. The Administrator's role is to set priorities and an agenda to achieve best the economy, efficiency, and effectiveness mandates charged to OFPP. Today, I believe that acquisition "goodness" can be best achieved by supporting the President's Management Agenda, sparking innovation, promoting shared services, maximizing buying power, championing transparency, providing policy and management leadership, developing the acquisition workforce, and supporting small business participation, which is the heart of the American industrial base.

8. In your opinion, is OFPP currently fulfilling its responsibilities to the best of its ability in assisting federal agencies in acquiring the goods and services they need to carry out their missions? If not, what would you do differently as Administrator?

In my opinion, OFPP is absolutely fulfilling its responsibilities to the best of its ability. I have confidence that each one of the professionals serving at OFPP is focused on the right aspects of federal procurement to bring about good government overall. If confirmed, I do not anticipate the need for any substantial changes to OFPP, and look forward to working with the team to continue to modernize the federal acquisition system.

IV. Policy Questions

9. What do you believe are the most pressing internal and external challenges currently facing OFPP?

The most pressing challenges facing OFPP and the broader acquisition community are outlined within the President's Management Agenda: Institutionalizing Category Management, Improving Major Acquisition, and Promoting Acquisition Innovation and Modernization. Our ability to satisfy government requirements faster, better, and cheaper depends on our success with each of these agenda items.

"Faster, better, cheaper" must reemerge as the burning modernization imperative to overcome our innovation challenges and the near-peer threats posed by global adversaries. Modernizing the way we buy over half a trillion dollars of goods and services each year is critical to providing the solutions our government requires at a price the taxpayers can afford over the long term. In addition to the items I called out from the President's Management Agenda, if confirmed, I will treat acquisition training and acquisition workforce leadership as a priority.

a. Which challenges will you prioritize and what do you plan to do to address each of those challenges?

If confirmed, I intend to prioritize institutionalizing Category Management, supporting our small business partners, improving major acquisition, sparking innovation, and leading the acquisition workforce. I hope to leverage my position as Administrator to increase awareness of these and other initiatives - including the dissemination of best

practices, tailored training that meets the different needs, and other initiatives – to advance these important efforts.

10. In your view, what are the highest priorities in both urgency and importance for enhancing federal procurement policy? Why?

    I believe that the most urgent and important enhancements to federal procurement policy will come from:

    i. *institutionalizing category management to leverage the government's vast buying power;*
    ii. *reviewing the 809 Panel recommendations and other ideas for modernizing our system to*
    iii. *determining how best to improve major acquisitions;*
    iv. *identifying opportunities for innovation – and the many exemplars that are achieving innovation within the framework of the FAR; and*
    v. *leading and training the acquisition team.*

    I believe that innovation and cost efficiency are the two most critical procurement concerns for the success and durability of the federal acquisition system. I believe that these policy priorities offer the most significant impact.

11. What measurements would you use to determine whether your office is successful?

    If confirmed, I would continue to use spend under management to ensure that we are institutionalizing Category Management across the federal business enterprise. I would work with OFPP and agency leadership to assess the contracting competencies within the federal acquisition workforce. I would also work with these leaders to develop the proper measurements to assure successes in improving major acquisitions, sparking innovation, and acquisition workforce development.

12. Last Congress, this Committee passed S. 3085, *the Federal Acquisition Supply Chain Security Act of 2018*, which was signed into law as a part of H.R. 7327, *the SECURE Technologies Act*.

    a. What role do you believe OFPP plays in the implementation of supply chain risk management (SCRM)?

       I believe OFPP should play a supporting role and assist OMB leadership as it stands up the new Federal Acquisition Security Council called for by the SECURE Technologies Act. If confirmed, I look forward to learning more about these responsibilities.

    b. What role does OFPP play in the implementation of H.R. 7327?

I anticipate that OFPP would play a supporting role and assist OMB leadership as it stands up the new council, but I have not had the opportunity to discuss OFPP's role with OMB leadership.

c. What do you believe are the most important factors to consider when assessing effective SCRM?

I would anticipate that OFPP will assist OMB leadership, including the OMB Deputy Director for Management and the Chief Information Security Officer (CISO), in implementing effective SCRM. However, I have not had the opportunity to discuss SCRM with either the Deputy for Management or the CISO.

13. What, if any, changes should be made in training for the federal procurement workforce?

I have learned that training that exposes the workforce to the specific rules and tools they will use at their desk is most meaningful. If confirmed, I will seek ways to make training more practical and relevant, while still sparking innovation in the process. We should train the acquisition team to work as a team. I believe that the greatest opportunity for improvement in the acquisition workforce rests in our ability to understand and convey requirements to offerors more precisely, which requires a shared understanding of requirements. We should also improve the ability of the workforce to use best practices in commercial purchasing.

14. Section 846 of the Fiscal Year (FY) 2018 National Defense Authorization Act established an early framework for the General Services Administration to create online commercial portals for the procurement of commercial items. What role do believe OFPP plays in the establishment of online commercial portals for Federal procurement?

