

Senate Armed Services Committee
Advance Policy Questions for Mr. Jason Abend
Nominee for Appointment to be Inspector General of the Department of Defense

Duties and Qualifications

1. What is your understanding of the duties and responsibilities of the Inspector General of the Department of Defense (DOD IG)?

The duties and functions of the DoD IG are specified primarily in sections 3, 4, 5, 7, 8, and 8L of the Inspector General Act of 1978, as amended. Additional duties and responsibilities of the DoD IG are specified in DoD Directive 5106.01.

The DoD IG is the senior advisor to the Secretary of Defense on matters concerning fraud, waste, and abuse in the DoD. By statute, the DoD IG conducts and supervises audits and investigations relating to the programs and operations of the DoD. The DoD IG also provides leadership and coordination and recommends policy for activities designed to: (1) promote economy, efficiency, and effectiveness in the administration of DoD programs and operations; and (2) combat fraud, waste, and abuse. In addition, the IG is responsible for keeping both the Secretary of Defense and Congress fully and currently informed about problems and deficiencies in defense programs, the need for corrective action, and the status of such action.

Section 3 of the *Inspector General Act of 1978* provides that Inspectors General shall be appointed solely on the basis of their “integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.”

2. What background, experience, and “demonstrated ability” do you possess in the domains of: accounting, auditing, financial analysis, law, management analysis, public administration, or investigations?

I possess an extensive background in public administration and investigations.

As Senior Law Enforcement Policy Advisor at U.S. Customs and Border Protection, I am selected to lead large-scale intra-agency and interagency policy development and program implementation efforts that directly impact the more than 60,000-person workforce. I have been tasked with issues as varied as sexual assault prevention audits; law enforcement officer safety and compliance policies; domestic violence awareness training and compliance programs for law enforcement officers; and on the development of court ordered compliance programs.

Early in my career, I served as an FBI counterterrorism analyst through which I developed fundamental skills of financial forensics and paper investigations. From there, I entered service as a Special Agent with the U.S. Secret Service, earning a position on

the Metro Area Fraud Task Force and focusing on complex financial crime investigations and organized criminal groups. My next law enforcement position was as a Special Agent with the Office of Inspector General at the U.S. Department of Housing and Urban Development, where I focused on cases involving government program fraud and financial frauds related to housing. My most recent law enforcement position was as a Special Agent at the Federal Housing Finance Agency, where I focused on housing-related crimes, complex financial crimes, and computer related offenses. I served as a Digital Forensics Agent in addition to my other duties. Throughout my career, I have earned awards, including a CIGIE Award for Investigative Excellence as a member of the National City Mortgage Fraud Task Force, a multi-agency and multi-Inspector General investigative team, and several U.S. Attorney Recognition Awards. I hold certifications as a Fraud Examiner and Computer Forensics Agent.

3. What leadership and management experience do you possess that you would apply to your service as DOD IG, if confirmed?

As Senior Law Enforcement Policy Advisor at U.S. Customs and Border Protection (CBP), I am selected to lead and resolve projects that often had histories of execution problems due to conflict or mismanagement. In that role, I have led and continue to lead a variety of multi-component and multi-agency teams comprising sworn law enforcement, civilian government personnel, contractors, and other stakeholders on behalf of the largest law enforcement agency in the United States. Each team I led has been focused on a variety of objectives, including policy development, program implementation, audit management, and operational activities. I led teams that rapidly established programs from scratch, obtained funding and personnel, created compliance mechanisms, and successfully transitioned each into permanent components' management. I regularly worked across the enterprise and implemented programs that resulted in greater transparency into CBP operations and compliance with laws, regulations, and policies.

As a Special Agent with the Offices of Inspectors General at both the Department of Housing and Urban Development and the Federal Housing Finance Agency, I investigated civil and criminal cases involving complex financial fraud, computer fraud and fraud on government programs. I regularly built and led investigative teams, managing multi-agency and multi-jurisdictional investigations and comprising Special Agents from other Inspectors General as well as other federal, state and local law enforcement agencies who each brought their unique skillsets to bear. As a Special Agent with the U.S. Secret Service, I was regularly tasked with managing teams of agents in local area roles in support of visiting foreign dignitaries.

As a business owner, I managed employees and contractors in a public safety-focused consulting and training services firm.

4. In your view, are there any steps you need to take to enhance your ability to perform the duties and responsibilities of the DOD IG?

If confirmed, I intend to spend time with DoD OIG components to benefit from their insights, dive deep into their many disciplines, and continuously learn from their expertise. I plan to meet with a broad cross-section of officials and personnel within the DoD, including members of the Armed Forces both CONUS and overseas, to listen to their concerns and identify issues that might merit action by the Office of the Inspector General. I also plan to spend a significant amount of time listening to members of Congress and their staff in order to gain understanding of their priorities and suggestions for improvement. I intend to partner closely with CIGIE members to actively exchange best practices and support cross-cutting initiatives. Moreover, I have discussed best practices with a myriad of current and former federal Inspectors General and law enforcement leaders. In turn, I used their hard-earned lessons to inform my ongoing preparation for this opportunity and to compile an initial action list for use should I be confirmed. I desire to maintain my professional certification as a Certified Fraud Examiner (CFE) and seek out and provide additional leadership training opportunities for members of the Inspector General community.

5. In light of the lines of effort set forth in the 2018 National Defense Strategy (NDS), what additional duties and responsibilities do you anticipate the President, or the Secretary of Defense would prescribe for you, if confirmed to be the DOD IG?

The duties and responsibilities of the DoD IG are set forth in the Inspector General Act of 1978, as amended, and further specified in DoD Directive 5106.01. If confirmed, I do not anticipate the President or the Secretary of Defense prescribing additional duties or responsibilities outside of those as specified in the Act or Directive. However, I believe that there are continuous opportunities to listen to the Secretary and Congress for suggestions on what programs, policies, or operations the DoD OIG might focus on to assist the Department in improving the efficiency and effectiveness of its operations and Congress with its oversight responsibility.

6. If confirmed, what innovative ideas would you consider providing to the Secretary of Defense regarding the organization and operations of the Office of the Inspector General of the Department of Defense?

The IG Act affords the DoD Inspector General the authority to make staffing and organizational decisions without requiring the advance approval of the Secretary of Defense. While I would plan to keep the Secretary apprised of any significant changes, I do not envision having to present the Secretary with any innovative ideas regarding the organization and operations of the Office of the Inspector General. However, if I am confirmed, I would conduct a thoughtful and thorough evaluation of the current DoD OIG organization, operations, policies and procedures to determine the areas that may benefit most from innovation. After discussions with senior OIG leadership, together we would determine whether recommendations are warranted to the Secretary of Defense.

7. If confirmed, what duties and responsibilities would you assign to the Principal Deputy Inspector General of the Department of Defense?

The Principal Deputy Inspector General (PDIG) is one of the most senior leaders in the office and is the highest ranking permanent employee. While it is premature to offer specifics, if confirmed, I would conduct a comprehensive assessment of the current organization, policies, procedures, and personnel to build requirements for a PDIG position that could best support the DoD IG leadership team and the broader DoD OIG enterprise.

I would value the PDIG's experience and counsel and would rely on the PDIG to help ensure that OIG work products are timely, relevant, and objective. I would depend on the PDIG to promote and defend the DoD IG's independence and to assist in maintaining a diverse and safe workforce. Additionally, I would ensure that we regularly track and follow up on open recommendations, such as those listed in the Compendium of Open Office of Inspector General Recommendations to the Department of Defense. I would also take appropriate actions to ensure that the PDIG is prepared to assume the role of the DoD IG when required and in accordance with succession planning guidance provided in DoD Directive 5106.01.

8. Are there any additional authorities or resources that, in your view, would enhance your ability to perform the duties and functions of the DOD IG, if confirmed?

If confirmed, and after having the opportunity to fully observe and study DoD OIG operations, I would survey and assess with senior leaders whether additional authorities or resources are necessary and, if so, I would take action to seek the necessary authorities and/or resources.

Pursuant to the *Inspector General Reform Act of 2008*, one of the functions of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is to make recommendations to the appropriate appointing authority for any appointment to an office of Inspector General.

9. Did you meet with, or were you interviewed by, CIGIE's Inspector General Candidate Recommendations Panel in preparation for your nomination to be the Inspector General of the Department of Defense?

In preparation for my nomination, I spoke with a myriad of current and former Inspectors General, including those who are members of CIGIE. According to CIGIE's letter to the Committee on Homeland Security and Governmental Affairs, the panel did not submit a recommendation to the White House in preparation for my nomination. Letter from Michael E. Horowitz, Chair, Council of the Inspectors General on Integrity and Efficiency, et. al., to Ron Johnson, Chairman, Senate Committee on Homeland Security and Governmental Affairs (April 17, 2020). If confirmed, I look forward to regularly

participating in CIGIE meetings and contributing to the important work of the IG community.

10. If not, would you agree to meet with this panel now regarding your nomination?

I believe it is important to be an active participant in the IG community. As such, I have spoken to many active and former Inspectors General and remain open to speaking with those with whom I have not yet had the opportunity to connect. CIGIE has not asked me to meet with its Inspector General Candidate Recommendations Panel regarding my nomination, but if confirmed, I plan to meet with CIGIE within the first 30 days of becoming the DoD IG and look forward to participating in CIGIE meetings and investing in the important work of the IG community.

Major Challenges and Priorities

11. What do you consider to be the most significant challenges you would face if confirmed as DOD IG?

If confirmed, I would conduct a comprehensive assessment of the current organization, policies, procedures, and personnel at the DoD OIG to identify what is working well and what is creating challenges. Where I identify challenges, I will seek to collaboratively address deficiencies and determine ways to improve.

In addition, across the Federal Government, next-generation capabilities, such as artificial intelligence, health care fraud detection, and complex space systems, are challenging areas to audit, investigate, and evaluate. Meanwhile, the DoD OIG must also maintain focus on the Top DoD Management Challenges identified annually and be able to respond to those emerging issues.

Another challenge is competing with civilian entities to hire the best personnel for the Federal mission. To address this, I would work to build an enduring next-generation workforce that comprises diverse, technically capable individuals who are motivated and focused on addressing whatever challenges the mission may present.

12. What plans do you have for addressing each of the identified challenges, if confirmed, and on what timeline?

If confirmed, I intend to use all available authorities and means to leverage technology and other avenues to recruit and retain diverse, versatile, and expertly skilled personnel. For example, I would use Executive Order 13932, "Modernizing and Reforming the Assessment and Hiring of Federal Job Candidates," June 26, 2020, to seek out non-traditional entry-level and mid-career candidates who may not have college degrees, but have the experience and ability necessary to fulfill job responsibilities and contribute to the DoD OIG mission.

National Defense Strategy

The 2018 NDS moved beyond the “two-war construct” that has guided defense strategy, capability development, and investment for the past three decades, and refocused DOD on a framework that prioritizes “great power competition and conflict” with China and Russia as the primary challenges with which the United States must contend, together with the imperative of deterring and countering rogue regimes like North Korea and Iran. Finally, the framework emphasizes the consolidation of gains in Iraq and Afghanistan, while moving to a “more resource sustainable” approach to counterterrorism. Mirroring the NDS, the DOD IG’s *Fiscal Year 2020 Top DOD Management Challenges Report* lists as Management Challenge 1, “Countering China, Russia, Iran, and North Korea,” and “Countering Global Terrorism” as Management Challenge 2.

13. In your view, does the 2018 NDS accurately assess the current strategic environment, including the most critical and enduring threats to the national security of the United States and its allies? Please explain your answer.

It is my understanding that senior military and defense leaders crafted the NDS through extraordinary debate and analysis and that the NDS is widely supported for both its clarity and its assessments. I believe this is also the position of the DoD OIG. If confirmed, it would be one of my top priorities to support the DoD’s execution of the NDS by providing DoD OIG oversight of the issues identified in the FY 2020 Top DoD Management Challenges.

14. What role has the Office of the DOD IG played in the Department’s implementation of the NDS to date?

I am not aware of the specific role the DoD OIG has played in the DoD’s implementation of the NDS to date; however, I see the DoD OIG’s role as supporting, enabling, and improving the DoD’s implementation of the NDS by conducting independent and objective oversight of DoD programs and operations. The DoD OIG uses key strategic documents, such as the National Security Strategy, the National Defense Strategy, and the DoD’s FY 2020 President’s Budget Request, along with its own research, assessments, and judgment to develop the annual DoD OIG Oversight Plan, which directs the focus of DoD OIG oversight efforts each year.

15. If confirmed, what role would you chart for the Office of the DOD IG as the Department moves forward in its implementation of the NDS?

If confirmed, I would work with OIG leadership to plan audits, investigations, and evaluations that provide independent, objective analysis and implementation metrics that could support senior DoD leadership and Congress by informing related programmatic and policy decision making.

The 2018 NDS is grounded in three lines of effort: building a more lethal force, strengthening alliances and partnerships, and reforming the department for better

business practices. Shortly after he was appointed to be Secretary of Defense in July 2019, Secretary Esper added a fourth line of effort: taking care of service members and ensuring the welfare and well-being of their families.

16. What do you view as the major management challenges facing the DOD in regard to this fourth line of effort?

The DoD OIG's FY 2020 Top DoD Management Challenges, published in November 2019, specifically addresses this fourth line of effort and includes a challenge entitled "Ensuring the Welfare and Well-Being of Service Members and Their Families." If confirmed, I would work with and through DoD OIG leadership to pursue robust oversight of this challenge, especially efforts that seek to end sexual assault, prevent suicide, and ensure safe and healthy housing.

17. From your perspective, how can the Office of the DOD IG further DOD's progress in addressing these challenges?

By identifying wasteful spending in this area, the DoD OIG can help the DoD ensure that money is spent efficiently to take care of service members and their families. As set forth in section 4 of the Inspector General Act of 1978, as amended, the DoD OIG can provide independent and objective oversight of the DoD's efforts in each of these program areas by examining through audits, evaluations, and investigations how each is performing and serving its stakeholders; by reviewing proposed legislation and regulations for impacts to economy and efficiency; and by making recommendations to senior DoD leadership and providing information to Congress for corrective actions on any deficiencies uncovered from its reviews.

Civilian Control

In its report, *providing for the Common Defense*, the National Defense Strategy Commission cautioned, "there is an imbalance in civil-military relations on critical issues of strategy development and implementation. Civilian voices appear relatively muted on issues at the center of U.S. defense and national security policy."