As I understand it, OMB and GSA are jointly in charge of developing commercial portals. I believe that OFPP has an interest in ensuring that the portals provide the capacity to harvest data on the federal spend. Analysis of these data can provide insights to the aggregate contractor community and better enable them to support federal government requirements with the right goods and services at the right time. Likewise, these analyses should support our collective ability to understand the common federal buys, where we can tease out the best value, and where we might benefit from forming additional government-wide contracts.

15. Civilian agencies spent $196 billion on contracted goods and services in FY 2018, compared with $165 billion in FY 2015, a 17 percent increase. In your opinion, what factors contributed to this increase in federal spending?

Annually, as agencies budget to their requirements and spend to their budgets, procurement professionals work to maximize the use of budgeted taxpayer funds. Regardless of whether budgets rise or fall, we in procurement aim to improve the taxpayers' bottom line by getting a better value. In lean budget years, we will spend less; in growth years, we will spend more, but the contracting officer will always seek to

maximize the value of taxpayers' dollars. If confirmed, I look forward to working with OFPP and the Chief Acquisition Officers to ensure that the procurement community continues to generate savings through effective enterprise-wide strategies, such as category management, and promising acquisition strategies, such as agile procurement.

16. The National Aeronautics and Space Administration (NASA) spent more than $18 billion on contracted goods and services in 2018. Meanwhile, NASA acquisitions have been on the Government Accountability Office's High Risk list since 2012. GAO has found that of NASA's 17 major acquisition projects, 9 are behind schedule or over budget. In your opinion, what can NASA do to prevent cost overruns and improve contract management?

    I have not had the opportunity to examine the NASA projects in any detail.

17. On February 19, 2019, the President signed an executive order requiring agencies to "maximize the use of iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in contracts, sub-contracts, purchase orders, or sub-awards."

    a. In your opinion, do "buy American" executive orders, laws, and regulations increase or decrease the cost to the federal government when acquiring goods and services?

       I have not been able to see data addressing the impact of "buy American" mandates on the federal government's acquisition cost or, specifically, on the prices paid for goods and services. However, I understand the publicly-available data supports the conclusion that most agency dollars already comply with the requirements of the Buy American Act and a vast majority of spend is categorized as U.S.-made under either Buy American or the Trade Agreements Act. Accordingly, I suspect that new buy American mandates would have little impact on cost to the federal government.

    b. In your opinion, do "buy American" executive orders, laws, and regulations improve or decrease the quality of goods acquired by the federal government?

       I do not have data to support an opinion concerning the impact of Buy American mandates on the quality of goods acquired by the federal government. If confirmed, I look forward to working with OFPP to identify any issues of concern for the stakeholder industries and agencies.

18. There are various "set-asides" in the government contracting process and goals for federal agencies for contracting with small businesses, small disadvantaged businesses, women-owned small businesses, service-disabled veteran-owned businesses and businesses in a "HUBZone." In your opinion, do these goals and requirements increase or decrease the cost of acquisition in the Federal government?

    Invariably, set-asides can either decrease or increase the cost of acquisitions depending on their relative advantages in competing for a proposed buy. However, in my view, the set-asides in the government contracting process provide a significant return on

investment. Set-aside opportunities ensure a strong industrial base so that a greater number of business are prepared to address a threat or other national emergency. Between national emergencies, set-asides provide ongoing opportunities for self-help; they provide a seedbed of employers so that similarly situated citizens are able to earn a living and earn the self-respect that comes from making meaningful contributions to society.

19. Federal agencies often opt for complex, custom acquisitions for IT modernizations when commercial products could be used to meet the programmatic requirements either off-the-shelf or with minimal modification. What actions will you take to promote the use of commercial products throughout the Federal government?

If confirmed, I would work with OFCIO and others to encourage agencies to purchase commercial off-the-shelf products and then – when possible – retrofit government workflows to the software instead of retrofitting the software to fit the government's peculiar workflow. I would support sharing examples of best practices, with government program managers and acquisition professionals to reduce unnecessary customization and better leverage the government's buying power.

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

a. In your current and previous positions, how have you addressed whistleblower complaints?

I have never had an occasion or necessity to address whistleblower complaints.

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

At Defense Acquisition University, I was responsible for implementing an on-line suggestion box for students, faculty, and staff. Although OFPP is much smaller than DAU, I believe that a similar system of anonymous communication can provide one channel for constructive suggestions. I believe that collegial leadership and a culture of collegiality can provide an open channel for constructive suggestions.

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

I do.

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

I do. Whistleblowers provide a necessary buttress for the transparency needed for good government. If confirmed, retaliation against whistleblowers will not be tolerated.

V. Relations with Congress

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

    Yes.

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

    Yes.

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

    Yes.

VI. Assistance

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

    Yes. The answers I have provided are my own answer. I have only consulted with OMB to make sure that I understood the questions.

Minority Supplemental Pre-hearing Questionnaire
For the Nomination of Michael Wooten to be
Administrator, Office of Federal Procurement Policy
Office of Management and Budget

I. Nomination Process and Conflicts of Interest

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

   No.

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

   No.

II. Background of Nominee

3. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates?

   Yes. I believe that divergent views help uncover best solutions. For nearly 30 years, I have practiced the leadership habit of asking for the opinion of the most junior staff member first and the most senior staff member last so not to influence the unvarnished opinions I valued from junior personnel. I did this very effectively with Marines. In cultures where seniority is less an inhibiter to expressing viewpoints, I learned that parliamentary procedure approaches worked best to make sure that dissenting views are heard.

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

   As Deputy Chief Procurement Officer for the District of Columbia, I asked the Chief Procurement Officer to create a unique assignment for an employee to support cost and price analysis. The Chief Procurement Officer did not favor the change but asked me to consult our General Counsel. The General Counsel did not favor the change but asked me to consult HR and the Chief of Staff. After two months of my applying consistent pressure and going back and forth to make appeals to the four actors, we were able to make the change.

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

   While serving as Acting Assistant Secretary for Career, Technical, and Adult Education, I accepted responsibility for developing a new national portal to allow the states to upload their state workforce investment plans. Despite the fact that the Department of Labor had sufficient funds for the portal, and the Department of Education (ED) did not, ED was the

better choice to own the portal. ED had the right strategy and was better equipped to ensure that the new portal was up in time. Not only was it politically difficult for me to accept the responsibility for the portal without the resources to build it, I convinced my counterpart at Labor that it was in the national interest to allow ED to manage the portal and for Labor to send us all of the funds required in FY 18. I promised to provide ED's share in FY 19.

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

   My greatest successes as a leader included leading humanitarian forces in Afghanistan and running a volunteer taekwondo school to teach children in Virginia. One of my most recent successes came about while serving as Chief Learning Officer and then as Deputy Chief Procurement Officer. My training team redesigned DC's contract management certification program in partnership with George Washington University and created a new competency-based curriculum in less than a year. We retrained the District of Columbia's contracting workforce, greatly enhanced its credibility, and boosted its reputation and proficiency.

7. What would you consider your greatest failure as a leader? What lessons did you learn from that experience?

   My greatest leadership disappointment came as the new Chief Instructor of an NPS Taekwondo Association school in Woodbridge, Virginia. I shared my vision to take the school in a new direction and participate in martial arts tournaments. Two of my key parent volunteers disagreed with the new direction, quietly ended their volunteer participation, and withdrew their children. This disappointment taught me that telling others what you want and sharing your enthusiasm is not the same as sharing a vision.

8. During your tenure with the District of Columbia Government, what were the biggest procurement challenges facing the District, and how did you approach them?

   In the District Government, we faced procurement challenges that stemmed from (1) workforce competency gaps, (2) strong union resistance to a new workforce certification program, (3) over-worked and under-supported managers, and (4) customers who were quick to brandish their political allies and force my staff to accept less-than-competitive contract award procedures.

   We approached these challenges by building a strategic competency model. At its foundation, everyone would learn the "rules and tools" of District procurement, and everyone would learn the process competencies so that they could quickly place buys, orders, and contracts more efficiently. We taught critical thinking competencies to the intermediate level professionals and leadership competencies to the managers. The Chief Procurement Officer and I gave the Chief Contracting Officers political cover as they dealt with the District's cabinet-level officials and politically influential personnel.

9. In your responses to the Committee's Biographical Questionnaire, you state that you have been employed by the U.S. Department of Education ("the Department") since October 2017.

For each position (including acting roles) you have held at the Department, please provide the following:

I. Acting Assistant Secretary for Career, Technical, and Adult Education

a. Position title and office/department: *Acting Assistant Secretary, Office of Career, Technical, and Adult Education, U.S. Department of Education*

b. Start and end dates for that position: *October 1, 2017 through August 1, 2018*

c. A brief summary of your responsibilities: *Participated in a broad range of policy and regulatory reform initiatives as part of the Department's leadership team. Ensured oversight of over $2 billion dollars in initiatives supporting career and technical education, adult education, correctional and re-entry education, and community colleges.*

d. A description of your involvement, if any, with executing, managing, or evaluating the Department's procurement policies or procedures: *None.*

e. A description of your involvement, if any, with managing or overseeing specific Department contracts: *None.*

II. Deputy Assistant Secretary for Community Colleges

a. Position title and office/department: *Deputy Assistant Secretary for Community Colleges, U.S. Department of Education*

b. Start and end dates for that position: *August 1, 2018 through November 9, 2018*

c. A brief summary of your responsibilities: *Participated in the Department's leadership team. Served as surrogate to the Assistant Secretary as directed. Ensured oversight of initiatives supporting correctional and re-entry education, and community colleges.*

d. A description of your involvement, if any, with executing, managing, or evaluating the Department's procurement policies or procedures: *None.*

e. A description of your involvement, if any, with managing or overseeing specific Department contracts: *None.*