18. What is your view of the essential role of the DOD IG in promoting civilian control over the military?

I fully support this concept. Civilian control of the U.S. military is a foundational principle enshrined in our Constitution and our form of government, and has successfully served the country since the founding of our Republic. As set forth in both the Inspector General Act of 1978, as amended, and DoD Directive 5106.01, the DoD OIG directly supports civilian control over the military through:

- non-partisan and independent oversight activities, including senior official misconduct investigations;
- oversight of the Service IGs and Military Criminal Investigative Organizations (MCIOs);

- operation of the DoD Hotline and whistleblower protection program;
- audits and evaluations of DoD programs, policies, and performance; and
- Criminal and administrative investigations into fraud, waste, and abuse.

19. How do the military department and other component Inspectors General, many of whom are senior military officers, fit into the framework of civilian control, in your view?

Service IGs report directly to a civilian Service Secretary who, in turn, reports to a civilian Secretary of Defense. This preserves each Service IG's independence and reinforces civilian control of all Service IGs.

20. If confirmed, specifically what would you do to ensure that your tenure as DOD IG epitomizes the fundamental requirement for civilian control of the Armed Forces embedded in the U.S. Constitution and other laws?

If confirmed, I would ensure that the DoD OIG maintains independence from the Military Services as well as DoD Components and offices. Should issues that impact civilian control over the Armed Forces arise, those issues would be considered serious and would warrant exigent attention from the DoD OIG. I would follow the laws and standards that have been promulgated and, if there is an alleged violation of law, policy, or directive in this area, I would take whatever steps are necessary to ensure the matter is thoroughly, fairly, and impartially investigated.

Relationships with Component Inspectors General

21. What is your understanding of the duties and responsibilities of the component Inspectors General, including the Inspectors General of the military departments?

DoD Directive 5106.04, "Defense Inspectors General," describes the responsibilities and functions of the DoD Component IGs. These include providing advice to their commander or director on all IG matters pertaining to the command or activity; reporting on the state of economy, efficiency, discipline, morale, training, and readiness throughout the command; performing IG investigative, inspection, assistance, audit, and teaching and training functions; recommending actions to correct deficiencies identified during investigations, inspections, audits, and assistance visits and monitor the progress of corrective actions; promptly reporting allegations against senior officials to the DoD IG; and conducting inquiries when the DoD Hotline refers them allegations.

The Military Department IGs draw their duties and responsibilities from Federal law. For example, section 7020, title 10, United States Code, establishes the Army IG and assigns to the position the following responsibilities, when directed by the Secretary of the Army or the Chief of Staff: inquire into and report upon the discipline, efficiency, and economy of the Army, and perform any other duties prescribed by the Secretary or the Chief of Staff. The law also requires the Army IG to periodically propose programs of inspection to the Secretary of the Army and recommend additional inspections and

investigations as may appear appropriate. Additionally, the Army IG is required by law to cooperate fully with the DoD IG in the performance of the DoD IG's statutory duties or functions.

Component and Military Department IGs serve as force multipliers for the DoD IG by conducting investigations within their Component or Department, providing localized accountability, and facilitating receipt of complaints related to fraud, waste, and abuse. Component and Military Department IGs work closely with the DoD IG on select efforts, and are subject to DoD IG oversight in specific areas of responsibility and mandatory reporting requirements for specific classes of investigations and complaints.

22. If confirmed, what specific actions would you take to build and sustain a collaborative and cooperative relationship with these Inspectors General?

If confirmed, I expect to work closely with the Component and Military Department IGs and their leadership. I would assess the current state of those relationships and, as appropriate, take actions necessary to ensure that those relationships are strong and enduring. I would build trust with the Component and Military Department IGs through consistent communication, coordination, and collaboration. In addition, I would work to improve operations for the DoD IG community at large through the open exchange of best practices and by implementing innovations and recommendations to improve operations, policies, and procedures.

23. What is your understanding of the value of the “teach and train” mission undertaken by the military department Inspectors General?

I believe that Teach and Train is the foundational principal of all IGs. Each IG seeks to audit, evaluate, and investigate operations in order to improve the economy and efficiency of the entity it is charged with overseeing. The results of the IG's efforts often lead to recommended corrective actions—the Teach. Those recommendations are in turn incorporated into future actions to sustain improved performance—the Train. Without Teach and Train as a foundational component of IG work, IGs would not be able to effect long-term improvements to operations.

24. If confirmed, what would be your plan for working with the component Inspectors General and their internal audit, investigation, and inspection units, with a view to avoiding duplication of effort in inspector general operations and activities?

If confirmed, I would work with DoD OIG senior staff to ensure effective communication and strong coordination with Component IGs and their internal audit, investigation, and inspection units, building trust with each through consistent communication and collaboration. I would solicit Component IG input during the DoD OIG's annual work planning process and coordinate through the Defense Council on Integrity and Efficiency (DCIE) to avoid duplicative efforts.

25. What is your understanding of the roles of inspectors general assigned to the personal staffs of commanders and civilian leaders in headquarters and field commands across the DOD, and if confirmed, what would be your relationship with these inspectors general?

It is my understanding that the role of these IGs is the same as that of all other IGs—to provide impartial advice, assistance, and oversight to their leadership through relevant, timely, and thorough inspections, investigations, assistance, and training activities. They promote stewardship, accountability, integrity, efficiency, and good order and discipline in support of readiness. The DoD OIG performs oversight of select work of these IGs when they are asked to conduct inquiries based on allegations submitted to the DoD Hotline.

26. In your view, how can the DOD IG and the military department Inspectors General work in unity of effort with military department audit agencies, criminal investigative organizations, internal review offices, and other functional staffs, to fulfill their oversight obligations?

If confirmed, I would work with DoD OIG senior staff to ensure that DoD oversight efforts are well coordinated among each Military Department IG, as well as each Component audit, investigation, and inspection unit. This would be done through consistent communication, coordination, and collaboration with the DoD's oversight functions as well as through the Defense Council on Integrity and Efficiency (DCIE) to help avoid duplication of efforts.

Section 1611 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 provides that the DOD IG, as well as the Inspectors General of the military departments “shall treat the sexual assault prevention and response program as an item of special interest when conducting inspections of organizations and activities with responsibilities regarding the prevention and response to sexual assault, and that any inspection teams comprised for these purposes must include at least one member with expertise and knowledge of sexual assault prevention and response policies related to a specific armed force.”

27. What is your understanding of the designation of the sexual assault prevention and response program as an “item of special interest”?

Such a designation requires focused management attention for that program, requires an OIG to collect data specific to that designated element during all related oversight efforts, and generally compels reporting activity.

28. How does the DOD IG ensure appropriate oversight of the actions of the military department Inspectors General in this regard?

With respect to sexual assault investigations, it is my understanding that the MCIOs have responsibility for conducting the individual investigations. The DoD OIG has oversight

authority over the MCIOs and has completed a number of evaluations related to sexual assault. I understand they have plans to further evaluate this important topic in the future.

For sexual assault reprisal investigations, the DoD OIG investigates all whistleblower reprisal matters that are submitted to the DoD Hotline or Service IGs. A dedicated unit in the DoD OIG focuses solely on complaints of retaliation against military members who report sexual assault. This team directly handles sexual assault reprisal cases from across the services, rather than overseeing investigations at the branch level.

29. What role should the DOD IG play in consolidating for review, analysis, and dissemination, best practices and trend data derived from inspections of the sexual assault prevention and response programs of the military departments?

The DoD IG has broad oversight authority over all DoD complaint, investigative, and audit operations. If I am confirmed, I would make it a top priority to use the DoD OIG's data analytics tools to comprehensively analyze existing data holdings among the MCIOs and Defense IGs as a potential means for measuring the effectiveness of the Military Departments' sexual assault prevention and response programs.

Section 2784 of title 10, U.S. Code, charges the DOD IG and the Inspectors General of the military departments to perform periodic audits to identify potentially fraudulent, improper, and abusive uses of DOD government purchase cards. As far back as 2006, the DOD IG has consistently identified weaknesses in the purchase card program: split purchases, prohibited purchases, and a lack of supporting documentation. More recently, in analyzing the results of a 2019 audit, the DOD IG statistically projected that government purchase cardholders made up to \$23.3 million in potentially improper payments on 45,737 of 312,261 purchases in a single year.

30. If confirmed, what more would you do to ensure that misuses of the DOD government purchase card are identified and brought to the attention of senior DOD leaders?

Every dollar lost to fraud, waste, or abuse is a dollar less to support our troops. If I am confirmed, I would work with DoD OIG senior leaders and staff to prioritize and undertake high-quality and timely oversight of the DoD's government purchase card program to deter and prevent such waste. I would further explore the use of data analytics to identify instances of purchase card misuse, prioritize criminal investigations into material cases of potential fraud, and look across government for best practices to enhance purchase card oversight. If confirmed, I would also look outside of government for examples of innovative techniques used by private sector firms that successfully track and process transactions, and mitigate against purchase card abuse. I would ensure timely and constructive communications with DoD leadership through existing reporting channels, but I would also explore whether more efficient and effective means exist to communicate findings quickly to enable DoD leaders to take decisive corrective action.

31. If confirmed, what programmatic improvements would you recommend to prevent the misuse and abuse that appears prevalent in the DOD government purchase card program?

If confirmed, I would review current processes to determine their effectiveness, expand DoD OIG investment and hiring in support of data analytics and third-party fraud detection tools, and explore technical capabilities to enhance auditing efficiency and capacity. I would also request collaboration among CIGIE partner IGs to establish best practices on combatting purchase card fraud and determine whether those lessons could be applied at the DoD OIG.

32. If confirmed, what actions would you recommend to ensure that service member and DOD civilian employee cardholders who misuse their government purchase cards are held appropriately accountable?

After full and fair adjudication, if a service member or DoD civilian employee cardholder was found to have misused their government purchase cards, it would be my recommendation to use all appropriate and proportionate administrative, disciplinary, and/or prosecutorial tools to hold the offender accountable.

DOD Business Practice Performance and Affordability Reform

Reforming the Department’s business practices for greater performance and affordability is the third pillar of the 2018 NDS. The DOD Reform Management Group (RMG) was established in 2017 as a governance body to manage and oversee reform efforts across nine lines of business. In its *FY 2020 Annual Performance Plan and FY 2018 Annual Performance Report*, DOD asserted that it had “saved \$4.702B through reform efforts in FYs 2017 and 2018 combined, and [was] on track to save more than \$6B through new and continuing efforts in FY 2019.”

33. Was the Office of the DOD IG included in the RMG process? If so—in what way was the Office included and with what result?

If confirmed, I would fully support the Department’s effort in this regard. It is my understanding that, while the DoD OIG was not a member of the RMGs, the DoD OIG outlined for the RMGs' consideration specific opportunities for efficiencies and enhanced mission effectiveness in the areas of logistics systems and spare parts, financial systems, suspension and debarment offices, professional military education and training schools, and military health care. In addition, since July 2017, the DoD OIG has published an annual Compendium of Open Office of Inspector General Recommendations to the Department of Defense that identifies all open recommendations from prior DoD OIG reports. These open recommendations identify potential efficiencies across the DoD that, if addressed, could help meet savings goals.

34. Has the DOD IG audited or otherwise validated the savings claimed in the *FY 2020 Annual Performance Plan and FY 2018 Annual Performance Report*? If so, what were the results of such audit or validation process?

I am not aware that the DoD OIG has audited or validated savings claimed in the FY 2020 Annual Performance Plan and FY 2018 Annual Performance Report.

35. If confirmed to be the DOD IG, what efforts would you undertake to assess the continued effectiveness of DOD reform initiatives?

If confirmed, I would ensure that the DoD OIG continues to assess programs and activities that address the DoD's top management challenges and highest risks, and develop recommendations that identify potential efficiencies across the DoD that, if addressed, could help meet savings goals.

36. In your view, are there business process reforms that the DOD IG could undertake internally that would contribute to the Department's achievement of its \$46 billion savings goal?

If confirmed, I would explore whether there are business process reforms that the DoD OIG could undertake internally that would contribute to the Department's goal of achieving \$46 billion in savings.

Independence and Objectivity

One of the primary purposes of the *Inspector General Act of 1978* was to create independent and objective units to conduct and supervise audits and investigations in DOD.

37. If confirmed, what specific actions would you take to maintain the independence and objectivity of the Office of the DOD IG, as required by law?

If confirmed, I would ensure that the DoD OIG maintains independence and objectivity by following the facts regardless of where they go or where ultimate responsibility may rest.

38. Under what circumstances, if any, do you believe it would be appropriate for the DOD IG to consult with DOD officials outside of the Office of the Inspector General before issuing an audit, investigation, or inspection report, regarding the findings and recommendations set forth in that report?

It is current practice in the IG Community to provide draft reports of audits and evaluations to agency leadership for comment prior to issuing a final report. This is done to ensure that the report is factually accurate and to resolve or acknowledge disagreements on conclusions, findings, and recommendations. The final report

incorporates the agencies' responses to the conclusions, findings, and recommendations. If I am confirmed, I would continue this practice for audit and evaluation reports.

For administrative investigations, I understand that, in order to provide for due process, a tentative conclusion letter is provided to the subject of substantiated investigations to allow them to provide any additional information for consideration. It would be inappropriate to share criminal investigative reports before completing the investigations and designating the reports of investigation as final.

39. To the extent you believe it appropriate, how would you conduct such consultation so as to maintain the independence and objectivity of the DOD IG, and to ensure perceptions of IG independence and objectivity are not compromised?

It is appropriate and necessary to maintain the independence and objectivity of the DoD OIG. If confirmed, I would gain a comprehensive understanding of the DoD OIG draft report vetting process. I believe such a process should include a designated office or official(s) who interfaces with various DoD leaders, coordinates comments back to the report writers, and insulates the fact finders from the affected parties. I also believe that facts that are relevant from the consultation process should be included in the text of the report, and a written record of all interviews and consultations should be maintained in the working papers.

40. Under what circumstances, if any, do you believe it would be appropriate for a senior official to request that the DOD IG not audit, investigate, inspect, or review a particular matter?

In order to avoid duplicative oversight efforts, there may be circumstances in which a senior official may appropriately "request" that the DoD OIG suspend a planned audit or investigation to allow for their ongoing work to be completed. This would be considered a request—not a directive—and would be afforded reasonable due consideration. Under section 8 of the Inspector General Act of 1978, as amended, the Secretary of Defense is the only senior official who may prohibit the DoD IG from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena, after the DoD IG has decided to initiate, carry out, or complete such an audit or investigation or to issue such a subpoena. This may only occur if the Secretary determines that such prohibition is necessary to preserve the national security interests of the United States. The Inspector General Act does not authorize any other senior official to make such a demand of the DoD IG.