III. Senior Advisor for Acquisitions, Federal Student Aid

a. Position title and office/department: *Senior Advisor for Acquisitions, Federal Student Aid, U.S. Department of Education*

b. Start and end dates for that position: *November 13, 2018 through present*

c. A brief summary of your responsibilities: *Work directly with the Chief Operating Officer (COO) of the Office of Federal Student Aid to determine competency gaps within the workforce; contribute expertise in identifying specific gaps within the acquisition workforce; participate in other working groups and execute other tasks as the COO or director of procurement may direct.*

d. A description of your involvement, if any, with executing, managing, or evaluating the Department's procurement policies or procedures: *None.*

e. A description of your involvement, if any, with managing or overseeing specific Department contracts: *None.*

III. Role of the Administrator

10. What do you see as the appropriate relationship between OFPP and the acquisition policy functions of GSA?

I believe that OFPP should be the government-wide acquisition lead for the acquisition policy function. In my view, GSA has been an important partner, and through its acquisition policy function, has provided the "retail" policy arm that better enables OFPP to connect to the acquisition workforce. If confirmed, I look forward to the opportunity to leverage that relationship and ensure that the workforce better understands OFPP's procurement policy leadership role.

11. OFPP is a recognized expert in federal acquisition issues, but what role, if any, should OFPP have in being a leader on procurement issues involving governmental entities at the state and local level?

If confirmed, I look forward to learning more about ways in which the federal government interacts with state and local entities and how we can learn from one another and share important information.

IV. Policy Questions

12. If confirmed, what specific changes will you make to federal procurement policy that will limit the federal government's responsibility for cost overruns on existing and future contracts?

If confirmed, I would ask Chief Acquisition Officers where they need help in controlling cost overruns. I would re-emphasize the use of the right contracts and reemphasize the process for arriving at the correct "should cost" decisions under our current federal procurement policy.

13. What factors should OMB and the Office of Federal Procurement Policy (OFPP) consider when reviewing federal agencies' business cases for the award of new government-wide acquisition contracts?

If confirmed, I fully expect to discuss the factors that matter in reviewing federal agencies' business cases and share my thinking in that dialogue. At present, I am interested in understanding the degree to which OMB and the Office of Federal Procurement Policy consider whether the award will improve capacity for an area of spend where the numbers of government-wide contracts or Best in Class (BIC) contracts are limited. I would also be sensitive to the impact any award would have on small business participation for the area of spend.

14. Too often, agencies' contracting decisions - e.g., over reliance on noncompetitive contracts, or inappropriate use of "cost plus" contracts - have unnecessarily inflated contract costs. What are the most important steps that OFPP can take to ensure that agencies' contracting decisions do not waste taxpayer dollars?

We must ensure that contract specialists have a mastery of contracting methods and contract types. We should ensure that people working on cost reimbursement type contracts thoroughly understand the concepts of cost and price analysis – particularly overheads.

If confirmed, I would continue to emphasize that on the one hand, the cost reimbursement type contract is sometimes most appropriate; on the other hand, we have choices among contract types that properly indemnify the contractor from extraordinary cost risks. For example, Fixed Price Incentive Firm Target (FPIF) contracts indemnify the contractor, but they also put a ceiling on the government's liability. DoD worked to bring the FPIF contracts back in vogue through its first Better Buying Power memo. In my view, this was an excellent example of good acquisition leadership.

15. The most recent confirmed OFPP Administrator, Anne Rung, championed category management one of OFFP's top priorities. Category management refers to the business practice of buying common goods and services as an enterprise to eliminate redundancies, increase efficiency, and deliver more value and savings from the government's acquisition programs. The current administration has identified category management as a key element of the President's Management Agenda and has designated it as a cross-agency priority goal.

    a. Can you briefly summarize the progress made in implementing category management?

I believe that there has been significant progress in implementing category management – a key initiative under the President's Management Agenda. Federal agencies benefit from category management as a strategy for sharing market intelligence, leveraging buying power, and using expertise across the government enterprise for common areas of spending. OMB has institutionalized the four-tiered system for tracking spend under management. As the category management strategy has matured, OMB has adapted its guidance to streamline

the process for approving more government-wide and Best-in-Class contracts and enhanced protections for agencies' set-asides contracts within spend under management.

b. What are the key challenges, if any, in expanding this initiative?

I believe that some agencies may lag in their adoption rates of category management where they lack a detailed understanding of its benefits at the operational level. If confirmed, I will continue to push the message on how category management helps agencies while still giving them discretion to meet their agencies' needs.

c. What steps are being taken to ensure that the initiative does not hurt small businesses' ability to compete for federal contracts?

OMB's Deputy for Management signed updated category management guidance, ***Category Management: Making Smarter Use of Common Contract Solutions and Practices****, to clarify that category management principles do not require the agencies to play a zero-sum game between Best in Class contracts and small business set-aside goals. The guidance clearly articulated how small business contracts would count in Tier 1 in Spend Under Management. If confirmed, I will ensure that our agencies and small business communities are fully aware.*

d. If confirmed, what specific steps do you plan to take to advance category management?

If confirmed, I intend to support on-going programmatic steps that will ensure that we leverage buying power, share market intelligence, use the buying expertise within the federal business enterprise, and institutionalize category management. Additionally, I believe that leadership has an important role in ensuring that the lowest level contract specialists in the smallest agencies understand how category management can help their agency.