If a senior official other than the Secretary of Defense were to make such a demand, I would first work directly with that official to educate them in hope of resolving the issue. If necessary, I would notify the Secretary and request his assistance in ensuring compliance with the Inspector General Act by the senior official involved. Failure to resolve the issue would, in my view, constitute a "particularly serious or flagrant problem, abuse, or deficiency" necessitating reporting requirements under section 5(d) of the Inspector General Act. Section 5(d) requires an IG to report any such matter to the

head of the establishment, who is then required to transmit the IG's report to Congress within 7 days.

41. Under what circumstances, if any, do you believe it would be appropriate for a senior official to request that the DOD IG not issue a report on a particular matter?

Under section 8 of the Inspector General Act of 1978, as amended, only the Secretary of Defense has the authority to prohibit the DoD IG from initiating, carrying out, or completing any audit or investigation. That authority may be exercised when the audit or investigation requires access to information concerning sensitive operational plans, intelligence matters, counterintelligence matters, ongoing criminal investigations by other administrative units of DoD related to national security, or other matters the disclosure of which would constitute a serious threat to national security.

42. Under what circumstances, if any, do you believe it would be appropriate for a senior official to request that the DOD IG alter findings, recommendations, or other pertinent material in a report on a particular matter?

It is common practice in the IG Community to permit senior officials an opportunity to provide management comments on audit and evaluation reports before issuing a final version. However, senior officials are never permitted to alter a report. They are only able to provide comments to ensure that the information in the report is factually accurate and to resolve or acknowledge disagreements on conclusions, findings, and recommendations. Additionally, in cases in which an administrative investigation substantiates allegations involving a senior DoD official, the senior official is given an opportunity to comment on findings and conclusions as part of fairness and due process. Those comments may provide information not previously known to investigators and thus result in a revision of the findings. Criminal investigative reports are never shared with the subjects of those reports before the investigation is completed and the report is marked final.

43. If confirmed, what action would you take if a senior official sought to prevent you from “initiating, carrying out, or completing” any audit, investigation, or inspection within the jurisdiction of the Office of the DOD IG?

No one other than the Secretary of Defense, under the provisions delineated in section 8 of the Inspector General Act, has the authority to ask the DoD IG not to issue a report on a particular matter. Likewise, no one other than the Secretary has the authority to direct the DoD IG not to initiate, carry out, or complete any audit, investigation, or inspection. If confirmed, I would address any such effort directly by seeking the involvement of the Secretary of Defense and, as appropriate, this Committee or other appropriate Committees of Congress to address such action.

Supervision by the Secretary of Defense

Section 3 of the *Inspector General Act of 1978* provides that the head of an agency, shall exercise "general supervision" over the agency's Inspector General, but shall not "prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation."

44. If confirmed, what would be your relationship be with the Secretary of Defense?

If confirmed, I would seek to maintain a strong and effective relationship with the Secretary that enables me to carry out my statutory duties with the independence required under the Inspector General Act, while also enabling the Secretary to exercise his statutory supervisory authority. Section 8(c) of the Inspector General Act of 1978, as amended, states that the DoD IG shall "be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department."

45. What would be your relationship with the Deputy Secretary of Defense and how would it differ from your relationship with the Secretary?

If confirmed, my relationship with the Deputy Secretary of Defense will be similar to my relationship with the Secretary of Defense. Section 3(a) of the Inspector General Act of 1978, as amended, states that "each IG shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head." DoD Directive 5106.01, dated May 29, 2020, states that "the IG of the DoD shall report to and be under the general supervision of the Secretary of Defense and the Deputy Secretary of Defense."

46. What is your understanding of the general supervisory authority of the Secretary of Defense over the DOD IG, in view of the independence provided by sections 2 and 3 of the *Inspector General Act*?

Section 2 of the Inspector General Act of 1978, as amended, creates independent and objective units to provide a means for keeping the head of the establishment and Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

Section 3 states that each IG shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, to the office next in rank below such head, but shall not report, or be subject to supervision by, any other officer of such establishment. Moreover, neither the head of the establishment nor the office next in rank shall prevent or prohibit the IG from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

Section 8 of the *Inspector General Act of 1978* provides that the DOD IG shall “be under the authority, direction, and control of the Secretary of Defense with respect to certain audits or investigations which require access to information concerning sensitive operational plans, intelligence matters, counterintelligence matters, ongoing criminal investigations by other administrative units of the Department of Defense related to national security, or other matters, the disclosure of which, would constitute a serious threat to national security.”

47. What is your understanding of the procedures in place to effectuate the authority and control of the Secretary of Defense over the matters delineated in section 8 of the *Act*?

If confirmed, and the Secretary exercises authorities contained in sections 8(b)(1) or 8(b)(2) of the Inspector General Act of 1978, as amended, I would submit a statement within 30 days as required under section 8(b)(3).

Sections 8(b)(1) and 8(b)(2) of the Inspector General Act of 1978, as amended, state that the Secretary has the authority to stop any investigation, audit, or issuance of subpoenas, if the Secretary determines that such a prohibition is necessary to preserve the national security interests of the United States. I understand that this provision has never been exercised.

48. What is your understanding of the extent to which the DOD IG has, as a matter of practice, initiated, conducted, and reported on audits or investigations covered by section 8 differently from other audits or investigations?

I am not aware of any differences in the DoD IG reporting on audits or investigations covered under section 8 of the Inspector General Act of 1978, as amended, from other audits or investigations.

49. What changes, if any, do you believe are needed in the practices of the DOD IG for initiating, conducting, and reporting on audits or investigations covered by section 8?

If confirmed, I would examine the DoD IG’s practices for initiating, conducting, and reporting on audits or investigations covered by section 8 to determine whether any changes are required.

Sections 4 and 8 of the *Inspector General Act of 1978* set forth various duties and responsibilities of Inspectors General in addition to the conduct of audits and investigations.

50. What is your understanding of the supervisory authority exercised by the Secretary of Defense with regard to these additional duties and responsibilities?

Beyond the conduct of audits and investigations, section 4 of the Inspector General Act of 1978, as amended, directs the IG to “review existing and proposed legislation and regulations” and make related recommendations in semiannual reports; recommend policies to promote economy and efficiency in the administration of Department programs and operations, and to prevent and detect fraud and abuse; keep the Secretary of Defense and Congress fully and currently informed about fraud and other serious problems, abuses, and deficiencies; recommend corrective actions for such problems, abuses, and deficiencies; and report on the progress made in implementing such corrective actions. Section 8(c)(1) adds that the IG shall “be the principal advisor to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department.” The duties and responsibilities specified in sections 4 and 8 fall within the general supervisory authority of the Secretary of Defense established under section 3(a).

Keeping Congress Informed and Responsiveness to Congressional Requests

Section 2(3) of the *Inspector General Act of 1978* provides that one of the purposes of establishing the DOD IG was to keep the Secretary of Defense and Congress “fully and currently informed” of problems and deficiencies in the administration of DOD programs and operations and the “necessity for, and progress of corrective action.”

51. If confirmed, specifically what steps would you take to ensure that the Armed Services Committees of the Senate and the House of Representatives are “fully and currently informed” of problems and deficiencies in DOD programs and operations?

If confirmed, in accordance with section 2(3) of the IG Act, I would keep the Committees on Armed Services “fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.” I would do so through the dissemination of DoD OIG work products, such as the Semiannual Report to the Congress and reports on audits and evaluations. In addition, I would provide briefings for Members of Congress and their staff, make myself and my staff available to testify at hearings, and ensure that the DoD OIG provides, to the fullest extent permitted by law, timely and complete responses to requests from this Committee and from Congress.

Congressional Committees and individual Members of Congress frequently request that the Office of the DOD IG audit, investigate, or review matters of public interest.

52. What is your understanding of the manner in which the Office of DOD IG addresses such requests?

It is my understanding that the DoD IG receives many requests from congressional committees and Members of Congress for oversight reviews. Furthermore, it is my understanding that the DoD OIG adheres to the principles of independence and non-partisanship in responding to any request it receives.

53. If confirmed, what changes, if any, would you make in the current policies and practices of the Office of the DOD IG for responding to congressional requests?

If confirmed, I would examine the current policies and practices of the DoD OIG for responding to congressional requests and, if changes are warranted, I would execute them expeditiously.

54. If confirmed, what steps would you take to ensure the timeliness of Office of the DOD IG responses to congressional requests?

If confirmed, I would review the timeliness of DoD IG responses to congressional requests and mandate improvements if necessary.

55. Under what circumstances, if any, do you believe it would be appropriate for the Office of the DOD IG to redact certain information contained in a report it provides to a Congressional Committee or individual Member of Congress?

If confirmed, I would ensure that the DoD OIG only redacts information in reports it provides to congressional oversight committees when those redactions are required or authorized by law.

56. In your view, does the independence of the DOD IG, as guaranteed in the *Inspector General Act of 1978*, include independence from Congress?

In my view, statutory independence mandates that OIGs maintain professional, yet cordial, distance from both their agency leadership and Congress. An OIG established under the Inspector General Act must be able to plan, develop, implement, and report effective oversight and investigative activities free of unauthorized internal and external influences. Through the legislative process, Congress resources the DoD OIG in its annual authorizations and appropriations and mandates specific DoD OIG oversight activities.

57. Are there certain categories of audits, investigations, or other inquiries that, in your view, are better conducted by the Government Accountability Office in its role as a component of the legislative branch? Please explain your answer.

In addition to performing appropriations law reviews, I believe audits involving issues or concerns pertaining to multiple Federal agencies and across government may be better conducted by the Government Accountability Office (GAO). GAO, as an agency of the Legislative Branch, is uniquely empowered to conduct oversight across government and of appropriation law matters.

With regard to the duty of the DOD IG to draw attention to the “necessity for, and progress of corrective action”, the *2019 Compendium of Open Office of Inspector General Recommendations to the DOD* lists the type, age, and status of the 1,581 DOD IG

recommendations that remained open as of March 31, 2019. 80 of these recommendations—issued to 20 DOD Components—have been open for at least five years.

58. If confirmed to be the DOD IG, what specific steps would you take to reduce the number of open DOD IG recommendations?

I understand that the DoD OIG meets on a regular basis with senior DoD leadership to review the status of open recommendations and to discuss the actions and documentation necessary to support the DoD OIG's closure of recommendations. If confirmed, I would continue to hold those meetings, and I would also work with DoD OIG leadership to prioritize component compliance with DoD OIG recommendations. The DoD OIG would also continue publishing the Compendium of Open Office of Inspector General Recommendations to the Department of Defense, and reporting overdue actions on recommendations in the DoD OIG's Semiannual Report to the Congress until final action on the DoD management decision is completed.

Senior Official Investigations

The Office of the DOD IG plays a key role in the investigation of allegations of misconduct by senior military officers and civilian employees of the DOD. The Senate Committee on Armed Services has a particular interest in investigations concerning senior officials who are subject to Senate confirmation and relies upon the Office of the DOD IG to ensure that these investigations are accurate, complete, and accomplished timely.

59. What is your understanding of the definition of “DOD senior official” for purposes of the DOD IG?

A DoD senior official is any individual who is either a military service member in the rank of O-6 (Promotable), a General Officer, or a Flag Officer, or a civilian employee who is a member of the Senior Executive Service or any political appointee.

60. What is your understanding of the circumstances in which a suspicion or allegation against a DOD senior official must be reported to the DOD IG?

Allegations of misconduct must be reported to the DoD IG, including those received by Component and Military Service IGs.

61. If confirmed, what factors would you consider in assessing whether a DOD IG investigation should be initiated in response to a report of suspicions or allegations against a DOD senior official?

All allegations against a DoD senior official should be considered on an individualized, case-by-case basis. An investigation should be initiated if the allegation, if substantiated, would be a violation of law, regulation, or policy.

62. What factors would you consider in determining to refer a report of suspicions or allegations against a DOD senior official to a military department Inspector General for review and action?

The nature of the allegation, the military rank and assignment of the accused, and the ability of the Military Department IG to objectively complete an investigation in a timely manner are just some factors that I would consider when determining whether it is appropriate to refer an allegation. I understand that the DoD IG customarily asserts investigative jurisdiction in senior official cases in which allegations cross Service lines, the subject outranks the Service IG, or the Service IG encounters an impediment to independence.

63. Do you believe that the current allocation of responsibility for senior official investigations between the DOD IG and the Inspectors General of the military departments ensures fair and impartial outcomes—regardless of which Inspector General conducts the investigation? Please explain your answer.

If confirmed, I would review the responsibility for senior official investigations between the DoD IG and the Military Department IGs with an eye towards ensuring fairness and impartial outcomes. It is my understanding that the DoD OIG oversees all reports of investigation completed by a Service IG to ensure that consistent standards are applied to all senior official investigations across the Department. I would insist that my office continue prompt and thorough oversight reviews of the Service IG reports of investigation to ensure public confidence in the integrity and accountability of DoD leadership.

64. If confirmed to be the DOD IG, what steps would you take to oversee and ensure the accuracy and completeness, and timeliness of senior official investigations conducted by a military department Inspectors General?

If confirmed, I would work with DoD OIG senior leadership to ensure that robust oversight of Service IG reports of investigation continues to focus on timeliness, accuracy, and completeness. I would work with the Service IGs to enhance the quality of their investigations through regular meetings, semiannual training symposiums, and daily interaction between DoD OIG and Service IG senior official investigators. These efforts strengthen professional relationships, reinforce best practices, and improve the timeliness and quality of investigative work. I would also support joint duty assignments to build future leaders and training opportunities to expand the skills of Service IG personnel, and seek out opportunities to conduct file reviews to ensure that cases are properly documented and progressing in a timely fashion.

65. Under what circumstances would it be appropriate, in your view, for the DOD IG to change the findings of a military department Inspector General in regard to a senior official investigation?

If confirmed, I would review circumstances in which it would be appropriate for the DoD OIG to change the findings of a Military Department IG report regarding a senior official. However, in general, I could envision a circumstance in which the DoD OIG identified a mistake in the application of law and/or evidence and, upon recognizing such an error, I would coordinate with DoD OIG staff to validate the errors and then coordinate with the Military Department IG to update the findings.

66. If confirmed, what process improvements would you consider to expedite appropriately the completion of Inspector General investigations of DOD senior officials?

It would be premature to offer any recommendations for change in these areas until I had an opportunity to conduct the necessary thorough evaluations of the DoD OIG's current organization, policies, and procedures. If confirmed, I would review process improvement actions with my leadership team and with senior IGs from across the DoD to determine whether any action results in more timely investigative results.

67. At what point in an investigation, and based on what criteria, would you take action to ensure that a "flag" or suspension of favorable personnel action is initiated against a military senior official?

The responsibility to "flag" a military senior official rests with the respective Service. I have come to understand that the General Officer/Flag Officer Matters Office in each Service is responsible for ensuring that no favorable personnel actions occur while a General/Flag Officer is under investigation by the DoD OIG or their respective Service IG. Additionally, the DoD OIG advises the Office of the Under Secretary of Defense for Personnel and Readiness when a General Officer/Flag Officer is under investigation so that they may take appropriate action, if any is needed.

68. To what extent should a senior official investigation conducted by the DOD IG or a military department Inspector General automatically be released to the public, in your view? Released to a Committee of Congress or to an individual Member?

Senior official misconduct investigation reports should be released to the public consistent with law, regulation, and policy. Release of DoD OIG unclassified information is governed by the Privacy Act (5 U.S.C. §552a) and the Freedom of Information Act (5 U.S.C. §552). Those statutes exempt from public release certain types of information, including information implicating personal privacy, legal advice, and deliberative process. Any release determinations must balance the public interest in disclosure against any protectable privacy interest of the subjects, complainants, witnesses, and others, while protecting privileged information from release.

These statutes, as well as guidance from the Department of Justice (DoJ) and the DoD, authorize release of most senior official misconduct investigation reports, which is official use information to Congress in response to an official written request from either chamber of Congress as a whole, either the House or the Senate, the chairman of a

committee or subcommittee with jurisdiction over the matter, or a Member of Congress specifically delegated with the authority to act on behalf of a committee. Individual Members of Congress who do not meet the above criteria are not entitled to official use information. This includes requests from an individual Member on behalf of a constituent or a Member acting in his/her official capacity but who is not specifically authorized to act on behalf of the committee. Following DoJ and DoD guidance, such requests for information are expeditiously processed and information is released consistent with a release to any individual under the Freedom of Information Act, but with particular regard for the considerations of congressional relations and discretionary disclosure.

69. Do you believe current military department procedures and practices for reviewing the records of officers pending the President's nomination for promotion or assignment are sufficient to enable fully-informed decisions by the Secretary of that Military Department, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President?

I have not had an opportunity to fully review the current practices and procedures for reviewing the records of pending nominees. If confirmed, I would review this matter as necessary to ensure that information is sufficient for DoD leadership to make fully informed decisions.

70. In your view, are these procedures and practices fair to the individual military officers proceeding through the promotion or assignment process? Please explain your answer.

Please see my response to question 69.

Maintaining high ethical standards and ensuring appropriate accountability for any misconduct is critical to the mission of the DOD. Ethical misconduct can undermine the American public's trust in DOD, as well as DOD's ability to secure congressional support and funding.

71. In your view, how can the DOD IG contribute to promoting ethical conduct across the Department? What more could the DOD IG do in this regard?

If confirmed, I would continually evaluate how the DoD IG can contribute to promoting the highest ethical conduct across the Department. As highlighted in the FY 2020 Top DoD Management Challenges, ensuring ethical conduct is critical to the mission of the DoD. The DoD OIG plays a central role in promoting this conduct through regular training to DoD personnel on ethics issues; ongoing efforts by the Whistleblower Protection Coordinator to educate personnel about protections available to those who report fraud, waste, and abuse; civil investigations into senior official misconduct, reprisal, and restriction; criminal investigations into DoD personnel and programs; and the DoD IG's role as the principal advisor to the Secretary on these matters.

Integrity, Reliability and Completeness of Information in Inspector General Case Management Systems

72. What is your understanding of the myriad purposes for which Inspector General case management systems are queried in support of personnel actions across the DOD?

It is my understanding that IG case management systems are queried in support of personnel actions as a means of certifying whether an individual service member or civilian employee has associated adverse or reportable information. These queries are used for, but not limited to, retirement certifications, Senate nomination certifications, promotion certifications, and appointment certifications. It may also be used for statistical tracking and reporting purposes by the DoD OIG.

73. What is your understanding of the myriad purposes for which Inspector General case management systems are queried for purposes of tracking complaints of, and analyzing trends in misconduct across the Department?

It is my understanding that IG case management systems are queried for many purposes including, but not limited to, internal performance metrics and effectiveness, including timeliness; to track the status of an individual or class of complaints; to gather data on complaints in response to request from Congress; to use data in DoD OIG reporting; and for analyzing trends in misconduct across the Department.

74. Are all components of the DOD in compliance with requirements established by the DOD IG for data entry in Inspector General case management systems? Please explain your answer.

If confirmed, I would review DoD compliance with requirements established by the DoD OIG for data entry in IG case management systems.

Whistleblower Protection

75. What is your understanding of the role played by the DOD IG and the military department Inspectors General in investigating complaints of reprisal against members of the military, DOD civilian employees, and DOD contractor employees, who “blow the whistle” on alleged fraud, waste, and abuse?

The DoD OIG investigates whistleblower reprisal allegations made by DoD employees, including military service members, defense contractors and subcontractors, grantees and sub-grantees, civilian appropriated fund and nonappropriated fund instrumentality employees, and employees within the DoD intelligence community. The DoD OIG also retains responsibility for oversight of whistleblower reprisal investigations conducted by the Service and Component IGs.

Section 7 of the Inspector General Act of 1978, as amended, Presidential Policy Directive 19, DoD Directives 5106.01 and 7050.06, 5 U.S.C. §2302, and 10 U.S.C. §§1034, 1587 and 2409 reference the DoD OIG authority to investigate whistleblower complaints and allegations of reprisals and restrictions. They also specifically prohibit reprisal against whistleblowers for good faith disclosures of wrongdoing.

The DoD OIG maintains a robust whistleblower protection program that strives to ensure that whistleblowers may report fraud, waste, and abuse and other violations of law in DoD programs and operations without fear of reprisal. The DoD OIG operates the DoD Hotline to receive complaints via classified and unclassified systems, through the phone, in person, and by mail.

In addition, through the DoD OIG Whistleblower Protection Coordinator (WPC), the DoD OIG educates DoD personnel on reporting fraud, waste, and abuse within the DoD without fear of reprisal. The WPC also educates DoD personnel about the means through which they can seek review of reprisal allegations and the roles that the Office of Inspector General, Office of Special Counsel, Merit Systems Protection Board, and other relevant entities play in investigating reprisal allegations.

76. If confirmed, what level of priority would you accord to your whistleblower protection responsibilities?

Whistleblowers play a central role in exposing fraud, waste, and abuse in government programs and operations. If confirmed, I commit without reservation to ensuring that whistleblower protection responsibilities are a top priority and are reinforced.

77. What is your understanding of the scope of the duties and responsibilities performed by the Whistleblower Protection Coordinator in the Office of the DOD IG?

The DoD OIG Whistleblower Protection Coordinator (WPC) educates DoD employees, including military service members, defense contractors and subcontractors, grantees and sub-grantees, civilian appropriated fund and nonappropriated fund instrumentality employees, and employees within the DoD Intelligence Community on reporting fraud, waste, and abuse within the DoD without fear of reprisal. The WPC also educates DoD personnel about the means through which they can seek review of reprisal allegations and the roles that the Office of Inspector General, Office of Special Counsel, Merit Systems Protection Board, and other relevant entities play in investigating reprisal allegations. The WPC also acts as an advisor to the Inspector General on these issues and serves as a subject matter expert when questions arise.

78. Does the Whistleblower Protection Coordinator in the Office of the DOD IG have direct access to the Inspector General, as required by the *Inspector General Act of 1978*?

The WPC has direct access to the Acting Inspector General. If confirmed, I commit that the WPC would have direct access to me as required by the Inspector General Act of 1978, as amended.

79. If confirmed, what role would you establish for yourself in educating service members, DOD civilian employees, DOD contractor employees about the whistleblower protection program?

If confirmed, I look forward to working alongside the Whistleblower Protection Coordinator by participating in training and outreach events, as well as in other program promotional opportunities that may be identified. At every opportunity, I will actively engage appropriate DoD stakeholders and the DoD OIG workforce to act as ambassadors for the DoD Whistleblower Program. I would ensure they have the tools necessary to provide DoD personnel accurate information related to reporting and protection and answer any questions they may have.

80. What is the average age of DOD IG whistleblower reprisal investigations at closure? What is the average age at closure of whistleblower reprisal allegations investigated by component Inspectors General?

I am unable to speak to the current average age of whistleblower reprisal investigations conducted by the DoD OIG or the Component IGs. However, the FY 2020 Top DoD Management Challenges, dated October 15, 2019, references a backlog of aged cases among the Service IGs, with 23 percent of their open whistleblower reprisal investigations being more than 1 year old, compared to the DoD OIG, which had no cases more than 1 year old.

If confirmed, I would review the current investigative process and timeliness metrics and implement changes as appropriate. The DoD OIG and the Component IGs must investigate whistleblower reprisal disclosures expeditiously. This is critical not only to uncover wrongdoing or retaliation quickly, but also to hold subjects accountable in a timely way and to ensure fairness and due process for all involved. I would maintain a sharp focus on timeliness and report quality.

81. If confirmed, what more would you do to improve the timeliness of Office of the DOD IG whistleblower reprisal investigations?

If confirmed, I would review the DoD OIG's current investigative process and timeliness metrics and implement changes as required.

82. How does the Office of the DOD IG ensure the accuracy, completeness, and timeliness of whistleblower reprisal allegations undertaken by component Inspectors General?

It is my understanding that the DoD OIG reviews final reports of whistleblower reprisal investigations completed by Service and Component IGs. If the DoD OIG determines

that the Service or Component IG investigation did not adequately investigate or address relevant issues or leads, or that the report is deficient, the DoD OIG returns the investigation to the Service or Component IG for additional work.

In addition to reviewing completed reports for appropriate quality and conclusions, the DoD OIG also tracks and analyzes the timeliness of open Service and Component IG investigative work throughout the DoD and provides training to DoD whistleblower reprisal and hotline investigators.

The DoD OIG has also implemented a program to conduct detailed process reviews of Military Service IGs based on CIGIE Peer Review and Investigative Standards.

It is also my understanding that the DoD OIG has implemented various training certifications to support Service and Component IG whistleblower reprisal investigations, including a Basic Whistleblower Reprisal Investigations Course, Hotline Investigator Course, Contractor Disclosure Program Outreach Course, and, in December 2019, a pilot course that trained and certified Service component and Defense agency IG investigators on investigative practices.

83. What is your understanding of the different standards and processes applicable to a determination that a service member, DOD civilian employee, or DOD contractor employee has been subjected to reprisal for whistleblowing activity?

It is my understanding that, in order to demonstrate that reprisal has occurred, military service members, appropriated civilian DoD employees, and DoD contractor employees must show that: 1) the complainant made a protected communication; 2) a responsible management official knew or perceived that the complainant made or prepared to make a protected communication; 3) a personnel action was taken, withheld, or threatened; and 4) the protected communication was a contributing factor in the decision to take, withhold, or threaten the personnel action.

Under 10 U.S.C. §1034, military service members may submit reprisal or restriction allegations to the DoD OIG or a Component or Service IG within 1 year following the alleged act, or within 1 year following the date the servicemember became aware of the alleged act. The DoD OIG provides oversight of all reprisal complaints regardless of where they are initially submitted.

Under section 7 of the Inspector General Act of 1978, as amended, and 5 U.S.C. § 2302, appropriated DoD civilian employees may submit reprisal allegations to the DoD IG, Component or Service IGs, or through the Office of Special Counsel. The DoD OIG provides oversight of all reprisal complaints regardless of where they are initially submitted within the DoD. There is no practical deadline for filing a complaint with the Office of Special Counsel under 5 U.S.C. § 2302.

Under 10 U.S.C. § 2409, DoD contractor and subcontractor employees may submit reprisal allegations to the DoD OIG for investigation. The complainant must submit

reprisal allegations within 3 years following the date on which the alleged reprisal took place

84. What is your understanding of the respective responsibilities of the Office of the DOD IG and the Office of Special Counsel regarding DOD civilian employee whistleblower complaints?

The Office of Special Counsel has primary jurisdiction to investigate claims of retaliation by most Federal employees, but does not have jurisdiction over retaliation complaints by employees in the Intelligence Community, the Federal Bureau of Investigation, or retaliation claims involving a security clearance or access to classified information. The DoD IG has discretionary authority under section 7 of the Inspector General Act of 1978, as amended, to also handle DoD civilian appropriated fund employee reprisal complaints. The DoD IG has authority under Presidential Policy Memorandum 19 to provide analogous protection to DoD intelligence employees and to all DoD employees with access to classified information.

85. If confirmed to be the DOD IG, what would be your relationship with the Special Counsel?

It is my understanding the DoD OIG coordinates with the Office of Special Counsel regarding reprisal complaints filed with that office by DoD personnel to avoid duplication of effort and, when necessary, to assist the Office of Special Counsel in obtaining relevant records from DoD components. If confirmed, I would engage the Special Counsel to promote continuing close communications and collegiality to support DoD civilian employees who require assistance with whistleblower reprisal complaints they file with the Office of Special Counsel, or those complaints that the DoD OIG may refer to the Office of Special Counsel for further review.

86. What is the role of the DOD IG in regard to Intelligence Community whistleblowers?

The DoD OIG maintains the DoD Whistleblower Program, which includes DoD appropriated fund civilian personnel serving in Intelligence Community positions or who maintain access to classified information—also known as Defense Civilian Intelligence Personnel System (DCIPS) employees. The DoD OIG investigates or provides oversight of Component investigations of reprisal allegations made by civilian appropriated fund employees, including DCIPS employees. The DoD IG serves on the Intelligence Community IG’s external review panel. This is in accordance with Presidential Policy Directive 19, and DoD Directive 5143.01 and DoD Directive-Type Memorandum 13-008 specify the DoD OIG’s authorities related to Intelligence Community whistleblowers.

It is my understanding that the DoD OIG reviews and investigates all DCIPS allegations submitted through the DoD Hotline or other direct method to the DoD OIG. If an allegation is filed with a Component IG, the DoD OIG will:

- receive notification from the Component IG of the reprisal allegation;
- review and approve the Component IG's determination that an investigation of the submitted allegation is not warranted;
- expeditiously initiate, or request that the Component with a statutory IG initiate, an investigation when the DoD OIG determines that sufficient evidence exists to warrant an investigation;
- review and approve results of an investigation conducted by the Component IG;
- ensure standards of proof are applied in the investigation based on a preponderance of evidence; and
- recommend that the DoD Component take specific corrective action in substantiated cases to return the employee as nearly as practicable and reasonable to the position the employee would have held had the reprisal not occurred..