16. In January 2019, a congressionally-chartered panel, commonly referred to as the Section 809 panel, submitted its final report on how to streamline, revamp and otherwise improve how the Defense Department buys goods and services in January 2019. Over its three years, the panel made nearly 100 recommendations that addressed such issues as the commercial market place, competition, commercial items, the acquisition workforce, and regulatory reform.

a. Are you familiar with the panel's recommendations? If so, please describe your perspectives on the panel's recommendations.

I am basically familiar with some of the recommendations of the 809 Panel. I believe that I have a similar perspective to many acquisition leaders. The esteemed experts who served on the panel delivered a cogent set of bold and exciting ideas to address widely-held and enduring concerns about acquisition policy and the federal acquisition system. They rightly addressed the need for innovation and modernization.

b. What role will OFPP play in vetting the panel's recommendations?

If confirmed, I look forward to working with OFPP and engaging OMB leadership, the agencies, and other acquisition community stakeholders to understand the nearly 100 recommendations. Some recommendations may have broad support and high positive impact. These recommendations may offer the opportunity for quick wins. Others may require serious deliberation before we attempt to cut any "Gordian knots" within federal acquisition policy.

c. To what extent do you see the panel's recommendations being applied on a government-wide basis?

If confirmed, I would keep an open mind until I have had the opportunity to discuss these recommendations with the civilian agencies.

d. In your opinion, should the Panel's recommendations be limited to DOD? Would you have concerns about having two different acquisition systems – one for DOD and another for the civilian agencies?

DoD buys so many of the same items that the other agencies buy. I see no obvious reason to limit the Panel's recommendations to DoD. Notwithstanding my sense that DoD and non-defense agency requirements have a great deal in common, I would keep an open mind, if confirmed.

17. One of the important roles that OFPP plays is to chair the Federal Acquisition Regulatory Council. The FAR council is tasked, among other responsibilities, to ensure that statutory provisions affecting government-wide procurement matters are implemented in federal regulations in a timely manner. However, it appears as though it is taking increasingly longer to do so.

a. What do you believe are the primary reasons for the delays in incorporating statutory provisions into the Federal Acquisition Regulation in a timely manner?

As it is currently implemented, the process for incorporating statutory provisions into the Federal Acquisition Regulation (FAR) consistently takes about 98 weeks. Given the significant potential for impact on the bottom lines of our contractors, the rule-making process is, and must remain, consensus-based and deliberate. However, OFPP should take steps to ensure that high value added and necessary changes to the FAR receive greater priority than some administrative changes when possible.

b. If confirmed, what specific steps will you take to expedite the process?

If confirmed, I would work with OFPP and the FAR Council to assess the need for special sessions or other measures to address backlog and identify priority rule changes. I would also look for the opportunity to highlight the steps necessary in rule-making for all stakeholders.

18. By all accounts, OFPP is a rather small federal office, but staffed with highly capable acquisition experts. OFPP, however, serves as the chair of the Federal Acquisition Regulatory Council and the cost accounting standards board; champions revisions to the Federal Acquisition Certification requirements for program managers, contracting officers and their designated representatives; and plays a leading role in category management; among many other responsibilities.

    a. In your opinion, does OFPP currently have sufficient resources to accomplish all the agency is asked to do?

    I have not had the opportunity to evaluate OFPP's resources for myself.

    b. Looking to the future, do you have concerns about the loss of expertise that resides in the current staff?

    If confirmed, I would hate to lose any one of the stellar professionals in OFPP. Fortunately, I have no reason to expect a significant loss in talent.

    c. If so, what steps do you plan to take to ensure that OFPP conducts adequate succession planning and knowledge transfer to a new cadre of acquisition experts?

    If confirmed, I am committed to working with OMB and OFPP leadership to make appropriate succession plans for OFPP.

19. Please describe your familiarity with the federal government's Suspension and Debarment process. In your opinion, has this process been effective? If confirmed, what steps would you take, if any, to change the current process?

    I have no direct experience with the federal government's Debarment and Suspension process. I have experience with the District of Columbia's processes to include dealings with parties excluded from both District and Federal contracts. If confirmed, I would emphasize good data management and transparency to ensure that (1) contracting officers and the acquisition team know what parties are excluded, (2) interested parties understand the basic principles behind debarment to include due process, and (3) the business community understands that we do not abuse debarment, but apply it judiciously to protect the government from bad actors.

20. The federal government invests nearly $100 billion on information technology (IT) each year. However, these significant investments too frequently fail or incur cost overruns and lengthy delays. Further, poor management of IT acquisitions is a major impediment to desperately-needed IT modernization efforts. Despite the passage of major reform legislation in 2014 to overhaul federal IT acquisition and management, agencies have continued to struggle.

a. In your opinion, what are the biggest challenges facing the federal government with respect to IT acquisitions?

In my opinion, the biggest challenge facing federal IT acquisition is widely understood – the time it takes to purchase an IT solution is greater than the time it takes for that IT solution to become obsolete.

b. If confirmed, what do you anticipate your role will be with respect to improving IT acquisitions across the federal government?