Presidential Policy Directive 19 prohibits a Federal agency from taking any action affecting an employee's access to classified information or eligibility to occupy a national security position in reprisal for making a protected disclosure. The DoD OIG may also determine whether an action affecting the eligibility for access to classified information or occupancy of a national security position resulted in violations and recommend corrective action if substantiated.

87. If confirmed to be the DOD IG, what would be your relationship with the Inspector General of the Office of the Director of National Intelligence as regards Intelligence Community whistleblower complaints?

If confirmed, I would seek to maintain a strong relationship with the Intelligence Community Inspector General (IC IG) through participation in the IC IG's external review panel. I would work with the IC IG to improve information sharing and enhance coordination and deconfliction of projects and initiatives within DoD intelligence organizations and activities.

88. Do you perceive a need for further legislation to ensure that members of the military, DOD civilian employees, DOD contractor employees, or Intelligence Community personnel are appropriately protected from reprisal for whistleblowing?

If confirmed, I would work with DoD OIG senior leaders to determine whether DoD employees are appropriately protected from reprisal and, if not, I would seek appropriate legislative and/or policy changes to improve those protections. I would also examine whether the Component and Service IGs are appropriately resourced to contribute to the continuation and improvement of the DoD Whistleblower Protection Program.

89. What is your understanding of the prevalence across DOD of unlawful actions to restrict communications by service members, DOD civilian employees, or DOD contractor employees with an inspector general or with Congress?

The DoD OIG's most recent Semiannual Report to the Congress for the period October 1, 2019, through March 31, 2020, states that the DoD OIG processed seven restriction complaints and the Component IGs processed 29. In total, the DoD OIG had three restriction complaints in its inventory while the Component IGs had 45.

If confirmed, I commit to taking all appropriate actions to ensure that DoD military service members, civilian employees, and contractors are free from interference when seeking to report allegations, and that they are aware of their ability to file complaints concerning such unlawful restriction with the DoD Hotline.

90. What do you perceive to be the most effective tools available to the DOD IG to prevent and respond to incidents of unlawful "restriction"?

In my experience, the most effective tools to prevent and respond to unlawful restriction include continuous outreach to the workforce to educate them about unlawful restriction and reprisal actions and the resources available to them should reprisal occur; timely, full, and fair investigations; and accountability for offenders—including posting the results of the DoD OIG's investigative findings on its public website, where permissible by law and with appropriate redactions required by the Privacy Act of 1974 or other authorities, and publishing real-time granular statistics categorized by Service and employee complainant category.

91. What is your understanding of the propriety and efficacy of the Office of the DOD IG Alternative Dispute Resolution (ADR) process in resolving certain whistleblower reprisal complaints?

If confirmed, I commit to studying the ADR process and its efficacy in resolving whistleblower reprisal complaints. While there are some benefits to using ADR, I would also want to ensure that the matters resolved through the ADR process are documented, memorialized, and reported in the appropriate way that ensure fairness to all involved, holds offenders accountable in a meaningful way, and enables proper oversight to be conducted.

Based on the DoD OIG's most recent Semiannual Report to the Congress for the period October 1, 2019, through March 31, 2020, the DoD OIG ADR program appears to be used and requested with increasing frequency. During the reporting period, 19 cases involving whistleblower reprisal were resolved by the complainants and their employers. At the end of the reporting period, the DoD OIG had 59 cases pending in the ADR process.

DoD Instruction 5145.05 establishes policies and responsibilities for the DoD OIG's ADR program. ADR offers a pre-investigation, mediated resolution process for complaints filed by employees of nonappropriated fund instrumentalities and DoD contractors, subcontractors, grantees, sub-grantees, and personal services contractors, as well as certain other qualified types of cases. To participate, both the complainant and

the subject of the complaint must agree to be parties to the ADR process, which uses a neutral mediator. The voluntary aspect of ADR is one of the reasons it is successful in resolving certain whistleblower reprisal complaints. Another benefit of this program is that it frees up DoD OIG investigative resources to focus on other outstanding priorities.

92. In your view, should the ADR process be expanded to additional categories of whistleblowers complainants? Please explain your answer.

If confirmed, I would review the ADR program to determine whether it would be appropriate and beneficial to expand it to additional categories of whistleblower reprisal complaints.

A report of investigation documenting an allegation of reprisal substantiated by the DOD IG or a military department Inspector General must be referred to the Secretary of the military department concerned for review and appropriate action. The Senate Armed Services Committee is aware of numerous reprisal cases in which a Secretary's response to the Inspector General has been delayed by months or years. Furthermore, in some of these cases, the Secretary has responded by advising that no corrective or disciplinary action had been taken against the perpetrator because of a belief that the Inspector General's substantiation of reprisal was erroneous or improper.

93. If confirmed to be the DOD IG, what specific actions would you take to ensure that the Secretaries of the military departments are timely and properly responsive to whistleblower reprisal complaints substantiated by the DOD IG or a component Inspector General?

If confirmed, I would communicate directly with the Secretaries of the Military Departments on the importance of timely action, collaborate with them on completing expected compliance functions, and coordinate future report deliveries to ensure the Secretaries are notified directly when the report has been delivered. I would also advise the Secretary and Deputy Secretary of Defense should the timeliness of these reports become a systemic problem.

The Office of the DOD IG maintains a "DOD Hotline" to provide a confidential, reliable means through which any person can report violations of law, rule, or regulation; fraud, waste, and abuse; mismanagement; trafficking in persons; serious security incidents; or other criminal or administrative misconduct that involve DOD personnel and operations, without fear of reprisal.

94. What is your understanding of the efficacy and timeliness with which DOD Hotline reports are retrieved, reviewed, triaged, and addressed?

If confirmed, I would evaluate the DoD Hotline program for efficacy and timeliness, including metrics on how well it retrieves, reviews, triages, and addresses complaints received.

95. What is the current DOD Hotline report “backlog”? If confirmed to be the DOD IG, what steps would you take to reduce this backlog and on what timeline?

According to former Principal Deputy Inspector General Glenn Fine’s January 2020 testimony before the House Committee on Oversight and Reform Subcommittee on Government Operations, the DoD Hotline had 1,428 open cases as of October 1, 2019. While that number may appear to be high, it remains lower than 6 of the 7 prior years. In the Semiannual Report to the Congress for the period October 1, 2019, through March 31, 2020, the DoD OIG reported that the DoD Hotline had 8,041 contacts, of which 3,585 were opened as cases and 3,277 were closed.

If confirmed, I would review the current DoD Hotline operations, including the case inventory, to determine what, if any, additional actions are necessary.

The Council of Inspectors General on Integrity and Efficiency (CIGIE)

Section 11 of the *Inspector General Act of 1978* established the CIGIE as an independent entity within the executive branch.

96. What is your understanding of the mission of the CIGIE?

CIGIE’s mission is to address integrity, economy, and effectiveness issues that transcend individual government agencies, and increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in Offices of Inspectors General.

97. In particular how has the CIGIE’s special focus on whistleblower protection benefitted the Office of the DOD IG?

CIGIE’s focus on whistleblower protection and the positive impact whistleblower disclosures have on waste, fraud, abuse, and misconduct investigations and audits have benefitted the DoD OIG and all IGs. The following are a few of those benefits.

1) In 2017, Oversight.gov was launched as a publicly accessible, searchable website through which the public and other government officials can review OIGs’ collective work on critical issues in a single location and find consolidated results from the IG community, including up-to-date totals on the billions of dollars of savings that result from OIG oversight.

2) In 2018, with input from CIGIE, Congress passed the Whistleblower Protection Coordination Act, which permanently reauthorized a Whistleblower Protection Coordinator (WPC) position in certain OIGs. The law further required CIGIE consultation with the Office of Special Counsel (OSC), a CIGIE member, to develop best practices for handling protected disclosures and enforce whistleblower protection laws. CIGIE and OSC fulfill this mandate through regular meetings of a WPC working group, which discusses and identifies best practices.

3) In July 2019, CIGIE published “Whistleblowing Works: How Inspectors General Respond to and Protect Whistleblowers,” illustrating the importance of individuals coming forward to report waste, fraud, abuse, and misconduct to OIGs. The DoD OIG was featured in multiple cases in that report.

98. Specifically, how has the CIGIE aided in the establishment of a professional, well-trained and highly skilled workforce in Offices of Inspectors General across the interagency?

CIGIE provides several training program opportunities for OIG professionals, including the Audit, Inspection, and Evaluation Academy; the Inspector General Criminal Investigator Academy; and the Leadership and Mission Support Academy.

In addition, CIGIE produces quality standards in auditing, digital forensics, investigations, inspection and evaluation, and Federal OIGs that harmonize community requirements, methodology, and guidelines to ensure consistency across all agencies and final work products. CIGIE also produces compliance guides, provides assessment standards for peer reviews, and maintains an integrity committee to enforce accountability.

Furthermore, CIGIE works with Congress to educate Members, raise awareness of IG community impact on government oversight, and enhance OIG authorities, and provides a forum to exchange best practices among the agency leadership and through permanent and ad hoc committees.

99. If confirmed to be the DOD IG, what would be your role with regard to the CIGIE?

If confirmed, I would meet with CIGIE within the first 30 days of becoming the DoD IG and become an active member, especially on issues related to whistleblower protection and workforce recruitment, selection, retention, and training.

Pandemic Response Accountability Committee (PRAC)

Section 15010(b) of the CARES Act established the Pandemic Response Accountability Committee (PRAC), to be comprised of certain members of the CIGIE and other Inspectors General, “to promote transparency and conduct and support oversight of covered funds and the Coronavirus response.” In addition, the CARES Act appropriated \$20 million for DOD IG staff augmentation required to oversee DOD’s response to COVID-19 and its use of funds appropriated for that purpose.

100. If confirmed, what would be your role and duties in regard to the PRAC?

The CARES Act specifically identifies nine IGs, including the DoD IG, as members of the PRAC. If confirmed, my role and duties with regard to the PRAC would be to promote transparency and to conduct and support oversight of the funds provided to the

DoD by the CARES Act, the Coronavirus Preparedness and Response Supplemental Appropriations Act, and the Families First Coronavirus Response Act to respond to the pandemic. Additionally, I would assist the PRAC with its efforts to “prevent and detect fraud, waste, abuse, and mismanagement [and] mitigate major risks that cut across program and agency boundaries.”

101. If confirmed, how would you distinguish between oversight work that should be undertaken by the PRAC and COVID-19-related audits, investigations, inspections, and evaluations that should be undertaken by the Office of the DOD IG?

It is my understanding that PRAC efforts will focus more broadly on cross-cutting government and interagency work that supports the broader risk mitigation efforts of multiple government agencies, and will focus on multiple sources of appropriations, including the Paycheck Protection Program and Health Care Enhancement Act, the Coronavirus Preparedness and Response Supplemental Appropriations Act, and the Families First Coronavirus Response Act.

The DoD has developed and submitted a plan to the PRAC describing how it will spend funding it has received in the CARES Act. In turn, the DoD OIG developed a plan to audit, evaluate, and investigate DoD programs, processes, and policies to monitor and evaluate performance and compliance with CARES Act and funding related to COVID-19.

102. In your view, does the Office of the DOD IG currently have personnel with the skills and capabilities required to oversee DOD programs and activities related to COVID-19?

If confirmed, I would work with DoD OIG senior leaders to review DoD OIG projects related to COVID-19 and ensure that they are supported with skilled and capable personnel.

103. If confirmed, specifically what would you do to ensure that the Office of the DOD IG has the resources it requires, including funding and personnel, to undertake the expanded audit, investigation, inspection, and evaluation functions required of it in the context of DOD’s response to COVID-19?

If confirmed, I would review DoD OIG resourcing issues with senior leadership to ensure that the DoD OIG has the resources it requires, including funding and personnel, to undertake the expanded audit, investigation, inspection, and evaluation functions required to oversee the DoD’s response to COVID-19.

Use of Contractors in Support of DOD IG Functions

Some federal agencies have reacted to limited inspector general resources by using contractors to perform some audit, investigation, inspection, and evaluation functions.

104. Do you believe that the Office of the DOD IG has sufficient resources (in personnel and funding) to carry out its audit, investigative, inspection, and evaluation responsibilities?

If confirmed, I would review resourcing issues with senior leadership to ensure that the DoD OIG has the resources it requires, including funding and personnel, to carry out its audit, investigation, inspection, and evaluation functions.

105. What is your understanding of the DOD IG's role in determining whether the use of contractor resources to perform such functions is appropriate?

If confirmed, I would work with senior leadership to determine whether contractor resources are required for specific tasks and, if so, whether that use is mindful of the restrictions on contractors performing inherently governmental work. Through the Inspector General Act of 1978, as amended, the DoD IG may review whether a particular activity is inherently governmental or not.

106. Under what circumstances, if any, would the use of contractor resources to perform audit, investigation, inspection, and evaluation functions be appropriate, in your view?

Consistent with section 6(a)(9) of the Inspector General Act of 1978, as amended, the DoD IG has the authority to enter into contracts and other arrangements with public agencies and private persons for audits, studies, analyses, and other services. I would consider contracting for other than inherently governmental functions in support of specific project efforts if necessary to meet resource requirements or to address specialized skills not available in the permanent workforce.

The use of contractor personnel in criminal investigative law enforcement roles is inherently governmental and, therefore, would not be appropriate.

DOD Financial Management and Audit

The performance of financial audits has consumed a growing share of the resources of the DOD IG's Office.

107. What is your view of the relative priority of financial audits, and the resources that should be devoted to such audits?

If confirmed, I would prioritize financial audits across the DoD enterprise, including that of the DoD OIG, and ensure required resources are available to support them.

Financial audits are critical to the oversight work of Congress and IGs and to the economic and effective management of an agency by its leadership. An agency has a responsibility to use timely, reliable, and comprehensive financial information when making decisions that impact agency operations, programs and resources.

The 2014 National Defense Authorization Act requires the Secretary of Defense to ensure that a full-scope audit is performed over DoD financial statements. As a result, the DoD OIG became responsible for this effort beginning in FY 2018. In FY 2019, the DoD audit covered nearly \$6 trillion in assets and liabilities inclusive of the DoD and 23 DoD Component organizations. This effort will continue to expand as resources permit.

108. Do you perceive a need for legislative change to give the DOD Inspector General greater flexibility to target audit resources?

If confirmed, I would work with senior leadership to assess whether additional legislation is necessary in this area.

109. How would you evaluate the professional qualifications, expertise, and experience of the Office of the DOD IG audit staff, including the audit staff's ability to oversee private sector CPA firms engaged to assist with financial statement audits?

The DoD OIG is responsible for managing and completing the audit of the DoD Agency-Wide Basic Financial Statements. Additionally, the DoD OIG contracts with independent public accounting firms to perform financial statement audits of the DoD Components. The DoD OIG monitors and oversees the audit work of these independent accounting firms. A prerequisite for DoD OIG audit staff to work on the financial statement audits is a college degree in accounting, auditing, or a related field, such as business administration, finance, or public administration, that included or was supplemented by 24 semester hours in accounting. In addition, many of the audit staff that work on financial statement audits are either licensed Certified Public Accountants and Certified Defense Financial Managers, and collectively have many years of experience auditing or overseeing the audit work of the independent accounting firms. Specifically, the DoD OIG monitors the work of the independent public accounting firms throughout the audit by attending meetings between the independent public accounting firms and the Components being audited, reviewing the independent public accounting firms' testing results, and verifying that the work performed by the independent public accounting firms complies with contract requirements and auditing standards.

110. If confirmed, in which specific areas of your duties and responsibilities would you expect to coordinate with the Under Secretary of Defense (Comptroller/Chief Financial Officer)?

If confirmed, I would work with the USD(C)/CFO to formulate the DoD OIG's portion of the annual President's budget for submission to Office of the Secretary of Defense (OSD) and Office of Management and Budget (OMB), and request resources required to conduct the DoD OIG's mission. I would also work with the USD(C)/CFO to address areas of concern within the financial management arena that have been a long-standing management challenge for the Department. I would ensure that the DoD OIG conducts and supervises audits, investigations, evaluations, and inspections relating to DoD

programs and operations to promote economy, efficiency, and effectiveness. Additionally, I would proactively work with the USD(C)/CFO and OMB on matters related to the PRAC and COVID-19.

DOD is the only federal agency unable to complete a financial audit in accordance with the law, despite having invested billions of dollars over the past 16 years to do so. In FY 2019, DOD completed its second comprehensive audit covering the Department’s total assets of more than \$2.9 trillion. This audit attempt involved more than 1,400 auditors, who conducted over 600 site visits. Although the outcome resulted in a Disclaimer of Opinion and the identification of multiple material weaknesses—as of November 15, 2019, the FY 2019 audit had resulted in the issuance of more than 1,300 Notices of Findings and Recommendations (NFRs)—considerable progress was made as compared to the results of the prior year’s audit attempt.

111. What is the role of the DOD IG in both the attempted audit and in establishing and maintaining the level of audit readiness required by law?

The DoD OIG is responsible for managing and completing the audit of the DoD Agency-Wide Basic Financial Statements. Additionally, the DoD OIG contracts with independent public accounting firms to perform the financial statement audits of the DoD Components. The DoD OIG monitors and oversees the audit work of these independent accounting firms. In monitoring and overseeing the work of the independent public accounting firms throughout the audit, the DoD OIG attends meetings between the independent public accounting firms and the Components being audited, reviews the independent public accounting firms test results, and verifies that the work performed by the firms complies with contract requirements and auditing standards.

In addition, Audit leadership participates in the Financial Improvement and Audit Remediation (FIAR) Governance Board meetings to review financial reporting, financial system material weaknesses, and progress towards corrective action plans. The DoD established the FIAR Governance Board in 2010 to enhance the financial management and audit readiness efforts of the DoD and its Components. Furthermore, Audit leadership and staff meet regularly with DoD and Component financial management leadership and independent public accounting firms to provide the status of over 20 financial statement audits and attestations, discuss key audit and accounting criteria impacting the overall financial statement audit approach, and provide findings and conclusions.

112. In what areas of the FY 2019 audit did DOD continue to perform poorly? In what areas did DOD demonstrate the most progress?

According to the DoD OIG’s report, “Understanding the Results of the Audit of the DoD FY 2019 Financial Statements,” select areas in which the DoD continued to perform poorly included that the DoD:

- had wide-ranging weaknesses in financial management systems that prevented the DoD from collecting and reporting financial and performance information that is accurate, reliable and timely;
- was unable to provide a complete universe of transactions; and
- had ineffective processes and controls for reconciling its Fund Balance with Treasury.

In their FY 2019 audit, DoD OIG auditors were able to expand testing, test new areas, and draw conclusions on more transactions than in FY 2018. Auditors noted that the DoD and its Components improved their understanding of the business processes and financial statements, and that they were able to provide more universes of transactions for testing and better supporting documentation for transactions selected for testing.

In your view, how, if at all, do the audit and its remediation activities support the 2018 NDS?

Per the NDS, “Better management begins with effective financial stewardship.” The audit and its remediation activities directly support the 2018 NDS and, specifically, help reform the Department for greater performance and affordability. DoD leadership has prioritized Notice of Findings and Recommendations (NFRs) corrective action plans that align with the National Defense Strategy and provide the greatest potential value to the warfighter.

113. What challenges are unique to conducting an audit of DOD, and how could the DOD IG best assist the Department in continuing to make demonstrable progress toward a clean audit opinion?

Both the greatest challenge and most unique aspect of conducting an audit of the DoD is its size and the diversity of the Department and its aging IT systems. The DoD encompasses a global footprint of real and other property that may float, fly, or be located in a hostile location. DoD Components do not harmonize financial IT systems or software, making data analytics difficult and life cycles and security mitigation nearly impossible to track and maintain.

The road to a clean financial statement opinion for the DoD is a long-term effort and could take years to achieve. While obtaining a clean opinion is important to the DoD, the financial statement audit has value beyond the opinion. In my judgment, the DoD OIG can best assist the Department by its continued management and oversight of the financial statement audits. Continued audits of the DoD’s financial statements are important because they provide transparency of the DoD’s use of its resources, test financial information for accuracy, evaluate information technology and cyber systems for compliance with specified requirements, and help improve DoD operations and decision making. The audits also provide Congress and the public with a transparent assessment of where the DoD spends its funds. Through the continued work of the DoD OIG, DoD leadership is expanding its awareness every year of the true scope of the

financial statement deficiencies, which improves readiness and accountability once these deficiencies are corrected.

114. What is your understanding of the DOD IG’s role in assessing the Department’s strategy for remediating the findings of the FY 2019 audit attempt?

Federal financial statement auditing standards require that auditors evaluate whether the audited entity has taken appropriate corrective action to address all of the findings from previous engagements that could have a material impact on the financial statements. Therefore, the financial statement auditor focuses on whether the entity demonstrated that the condition identified in the Notice of Findings and Recommendations (NFR) has been eliminated.

115. Do you believe the Department can achieve a clean audit opinion through better accounting and auditing, or is the systemic improvement of DOD’s business systems architecture a prerequisite?

I believe the DoD can achieve a clean audit opinion if it continues to improve both its accounting and auditing processes and systems, and systemically improves its financial system architecture and accountability of its data holdings.

116. In your view, what incentives need to be in place to ensure senior leaders in each DOD Component—not only the financial management community—are fully invested and engaged in the process of achieving a clean audit opinion? Are those incentives currently in place in the Department?

If confirmed, I would examine what incentives are needed for DoD Component senior leaders to achieve a clean financial audit opinion and whether current efforts in this regard are sufficient. Specifically, DoD Components and leadership in key functional areas (such as financial management, acquisition, cyber, and logistics) need to work together to develop a “DoD way” that builds a foundation of sustainable practices that will support DoD operations. For example:

- Develop one DoD-wide Enterprise Resource Planning (ERP) system for financial transactions or, at a minimum, one per Component.
- Develop consistent DoD-level internal controls for business practices that are common across the DoD.
- Enforce accounting requirements that are already in place.
- Develop cross-functional teams to address DoD-wide issues.

117. What are some specific examples of systemic improvements that have resulted from Office of the DOD IG reviews of DOD financial management processes?

During the FY 2019 financial statement audits, several DoD Components made progress in improving their financial management. Auditors noted that the DoD and its Components improved their understanding of the business processes and financial statements, and that they were able to provide more universes of transactions for testing and better supporting documentation for transactions selected for testing. As a result, the auditors were able to expand testing of previously tested areas, test in new areas, or draw conclusions on more transactions in previously tested areas. In addition, DoD Components and leadership have started engaging key functional leaders outside the financial management community (such as acquisition, cyber, and logistics) to develop corrective actions and solutions that build a foundation of sustainable practices that will support DoD operations as well as improved financial data that can be relied on for decision making. Furthermore, while the DoD and its Components continue to experience challenges in providing accurate universes of transactions for the balances being audited, the auditors identified progress regarding universes of transactions in FY 2019. Moreover, one of the DoD's goals in FY 2019 was to ensure that access to financial systems and business systems that feed financial information was limited to only those who need it and only for the specific areas within the system that they needed to access. While the DoD did not meet (or accomplish) its goal, progress was made in this area also. In FY 2019, the auditors closed approximately 400 IT NFRs related to the design and effectiveness of financial management systems and IT controls based on corrective actions that the DoD Components took.

Section 803(a) of the NDAA for FY 2018 required the Defense Contract Audit Agency (DCAA) to secure a commercial auditor to perform its peer review effective October 1, 2022.

118. What is your view as to whether the Office of the DOD IG should continue to conduct DCAA peer reviews? Do you perceive any benefit to DOD were the Office of the DOD IG to continue to perform this function?

If confirmed, I would review and assess, along with senior leaders from the DoD OIG and the Defense Contract Audit Agency (DCAA), the impact a commercial auditor would have on performing a peer review of the DCAA. Peer reviews are generally beneficial to both organizations as they provide an opportunity to refresh knowledge, learn best practices, and identify potential pitfalls. I understand that the DoD OIG has an historical and agency-wide perspective on DoD audit oversight that benefits the DoD by the DoD OIG's continued conduct of DCAA peer reviews.

Acquisition and Contracting

In 2019, the Government Accountability Office reported that DOD contract management is still a high-risk area. Yet, over the last 15 years, the DOD IG has gone from having one auditor for every \$500 million on contract by the Department of Defense to one auditor for every \$2 billion dollars on contract.

119. Do you believe that the Office of the DOD IG has the resources it needs to conduct effective oversight of the Department's acquisition programs and contract management systems?

If confirmed, I would review the DoD IG's resources to determine whether they are sufficient to conduct oversight of the Department's acquisition programs and contract management systems.

In an effort to streamline acquisition oversight and field capabilities to the warfighter more rapidly, Congress has included numerous acquisition reforms in recent NDAs. However, the implementation of these reforms remains a work in progress.

120. What role, if any, do you believe the Office of the DOD IG can play in the Department's realization of acquisition reform?

The DoD IG can provide independent audits and evaluations of acquisition reform initiatives and support DoD senior leaders in the decision making process by supplying unbiased, objective analysis.

121. What specific challenges has the Office of the DOD IG identified with regard to the Department's ability to incorporate the flexibilities of streamlined acquisition processes while ensuring controls are in place to protect the Government's interests?

If confirmed, I look forward to identifying those systematic improvements that have resulted from DoD IG reviews and learning how to export those valuable insights throughout the Department.

DOD has often had difficulty with major defense acquisition programs that exceeded program budgets and established delivery timelines.

122. What role has the DOD IG played in assessing the program for the F-35, a supersonic, low observable stealth fighter capable of executing multirole missions?

If confirmed, I look forward to identifying what role the DoD IG has played in assessing the program for the F-35.

What major systemic concerns did the DOD IG identify with regard to the program? To what extent has DOD implemented the corrective actions recommended by the DOD IG?

If confirmed, I look forward to identifying major systemic concerns with the program and what corrective actions the DoD has taken to address them. I am aware that the DoD OIG has identified program issues related to manufacturing and production lines, quality assurance management, performance management, spare parts delivered that do not comply with contract requirements, and a lack of Joint Program Office oversight.

123. The supply chain is an essential part of DOD’s efforts to ensure readiness.

Agree.

124. What tools can the Office of the DOD IG bring to bear to deter the provision to DOD of counterfeit, defective, and nonconforming parts and to hold fraudulent suppliers accountable?

The DoD IG can bring myriad capabilities, including audits, evaluations, and criminal and civil investigations to help deter the provision of counterfeit, defective, and nonconforming parts, and to help the DoD and the Department of Justice hold suppliers accountable.

125. How would you evaluate DOD’s ability to track government property as it moves through the supply chain? What is your understanding of the harm that attaches when DOD does not know what supplies it has “on hand” and the condition of those supplies?

If confirmed, I look forward to evaluating the DoD’s ability to track government property as it moves through the supply chain. It is my understanding that the DoD has challenges tracking government property transparently through the supply chain. The harm caused by not being able to track government property and know what inventory is on hand decreases readiness, increases operational risk, and may lead to unnecessary expenditures, among other issues.

126. If confirmed to the DOD IG, what steps would you take to ensure that Army, Navy, and Air Force acquisition officials have proper oversight of smaller, acquisition category 2 and 3 programs?

If confirmed, I look forward to identifying steps the DoD IG could take to ensure that Army, Navy, and Air Force acquisition officials have proper oversight of smaller, acquisition category 2 and 3 programs.

DOD spends billions—including more than \$274 billion through the third quarter of FY 2019—on contracts for supplies, construction and sustainment of facilities, commercial items, information technology, support for military bases and contingency operations in Southwest Asia, as well as other support and services.

127. How does the DOD IG enable the DOD to hold defense contractors accountable for delivering services and products on time, to standard, and at the agreed price?

The DoD OIG enables the DoD to hold defense contractors accountable for delivering services and products on time, to standard, and at the agreed price through a whole-of-Department approach. The DoD OIG utilizes its auditors to review contracting awards, provide oversight activities, and monitor small business awards. It also uses auditors to

focus on larger weapon systems acquisitions and on sustainment contracts, delivery, and quality control. The DoD OIG leverages its whistleblower program and hotline to identify fraud, waste and abuse; the Defense Criminal Investigative Service to identify criminal violations and subjects; DoD OIG data analytics tools to parse large data sets and seek out patterns of fraud; and targeted evaluations to determine whether defense contractors are providing quality services, supplies, and weapon systems at the agreed upon costs and in a timely manner.

Externally, the DoD OIG works with other DoD Component agencies and organizations, such as the Defense Contract Audit Agency, to share resources and exchange information on contractor accountability and performance. In addition, the DoD OIG transmits the results of audits, investigations, and evaluations to DoD leadership, the DoJ, and Congress upon completion, and publishes the results on the DoD OIG website when permitted by law, regulation, and policy.