If confirmed, I believe that any solution that I support must address the delta between procurement acquisition lead time and time to obsolescence. If confirmed, I look forward to exploring opportunities to improve our use of commercial IT solutions, and where commercial IT solutions are impractical, I look forward to exploring opportunities to improve our use of agile methodologies.

21. The Department of Defense, among other federal agencies, continues to expand its use of other transaction authority. This authority allows federal agencies to negotiate agreements without generally being bound by the Federal Acquisition Regulation or laws pertaining specifically to procurement contracts. As such, the use of the authority has been cited by some as a means for federal agencies to tap into the expertise of private sector companies that would not typically do business with the government. Others, however, see the authority as simply avoiding accountability.

a. What are your views on the use of the other transaction authority?

I agree with the views of some that Other Transaction Authority (OTAs) can be useful to federal agencies seeking to do business with private sector companies that might otherwise forego opportunities with the federal government. I value this flexibility; however, if confirmed, I would want to be sure that this authority is being used appropriately and delivering value to the taxpayer.

b. Aside from other transactions, what actions can OFPP take to encourage innovation and appropriate risk taking in the federal government?

If confirmed, I intend to provide examples of recent agency innovations that demonstrate existing flexibilities within the FAR as well as appropriate uses of OTAs and other non-FAR based authorities.

22. What were some key findings from your 2013 dissertation, "A Study in the Professionalization of Civilian Contract Managers in the Department of Defense: The Relationship between Educational Attainment and Job Proficiency"? Would any of your findings/recommendations have broader applicability to the Federal contracting workforce?

The research indicated that education matters. Among contract specialists, the "MBA types" reported higher competency levels than their non-MBA peers. There was no statistically

significant difference in reported competencies among contract specialist with bachelor's degrees of any type or non-business graduate degrees. Contract specialists without degrees reported lower competency levels than their degreed peers. Also, years of experience matters and certification matters – particularly level III certification in contracting.

One of the implications for the federal acquisition workforce is that the more contracts that contract specialists handle from cradle to grave, the more competent and confident the specialists become – and their supervisors agree. For instance, contract specialists in major weapons systems contracting reported lower proficiency levels than their peers in other specialties. I suspect that there are two reasons for this. First, the DoD competency model was principally a model of process competencies. Second, contract specialists in major weapon systems do not see the overall contracting process from cradle to grave as their peers do.

23. Based on your decade of experience with Defense Acquisition University, are there best practices that could benefit the non-DOD contracting community? Are there practices that are less efficient and should be avoided?

    I believe that federal acquisition training should address commercial item contracting more, it should place greater emphasis on the importance of exchanges with industry – particularly before solicitations. I also believe that more training should focus on training members of the acquisition team together at lower grades – the opportunity is ripe for acquisition team training in agile methodologies and acquisition of services.

    I believe that the greatest challenge – and greatest opportunity – for acquisition workforce training reaches beyond what we teach and extends to how we teach. We need to evolve from courseware structured to present "the material" with assessments structured to elicit the "school solution." We must produce learning experiences that demand skills in critical thinking and argument, which are essential as we prepare our workforce to transition from performing low-value work to high-value work.

Whistleblower Protections

24. Please describe any previous experience—in the public or private sector—with handling whistleblower complaints, and what steps you took to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

    I have no experience with whistleblower programs.

25. If confirmed, how will you ensure that whistleblower complaints are properly investigated?

    If confirmed, I will follow the regulations governing whistleblower complaints to the best of my ability. I will lead with integrity to ensure that whistleblower protections are honored to the letter and the spirit of the law.

26. If confirmed, will you ensure officials in your agency do not retaliate against federal employees, officials and contractor employees who communicate with representatives from this Committee, the GAO, IGs, the Office of Special Counsel, and any other statutorily protected channels for disclosure?

    Yes.

V. Accountability

27. During your career, has your conduct as a government employee ever been subject to an investigation or audit by an Inspector General, Office of Special Counsel, Equal Employment Opportunity Commission, Department of Justice, or any other governmental investigative entity? If so, please describe the investigation or audit and its outcome.

    No.

28. If confirmed, do you pledge to implement recommendations made by the Office of Government Ethics, the Office of Special Counsel and the Government Accountability Office?

    If confirmed, I will indeed work with OGE, OSC, and GAO to make sure that I understand the recommendations they present and take appropriate steps to address the issues.

VI. Relations with Congress and the Public

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

    If confirmed, timely responses to Member requests will be a priority for me and my office.

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

    Yes.

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

    Yes.

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

    Yes.

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

    Yes.

34. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving your office's operations and effectiveness?

    If confirmed, I am committed to working with the GAO to understand any issues raised and take appropriate action. I am committed to good government.

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

    Yes.

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

    Yes. If confirmed, I will strictly charge and require any political appointee responsible to me to obey the laws and regulations governing Freedom of Information Act requests; I will further charge any such appointee to respond to such requests in a manner free from political considerations.

VII. Assistance

37. Are these answers completely your own? If not, who has provided you with assistance?

    Yes.