128. How does DOD IG assist the Department in holding contracting officials and contracting officer representatives accountable for their actions in making sure that contractors are delivering services and products on time, to standard, and at the agreed price?

I understand that DoD OIG oversight reports, when appropriate, contain recommendations to hold contracting officials accountable for conduct that contributed to negative findings and conclusions identified. When warranted, the DoD OIG can also conduct audits and investigations to ensure transparency and to assist the Department in holding contracting officials and contracting officer's representatives accountable.

129. In your view, are additional legislative changes needed to ensure that contracting officers have the authority they need to require contractors to disclose pricing data for sole-source parts?

If confirmed, I would work with DoD OIG senior leaders to assess current authorities and determine whether additional legislation is appropriate.

130. What is your understanding of your obligation, if confirmed, to consult with the Attorney General of the United States when an audit, investigation, or inspection under the auspices of the DOD IG yields reasonable grounds to believe there has been a violation of Federal criminal law—including procurement fraud?

Pursuant to section 4(d) of the Inspector General Act of 1978, as amended, in carrying out the duties and responsibilities established under this Act, each IG must report expeditiously to the Attorney General whenever the IG has reasonable grounds to believe there has been a violation of Federal criminal law.

Lead Inspector General for Contingency Operations

Section 8L of the *Inspector General Act of 1978*, requires the Office of the DOD IG, in coordination with the offices of the Inspectors General of the Department of State and the U.S. Agency for International Development, a joint strategic plan to conduct comprehensive, independent, and effective oversight over all aspects of any designated contingency operation and of all programs and operations of the Federal Government in support of that operation.

131. If confirmed to be the DOD IG, what would be your relationship with the Inspectors General of the Department of State and the U.S. Agency for International Development, particularly?

If confirmed, I would coordinate responsibilities and oversight activities on designated contingency operations with the IGs of the Department of State and U.S. Agency for International Development. These activities include developing interagency strategic oversight plans and the production of quarterly reports on the designated overseas contingency operations.

132. For how many designated contingency operations does the Office of the DOD IG serve as “Lead Inspector General”?

My understanding is that the DoD OIG currently serves as Lead Inspector General for six designated overseas contingency operations: Operation Inherent Resolve, Operation Freedom’s Sentinel, and Operation Pacific Eagle–Philippines, as well as two counterterrorism operations in Africa and one in the Middle East.

133. At what point in time, and under what conditions, do you envision that the Office of the DOD IG will be in a position to close out its responsibilities as “Lead Inspector General” for these contingency operations?

Pursuant to section 8L of the Inspector General Act of 1978, as amended, the DoD OIG may close out its responsibilities as Lead Inspector General for an overseas contingency operation at the end of the first fiscal year after the commencement or designation of the overseas contingency operation in which the total amount appropriated for the overseas contingency operation is less than \$100,000,000.

134. Given the proposed drawdown of U.S. troops in Afghanistan, what changes, if any, would you plan to make to the DOD IG’s oversight activities in Afghanistan, if confirmed?

If confirmed, I would review the DoD IG’s oversight activities in Afghanistan to determine the optimal DoD IG participation.

The Special Inspector General for Afghanistan Reconstruction (SIGAR) has inspector general jurisdiction over contracts for the reconstruction of Afghanistan. However, the SIGAR does not have primary jurisdiction over contracts in support of U.S. troops in Afghanistan.

135. What is your understanding of the relationship of the Office of the DOD IG to the SIGAR?

The DoD OIG and SIGAR perform similar yet complementary oversight functions in Afghanistan. Overall, the DoD OIG is the Lead IG for Operation Freedom's Sentinel, which is a train, advise, and assist and counterterrorism mission, while SIGAR has a statutory responsibility for oversight of Afghanistan reconstruction. It is incumbent upon the DoD OIG to maintain a cordial and collaborative relationship with SIGAR, which includes deconflicting oversight projects that may be duplicative and coordinating, and at times working jointly, on criminal investigations.

136. What role do you believe the Lead Inspector General for Operation Freedom's Sentinel should play in the oversight of contracts to support U.S. troops in Afghanistan?

I believe that the Lead IG's role should be to provide the necessary oversight required to detect and deter fraud, waste, and abuse, and to promote economy and efficiency in associated programs.

137. Do you believe that a significant on-the-ground presence by the SIGAR and/or the Lead Inspector General for Operation's Freedom Sentinel is necessary to execute meaningful oversight—either of the expenditure of funds appropriated for the reconstruction of Afghanistan or the oversight of contracts to support U.S. troops there?

If confirmed, I look forward to reviewing the DoD IG's on-the-ground presence for Operation Freedom's Sentinel.

138. When more than one Inspector General asserts jurisdiction over a particular funding source or contract—what mechanisms are in place to ensure appropriate oversight of that matter without forfeiting efficiency and economy of IG operations?

Pursuant to section 8L(b)(2) and (d)(2)(D)(ii) of the Inspector General Act of 1978, as amended, the Lead IG for an overseas contingency operation may determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter. Should conflict not resolve at this level, section 8L(b)(2) provides for the CIGIE Chairperson to resolve conflicts of jurisdiction and with authority to assign joint or individual assignments to ensure effective oversight.

Department of Defense Security Assistance

A key element of the strategic competition with Russia and China is the security assistance provided by the Department of Defense to the security forces of allies and

partners. This assistance has been critical in helping these countries defend their sovereignty and territorial integrity.

139. If confirmed as DOD IG, how would you ensure that DOD security assistance, including capacity building under the “Section 333” authority and the Ukraine Security Assistance Initiative, is executed in a reliable and timely manner consistent with U.S. national security interests?

If confirmed, I would conduct audits, inspections, and evaluations as necessary and, if so required, ensure that DoD security assistance—including capacity building under the “Section 333” authority and the Ukraine Security Assistance Initiative—is executed pursuant to law, regulation, and policy.

Impoundment Control Act of 1974

The Impoundment Control Act of 1974 establishes requirements for transmitting information to Congress in the event the President determines to rescind or reserve all or part of any budget authority.

140. If confirmed as DoD IG, what specific actions will you take to ensure that DOD complies with the Impoundment Control Act?

If confirmed, I would work with DoD and DoD OIG senior leaders to identify funding that appears to be subject to the Impoundment Control Act. Once identified, I would make the necessary recommendations to ensure DoD compliance with Impoundment Control Act requirements.

The Defense Criminal Investigative Service (DCIS) and the Military Criminal Investigative Organizations (MCIOs)

The DCIS conducts criminal investigations of matters related to DOD programs and operations. Over time, the DOD IG has sought and obtained increased authority to issue subpoenas and for DCIS Special Agents carry weapons and make arrests.

141. Do you believe that the authorities of the Office of the DOD IG and the DCIS are adequate in these areas, or would you recommend further changes in the law?

If confirmed, I would review this issue with DoD OIG senior leaders to determine whether any changes are necessary to DCIS authorities and make recommendations accordingly.

142. How do you view the division of responsibility and authority between the DOD IG and the Under Secretary of Defense for Intelligence & Security with regard to law enforcement and security policy?

If confirmed, I would review this matter in detail. It is my understanding that personnel from both offices work together and communicate regularly to ensure that all aspects of both DoD law enforcement and criminal investigations are robustly addressed by adequate DoD policy and law enforcement officer and criminal investigator training requirements. Furthermore, the DoD IG performs regular oversight of the law enforcement missions to ensure that those organizations comply with policy and recommend changes to policy as appropriate.

143. How do you view the division of responsibility and authority between the DOD IG and the Secretaries of the military departments for oversight of their respective MCIOs?

The MCIOs report directly to the Secretaries of the Military Departments. The DoD OIG performs independent and unbiased oversight of the MCIOs irrespective of any oversight that may be conducted by the Military Departments. The DoD OIG is also responsible for the promulgation of 17 DoD law enforcement and criminal investigative policies and for ensuring MCIO compliance with the standards set forth in those policies.

In accordance with section 8(c)(5) of the *Inspector General Act of 1978*, the Office of the DOD IG has established overarching standards for MCIO investigations of adult sexual assaults. In its *4th Annual Report*, dated March 2020, the Defense Advisory Committee on the Investigation, Prosecution, and Defense of Sexual Assault in the Department of Defense (DAC-IPAD) affirmed concerns that MCIO investigators lack necessary discretion with respect to the conduct of sexual assault allegations in the military. “Investigators are taking specific investigative steps not because they believe that the actions are warranted by the facts; instead, they are following a standard checklist and feel that they are required to do so.”

144. If confirmed, how would you balance the imperative that MCIOs conduct rigorous investigations of sexual assault allegations with the DAC-IPAD recommendation that MCIO investigators exercise discretion to tailor the scope of any such investigation to the facts of that case, including the ability to close investigations in a timely and appropriate fashion?

If confirmed, I would work with DoD OIG and MCIO senior leaders to review the DAC-IPAD recommendation and determine the impact it would have on sexual assault investigations conducted by the MCIOs.

145. What more would you do, if confirmed, to ensure that MCIO Special Agents assigned to respond to and investigate allegations of sexual assault have received all requisite specialized training?

If confirmed, I would assign DoD OIG personnel to audit, inspect, and/or evaluate the training courses required to qualify MCIO Special Agents to investigate sexual assaults, individual investigator training records, related training programs, additional continuing

education requirements, and the compliance system used to manage the training requirements.

146. What more can be done, in your view, to stamp out retaliation against those who come forward as victims of or witnesses to, a sexual assault?

Public accountability for substantiated claims against sexual assault offenders is a primary method to reduce retaliation against individuals who may come forward with an assault complaint or as a witness. When accountability fails, it harms the credibility of the investigative agency as well as the investigative process. In addition, it further harms the victim while simultaneously empowering the offender. This paradigm is unacceptable.

If confirmed, I would work with my MCIO and Component IG partners to achieve a goal of zero incidents of retaliation. I would also communicate and collaborate with DoJ subject matter experts and other IGs to determine whether there are other valuable lessons, practices, and/or policies that may apply. I will work with the dedicated unit in the Defense Department's Office of Inspector General that directly handles complaints of retaliation against military members who report sexual assault. Finally, I would aggressively investigate credible allegations of reprisal against military service members who report a sexual assault, ensuring that such investigations are both timely and objective.

147. What is the relationship of the Office of the DOD IG with the National Guard Bureau's Office of Complex Investigations?

If confirmed, I would ensure that the DoD IG maintains a strong relationship with the National Guard Bureau's Office of Complex Investigations and improve the relationship, if so required.

Oversight of the Military Health System (MHS)

The MHS is a global, comprehensive, integrated health care system that includes a health care delivery system, combat medical services, public health activities, medical education and training, and medical research and development. The MHS provides medical care to more than 9.6 million service members, retirees, and their eligible family members. It includes direct care provided at military medical treatment facilities by military, civilian, and contracted providers, and purchased care provided at commercial locations through the TRICARE health plan. The DOD FY 2021 Budget Request contained a total request of \$50.4 billion for the Defense Health Program.

148. If confirmed, on which specific issues would you expect to coordinate with the Under Secretary of Defense for Personnel & Readiness regarding oversight of the MHS?

It is my understanding that, on October 1, 2019, the DoD transferred responsibility for all military medical treatment facilities in the continental United States to the Defense Health Agency. This major change likely brings improvements and challenges. If confirmed, I would learn more about the DoD OIG MHS oversight coverage and engage with the Under Secretary of Defense for Personnel and Readiness regarding oversight of important health care priorities.

The FY 2020 NDAA established an administrative process by which DOD could pay a claim for the personal injury or death of a service member that was caused by the medical malpractice of a DOD health care provider.

149. What are your views as to the role the DOD IG should play in improving visibility into and objective assessments of the quality of care provided through the MHS?

If confirmed, I would review the role that the DoD IG should play in improving visibility into and objective assessments of the quality of care provided through the MHS.

150. Do you believe the DOD IG currently has the resources and expertise to play a more prominent role in assessing the performance of DOD health care providers—in both military medical treatment facilities and the TRICARE purchased care system?

If confirmed, I would work with Congress and DoD leadership to ensure that the DoD OIG has the resources necessary to conduct effective oversight of the Department's military health system. Resourcing and sustained oversight of the military health system are vital components of readiness.

151. What role is the DOD IG playing in regard to DOD's implementation of the electronic health records system? What role is it playing in regard to evaluating the integration of the electronic health records systems of DOD and the Department of Veterans Affairs?

According to the DoD OIG's list of announced projects, the DoD OIG has an ongoing joint audit with the Department of Veterans Affairs OIG concerning the interoperability of DoD and VA electronic health record systems. The audit objective is to determine the extent to which the actions taken by the DoD and VA in acquiring and implementing a common, commercial electronic health record system and supporting architecture will achieve interoperability among the Departments and with external health care providers. The joint audit was announced February 24, 2020. If confirmed, I look forward to learning more about this issue.

DOD must continue to implement proactive controls to contain health care costs and fight health care fraud—all with a view to maximizing the funding available to treat beneficiaries.

152. What is your understanding of the role of the Office of the DOD IG in identifying and preventing health care fraud against DOD?

The mission of the DoD OIG includes detecting and deterring fraud, waste, and abuse in DoD programs and operations, including the approximately \$50 billion that the DoD spends annually on health care. The DoD OIG accomplishes this mission through audits, evaluations, and criminal investigations. Health care costs in the United States have grown dramatically, and MHS costs have been no exception. Fraud is a leading contributor to increasing health care costs, and health care fraud cases are the largest source of referrals to DCIS, and account for a significant number of DCIS arrests, civil settlements, and monetary recoveries.

In a September 2019 audit report, the Office of the DOD IG identified that Defense Health Agency and military medical treatment facilities did not properly manage the Third-Party Collection Program. DOD failed to collect \$70.7 million of \$86.9 million in delinquent medical claims due from third-party insurers.

153. If confirmed, what role would you establish for the Office of the DOD IG in providing oversight of the Third-Party Collection Program?

If confirmed, I would work with DoD OIG leadership to ensure continued attention and focus is directed at improving the Third Party Collection Program. In September 2019, the DoD OIG issued the “Audit of the DoD’s Management of the Third Party Collection Program for Medical Claims,” which included more than 70 recommendations to the Defense Health Agency and Military Departments to mitigate risks and improve the Third Party Collection Program.