38. Have you consulted with OMB or any other interested parties? If so, please indicate which entities.

    Yes. The answers I have provided are my own answer. I have only consulted with OMB to make sure that I understood the questions.

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

(Signature)

This 24th day of April, 2019

Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to Michael E. Wooten, ED.D.

Nominations of Dale Cabaniss to be Director of the Office of Personnel Management, and Michael E. Wooten to be Administrator for Federal Procurement Policy at the Office of Management and Budget
Senate Homeland Security and Governmental Affairs Committee
Tuesday, May 7, 2019

1. The President's Management Agenda directs OMB to provide a plan to reorganize the Executive Branch. One of the initial reforms OMB proposed was to use "shared services to improve IT services and reduce procurement costs by leveraging the Government's economies of scale". While the shared services concept holds the promise of leveraging efficiencies of scale to make better use of taxpayer dollars, recent history is replete with failed attempts. For example, the Department of Homeland Security's financial systems modernization used a shared services concept with the Department of the Interior, which eventually failed due in part to the large scope of the joint effort. **If confirmed, how would you approach shared services so that they are appropriately scaled, competition is not undermined, and small business can compete on the local level?**

   If confirmed, I will carefully study the acquisition lessons learned from past implementation efforts – both successful programs and those that experienced challenges – to understand how best to build future acquisition strategies and solutions that help agencies achieve the full potential of shared services. I understand that the administration is developing data-driven standards for core business processes, and assessing agency readiness to move to shared services – practices I believe can help modernize shared service offerings. Further, if confirmed, I will focus on using competition in ways that incentivize contractors to be more efficient, innovative, and aligned with industry best practices in their solution offerings. I also share your interest in ensuring an appropriate role for small business contractors, so plan to continue to focus attention on scaling opportunities to promote competition.

2. The federal government struggles to recruit and retain top talent in the federal acquisitions space. **If confirmed, are there new programs or strategies you would pursue to bolster our acquisitions workforce?**

   If confirmed, I will work closely with Defense Acquisition University, the Federal Acquisition Institute, and agency Senior Procurement Executives, in coordination with OFPP's Associate Administrator for the Acquisition Workforce, to take advantage of emerging technologies that would allow this critical sector of the federal workforce to focus their time and talent on more complex acquisitions and value-added activities. I plan to explore increased development and dissemination of tools that provide knowledge when employees need it.

Senator Thomas R. Carper
Post-Hearing Questions for the Record
Submitted to Michael E. Wooten, ED.D.

Nominations of Dale Cabaniss to be Director of the Office of Personnel Management, and Michael E. Wooten to be Administrator for Federal Procurement Policy at the Office of Management and Budget
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Dr. Wooten, I'd like to ask you about a problem that I have been working on for some time, and that is curbing improper payments across government. As you may know, improper payments have consistently been a government-wide issue. In Fiscal Year 2017, it is estimated that the government made about $141 billion in improper payments. Clearly, we have a lot of work ahead to reduce wasteful spending.

1. What are your views on how Congress and federal agencies can work together to address this issue?

   I have not fully studied how many of the improper payments are related to contract expenditures, but I share your concern that this is an important issue. If confirmed, I will work with my colleagues in the Office of Federal Financial Management as they implement the 'Getting Payments Right' Cross Agency Priority (CAP) goal as part of the President's Management Agenda to address this important challenge.

2. If confirmed to the position of the government's Chief Procurement Officer, what steps would you take to reduce wasteful spending in the procurement and acquisition process?

   I share your interest in increasing efficiency in government contracting and plan to prioritize further implementation of the administration's category management initiative to better leverage the government's vast buying power. My first steps would be to analyze procurement data, review existing Congressional or GAO reports, and talk with agency senior procurement executives to better understand what may be leading to duplicative spending. Building on the work done through the President's Management Agenda on category management and identifying new opportunities created by better technology will help us identify more solutions to deliver better value to American taxpayers.

3. What specific steps would you take to address improper payments in government contracts?

   If confirmed, I will work closely with my colleagues in the Office of Federal Financial Management to better understand any core issues that can lead to wasteful spending and identify any process improvements we can make to further reduce contract improper payments.

Senator Kamala Harris
Post-Hearing Questions for the Record
Submitted to Michael E. Wooten, ED.D.

Nominations of Dale Cabaniss to be Director of the Office of Personnel Management, and Michael E. Wooten to be Administrator for Federal Procurement Policy at the Office of Management and Budget
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Small Business Participation in Federal Procurement

OFPP, along with the Small Business Administration, is responsible for developing policies to ensure that small businesses owned and controlled by women and socially or economically disadvantaged people participate in federal procurement.

In 2017, the federal government met its goal for small business participation, small disadvantaged business participation, and service disabled veteran-owned small business participation. It did not, however, meet its contracting goal for women-owned businesses.

In addition, while the federal government met a number of its small business contracting goals, not every federal agency met their small business contracting goals.