154. In your view, do the Defense Health Agency and military medical treatment facilities have the requisite “in-house” analytic tools, as well as personnel with the training and experience to monitor and take corrective action in high risk areas, such as preventing improper payments and collecting delinquent debt related to DOD-provided healthcare services?

If confirmed, I would review resources and make recommendations regarding the adequacy of Defense Health Agency and military medical treatment facilities “in-house” analytic tools, as well as personnel with the training and experience to monitor and take corrective action in high-risk areas.

Military Housing Privatization Initiative (MHPI)

In the FY 1996 NDAA, Congress established the MHPI, providing DOD with the authority to obtain private-sector financing and management to repair, renovate, construct, and operate military housing. DOD has since privatized 99 percent of its domestic housing. In 2019, the Senate Armed Services Committee held three hearings to address concerns voiced by military families living in privatized housing that the program had been grossly mismanaged by certain private partners; that military and chain of

command oversight were non-existent; and that in speaking out about the appalling condition of the quarters in which they lived, they were opening themselves and their military sponsors to reprisal.

155. What has been the role of the Office of the DOD IG and the military department Inspectors General in addressing service member and family concerns regarding untenable living conditions prevalent in certain privatized housing locales?

My understanding is that, since 2010, the DoD OIG has provided Department leaders unbiased audits and evaluations of both privatized and government-owned military housing concerns. Additionally, the Government Accountability Office drafted a comprehensive report that found numerous deficiencies in the program. If confirmed, I look forward to prioritizing military housing as a key enterprise effort so that the DoD IG can help ensure our service members and their families are provided appropriate, safe, and healthy housing and responsive installation support, and help the Department hold accountable those who fail to do so.

156. If confirmed, specifically what would you do to assess the progress being made by DOD and the military departments in reestablishing oversight of, and accountability for the MHPI program as it affects their service members and military families?

If confirmed, I would assess the progress being made by the DoD and the Military Departments in reestablishing oversight of, and accountability for, the MHPI program. I would conduct inspections, audits, and evaluations of the DoD and Military Departments' oversight and accountability, to include reviews required by the FY 2020 NDAA of the MHPI program. I would also proactively engage in outreach activities to establish ground truth. I would assess the DoD OIG's actions related to housing oversight and determine whether additional resourcing is required.

157. If confirmed, specifically what tools would you recommend the Office of the DOD IG or the military department Inspectors General bring to bear to ensure the accountability of MHPI "contractors" for strict adherence to the terms of their "partnership agreements" with the military services?

If confirmed, I would consider initiating additional inspections of privatized housing projects to inform new audits. Based on the results of those audits, I would explore whether the DoD IG could work with the Department of Justice Civil Division to seek civil remedies on behalf of the DoD and judicial orders to compel privatized housing project companies to remediate substandard housing. When warranted, the DoD OIG could open criminal investigations and seek prosecution based on the evidence it may collect.

Intelligence

158. What is your understanding of the role of the DOD IG in ensuring that intelligence and other sensitive activities within DOD are conducted in accordance with standards of legality and propriety?

Under the Inspector General Act of 1978, as amended, the DoD OIG is granted the ability to audit and investigate DoD programs and operations for fraud, waste, and abuse, as well as economy and efficiency. This includes the DoD Intelligence Community. DoD Directive 5106.01 includes the responsibility to audit, evaluate, monitor, and review the programs, policies, procedures, and functions of the DoD Intelligence Community to ensure that intelligence resources are properly managed.

It is my understanding that the DoD IG, through the Assistant Inspector General for Space, Intelligence, Engineering, and Oversight, has primary responsibility for oversight of DoD intelligence activities and its Components, including but not limited to, the National Security Agency/Central Security Service (NSA/CSS), the Defense Intelligence Agency (DIA), the Military Department intelligence and counterintelligence activities, and other intelligence and counterintelligence organizations, staffs, and offices, or elements thereof, when used for foreign intelligence or counterintelligence purposes. Other organizations and components under the DoD IG's oversight include the Office of the Under Secretary of Defense for Intelligence and Security (USD[I&S]), the National Reconnaissance Office (NRO), the National Geospatial-Intelligence Agency (NGA), and the Defense Counterintelligence and Security Agency (DCSA).

The DoD IG performs an oversight and coordination role through the Defense Intelligence and Special Programs Oversight Committee (DISPOC). The DISPOC is a DoD working group chaired by the Assistant Inspector General for Space, Intelligence, Engineering, and Oversight and includes representatives from the Service audit agencies, Military Department IGs, and the IGs of the Defense intelligence agencies. The primary goal of the DISPOC is to avoid duplication of effort and enhance coordination and cooperation among IGs and Auditors General inside the DoD, and promote information-sharing among IGs whose functions include audits, inspections, evaluations, or investigations of their respective departments and agencies.

159. If confirmed, in which areas of DOD IG responsibility would you expect to coordinate with the Special Assistant to the Secretary of Defense for Intelligence Oversight?

DoD Directive 5106.01 requires the DoD OIG to audit, evaluate, monitor, and review the programs, policies, procedures, and functions of the DoD Intelligence Components to ensure that intelligence resources, including those funded through the National Intelligence Program, are properly managed. DoD Directive 5016.01 further states that "such actions shall be coordinated, as appropriate, with the Assistant to the Secretary of Defense for Intelligence Oversight to determine respective areas of responsibility, in accordance with DoD Directive 5148.11." The Assistant to the Secretary of Defense for Intelligence Oversight, who is the DoD Senior Intelligence Oversight Official (SIOO), is

also a member of the DISPOC, which provides further coordination and information sharing opportunities.

DoD Directive 5148.13 also advises that the SIOO monitors administrative investigations and inspections conducted by the DoD Components related to intelligence and intelligence-related activities, evaluates the findings, and, if appropriate, recommends corrective action to the Secretary and Deputy Secretary of Defense and the DoD Component Head concerned. According to DoD Directive 5148.13, the SIOO also serves as the lead DoD official for all matters associated with the Intelligence Oversight Board (IOB) of the President's Intelligence Advisory Board. I would ensure that the SIOO is notified of allegations of misconduct involving senior officials so that they may be reported to the IOB.

Cyber

The Office of the DOD IG has consistently reported on problems the DOD has in protecting its cyber systems, networks, and data.

160. If confirmed to be the DOD IG, what would be your plan for assessing and reporting on the adequacy and effectiveness of cybersecurity controls and processes being implemented by DOD Intelligence Community agencies to protect classified enclaves from insider and external threats?

If confirmed, I would review and assess the reporting and effectiveness of DoD OIG leadership's efforts to assess cybersecurity controls and processes being implemented by DoD Intelligence Community agencies to protect classified enclaves from insider and external threats and determine whether DoD IG resourcing is adequate for the task at hand.

161. If confirmed to be the DOD IG, what would be your plan for reviewing and reporting on efforts by the military departments to mitigate cybersecurity vulnerabilities associated with major defense acquisition programs?

If confirmed, I would review and assess Military Department efforts to mitigate cybersecurity vulnerabilities associated with major defense acquisition programs and determine whether DoD IG resourcing is adequate for the task at hand.

162. If confirmed to be the DOD IG, what role would you envision for the Office of the DOD IG in reviewing and reporting on military medical treatment facility implementation of cybersecurity controls over medical devices connected to the DOD Information Network?

If confirmed, I would review and assess military medical treatment facility implementation of cybersecurity controls over medical devices connected to the DoD Information Network.

General Counsel to the DOD IG

163. What is your understanding of the history and purpose of section 907 of the NDAA for FY 2009, regarding the position of General Counsel to the DOD IG?

I am familiar with and fully support the statutory requirement for the DoD IG to receive independent legal advice. Section 907 provided for a General Counsel to the DoD IG who would serve at the discretion of the IG, report exclusively to the IG, and be independent of the DoD Office of General Counsel.

164. What is your understanding of the role played by the General Counsel to the DOD IG with regard to completed investigations?

With regard to administrative investigations, it is my understanding that attorneys in the DoD OIG Office of General Counsel (OGC) perform legal sufficiency reviews of senior official and reprisal reports of investigation before the reports are submitted to the DoD IG or Deputy Inspector General for Administrative Investigations (DIG AI), as appropriate, for final approval. When reviewing administrative investigations to ensure they are legally sufficient, OGC attorneys determine whether the relevant legal or regulatory standards are identified and applied; evidence of record appears complete, credible, and supports the findings of fact by the appropriate standard of proof; findings of fact support the conclusions reached; and the report is generally understandable.

165. If confirmed, how would you address differences of opinion between the DOD IG General Counsel and a DOD IG investigative team as to findings of fact and the appropriate weight to be given such facts in a completed investigation?

To the extent that there are differences of opinions between senior leaders, I would give them each the opportunity to express their points of views and to consult with other OIG senior leaders and peers on similar fact patterns with the goal of ensuring full and fair findings and recommendations. When necessary to address unresolved differences, I, as the DoD IG, would determine the facts and the weight they should be given in an OIG investigative report.

166. If confirmed as the DOD IG, what manner of relationship would you expect the General Counsel to the DOD IG to maintain with the General Counsel of the DOD, who by law serves as the Department's Chief Legal Officer?

If confirmed, I would expect all of my senior leaders, including my General Counsel, to have cordial, professional, and collegial relations with their peers in the Department. However, that relationship would never and could never interfere with the independence of the DoD OIG.

167. What is your understanding of the authority of the DOD IG to access for official purposes, records of the Department of Defense that may be protected by an institutional attorney-client privilege?

Under section 6(a)(1)(A) and (a)(1)(B) of the Inspector General Act of 1978, as amended, OIGs are entitled “to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to the programs and operations with respect to which that Inspector General has responsibilities under this Act; to have access under subparagraph (A) notwithstanding any other provision of law, except pursuant to any provision of law enacted by Congress that expressly—(i) refers to the Inspector General; and (ii) limits the right of access of the Inspector General.”

DoD Directive 5106.01 expressly delegates authority to the DoD IG to “[a]ccess all records (electronic or otherwise), reports, investigations, audits, reviews, documents, papers, recommendations, or other information or material available to any DoD Component. The Directive also provides that, “[e]xcept as specifically denied in writing by the Secretary of Defense, pursuant to the authority contained in section 8 of Reference (c) and subparagraph 6.a.(1), no officer, employee, or Service member of any DoD Component may deny the IG DoD, or officials assigned by the IG DoD, access to information, or prevent them from conducting an audit, investigation, evaluation, or inspection.”

Furthermore, the DoD OIG is a component of the DoD and, as such, operates within the DoD’s institutional attorney-client privilege. As such, records that may be protected by an institutional attorney-client privilege may be provided to the DoD OIG under Section 6(a) of the Inspector General Act of 1978, as amended, without effecting a waiver of such privilege.

Provided the aforementioned, if I am confirmed and, should the DoD or a DoD Component have concerns regarding institutional attorney-client privilege, I would work with the appropriate DoD or DoD Component senior leader to resolve those concerns.

168. What is your view of the authority of the DOD IG to access for official purposes—including for purposes of responding to a congressional request—records of the Department of Defense that may be protected by executive privilege?

As previously stated, both section 6 of the Inspector General Act of 1978, as amended, and DoD Directive 5106.01 grant the DoD IG authority to access all agency records. The only statutory exception is if the Secretary of Defense restricts access when necessary to preserve the national security interests of the United States. In this rare circumstance, the IG and the Secretary must each notify Congress within 30 days.

As the DoD OIG is a member of both the DoD and of the Executive Branch, I do not see a claim of executive privilege restricting access to agency records for the DoD OIG’s statutorily authorized work.

Civilian Senior Executives

If confirmed to be the DOD IG, you would be in a position to select applicants for appointment to positions in the Senior Executive Service (SES) in the Office of the DOD IG.

169. Given that competent and caring leadership is one of the most reliable guarantors of a high-performing civilian workforce, if confirmed, what factors and characteristics would be most important to you in selecting a candidate for appointment to the SES?

If confirmed, I would carefully consider a number of factors and characteristics when selecting candidates for senior leadership positions within the DoD OIG. In addition to possessing the required experience, skills, and abilities, fellow leaders should possess integrity, be honest, and work collegially. Before deciding on any one candidate, I would carefully consider their demonstrated ability to build teams, bring out the best in those around them, and develop talent in others. A diverse, compassionate, and accountable leadership team will be critical to the overall success of the DoD OIG's workforce and the oversight work they undertake. If confirmed, I would prioritize effective leadership within the DoD OIG.

170. If confirmed, how would you go about ensuring that SES under your authority are held accountable for both organizational performance and the rigorous performance management of their subordinate employees?

If confirmed, I would ensure that the SES members under my authority are held accountable in many ways, including personal observation; timely, thorough, and accurate performance appraisals; appropriate and timely feedback and counseling; input from other members of the leadership team; and routine climate surveys. If an SES member fails to perform according to well-established and required standards, or to meet expectations, I would consider all available remedies in accordance with applicable DoD and OPM guidance and law.

Sexual Harassment

In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by "someone at work" in the 12 months prior to completing the survey.

171. If confirmed, what specific actions would you take were you to receive or otherwise become aware of a complaint of sexual harassment or discrimination from an employee of the DOD IG?

If confirmed, I would seek to establish a workplace free from sexual harassment and discrimination. In the event that an allegation of sexual harassment or discrimination is brought to my attention, I would first ensure that the employee is safe and has access to personnel and support services for assistance. Then, I would follow established DoD and DoD OIG policy.

Congressional Oversight

In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

172. Do you agree, without qualification, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress? Please answer yes or no.

Yes, in accordance with applicable laws and long-standing Department and Executive Branch practice.

173. Do you agree, without qualification, if confirmed, to provide this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so in a timely manner? Please answer yes or no.

Yes, in accordance with applicable laws and long-standing Department and Executive Branch practice.

174. Do you agree, without qualification, if confirmed, to consult with this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer yes or no.

Yes, in accordance with applicable laws and long-standing Department and Executive Branch practice.

175. Do you agree, without qualification, if confirmed, to keep this committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer yes or no.

Yes, in accordance with applicable laws and long-standing Department and Executive Branch practice.

176. Do you agree, without qualification, if confirmed, and on request, to provide this committee and its subcommittees with records and other information within

their oversight jurisdiction, even absent a formal Committee request? Please answer yes or no.

Yes, in accordance with applicable laws and long-standing Department and Executive Branch practice.

177. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this committee? Please answer yes or no.

Yes, in accordance with applicable laws and long-standing Department and Executive Branch practice.

178. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this committee, its subcommittees, and any other appropriate committee of Congress? Please answer yes or no.

Yes, I agree to protect DoD personnel from unlawful retaliation.