1. **What will you do to increase the participation of women-owned small businesses and small businesses owned by socially and economically disadvantaged individuals in the federal procurement process?**

   Small businesses are the engine of our economy and a critical source of innovation in the federal marketplace. If confirmed, I will partner closely with the Small Business Administration to ensure each agency's workforce is taking full advantage of available tools and resources – such as set-asides, dashboards, and training -- to provide maximum practicable opportunity to small business contractors, including women-owned small businesses, small businesses owned by socially and economically disadvantaged individuals, veteran-owned small businesses, and HUBZone small businesses. I will also look for opportunities to reduce barriers to entry that may discourage small businesses from selling their services to federal agencies.

ROBERT J. WITTMAN
1st District, Virginia

HOUSE ARMED SERVICES COMMITTEE
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RURAL BROADBAND CAUCUS

Congress of the United States
House of Representatives
Washington, DC 20515

Washington Office
2055 Rayburn House Office Building
Washington, DC 20515
(202) 225-4261

District Offices:

Stafford Office
95 Dunn Drive Suite 201
Stafford, VA 22556
(540) 658-2734

Mechanicsville Office
6501 Mechanicsville Turnpike Suite 102
Mechanicsville, VA 23111
(804) 730-6595

Middle Peninsula Office
508 Church Lane
P.O. Box 3106
Tappahannock, VA 22560
(804) 443-0668

www.wittman.house.gov

April 30, 2019

The Honorable Ron Johnson
Chairman
Committee on Homeland Security &
Government Affairs
U.S. Senate
Washington, D.C.

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security &
Government Affairs
U.S. Senate
Washington, D.C.

Dear Chairman Johnson and Ranking Member Peters,

I am writing to voice my support for Dr. Michael Wooten as you consider his nomination to be the next Administrator of the Office of Federal Procurement Policy (OFPP) at the Office of Management and Budget.

Dr. Wooten is well suited to fulfil the mission of OFPP, "to promote economy, efficiency, and effectiveness in acquisition processes." Mike will bring a wealth of public service acquisition and military leadership experience to this important role. Currently, he serves as Senior Advisor for Acquisitions at the U.S. Department of Education's Office of Federal Student Aid and previously as Deputy Assistant Secretary for Career, Technical, and Adult Education. In addition to a significant federal and local acquisition experience, he is also a retired Marine Corps major who led contingency contracting and humanitarian operations in Afghanistan.

Thank you for considering this nomination and again ask that you would favorably support Dr. Wooten to serve as OFPP Administrator.

Sincerely,

Robert J. Wittman

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Dr. Everett B. Kelley
National Secretary-Treasurer

J. David Cox, Sr.
National President

Jeremy A. Lannan
NVP for Women & Fair Practices
00387735

May 7, 2019

Honorable Ron Johnson
Chairman
Senate Committee on
Homeland Security and Governmental Affairs
Washington, DC 20510

Honorable Gary C. Peters
Ranking Member
Senate Committee on
Homeland Security and Governmental Affairs
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Peters:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal and District of Columbia government employees who serve the American people in 70 different agencies, I urge you to oppose the confirmation of Dale Cabaniss as Director of the Office of Personnel Management (OPM) when it comes before the Homeland Security and Governmental Affairs Committee for a vote.

Ms. Cabaniss has demonstrated a fundamental inability to run a government agency effectively. When she headed the Federal Labor Relations Authority (FLRA), an independent measure of morale at the agency indicated that employees' job satisfaction declined, resulting in a loss more than 40 percent of its career workforce and a significant drop-off in productivity. As a measure of her effectiveness, 55 percent of the FLRA's decisions issued during her tenure were overturned on appeal.[1]

The Trump Administration is in the process of trying to dismantle OPM, sending its operations to the General Services Administration (GSA), the Department of Defense, and the Executive Office of the President. AFGE is working to defend OPM and to prevent this reckless action from going forward, but if some or all of the Administration's plan is carried out, to forestall a worst-case-scenario outcome, it will be important to have a Director of OPM who appreciates the merit system and the civil service. Dale Cabaniss's record demonstrates that she does not have the requisite qualities to serve in such a capacity.

OPM's mission is extremely important to the entire government. By its own description, OPM "provides human resources leadership and support to Federal agencies and helps the Federal workforce achieve their aspirations as they serve the American people," with a mission "to lead and serve the Federal Government in enterprise human resource management by delivering policies and services to achieve a trusted effective civilian workforce." That is a serious responsibility. The job should go to someone with a record of effective employee management, one who understands the importance of an apolitical civil service and employee morale and respects the mission of the agency. It is essential that she or he be someone with a solid record of federal personnel management.

It is clear that Dale Cabaniss' professional career demonstrates that she neither supports the mission of OPM nor possesses the appropriate experience to lead this important agency. I urge you to oppose her confirmation. For questions please contact Alethea Predeoux at alethea.predeoux@afge.org.

Sincerely,

Alethea Predeoux
Legislative Director

[1] Erich Wagner, Trump's Pick to Lead OPM Has an Unusual Management Record for the Job, Government Executive, April 19, 2019

80 F Street, N.W., Washington D.C. 20001 • 202.737.8700 • Fax 202.639.6490 • www.afge.org