

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-Hearing Questionnaire
For the Nomination of Emily Murphy to be
Administrator, General Services Administration**

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to be the next Administrator of the General Services Administration (GSA)?
No.
2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.
No.
3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Administrator? If so, what are they, and to whom were the commitments made?
No.
4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.
No.

II. Background of the Nominee

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

I first began working on federal procurement issues in 1997, as staff to the Small Business Committee of the U.S. House of Representatives. In the intervening 20 years, I've continued working on acquisition issues from a variety of perspectives: as an attorney practicing government contracts law, as an appointee at the Small Business Administration and the GSA, in house with a start up company pursuing federal contracts, and as a professional staff member/counsel for four full Committee chairmen and numerous Subcommittee Chairmen. This has allowed me the opportunity to understand the perspectives of GSA's customer agencies, vendors, and oversight community. Together with my past experience implementing reforms within GSA and my commitment to good stewardship of taxpayer resources, I believe my background provides a solid foundation to serve as GSA Administrator.

6. Based on the answers provided in your biographical questionnaire, it appears that you worked for both the Small Business Administration and GSA at the same time between 2005 and 2007. Is that correct? If so, please explain. If not, please clarify your response.

I served at the Small Business Administration (SBA) from January 2004 until February 2005, and served at GSA from February 2005 until February 2007. I was never employed simultaneously by SBA and GSA.

7. Please describe:

- a. Your current and any previous positions at the General Services Administration including your title, responsibilities, key projects, and reporting structure.**

Since April of this year, I have been serving as a Senior Advisor to the Acting Administrator at GSA. In this role, I report directly to Tim Horne, the Acting Administrator. I research topics relevant to GSA in order to provide Mr. Horne with insights. These are normally acquisition related issues, such as the merger of the Federal Acquisition Service and the Technology Transformation Service, the implementation of the transactional data rule, or opportunities to improve how GSA facilitates purchases of technology.

From January 24, 2017 until April, I served as the White House Liaison at GSA. In this role, I reported to then-Senior White House Advisor, Jack St. John. I researched topics for Mr. St. John and Acting Administrator Horne in order to provide them with insights, primarily on acquisition issues.

From February 2005 until February 2007, I served as the Chief Acquisition Officer at GSA. In that role, I reported to the Chief of Staff and the Administrator. As the Chief Acquisition Officer, I led GSA's response to combined GSA and Department of Defense audits regarding use of funds and compliance with procurement rules. I also worked on updating GSA's internal acquisition regulations to better address the procurement of services, instituted a procurement management review process to preemptively identify problems with contracting, and administered to acquisition workforce training fund to increase the amount of professional development available to contract specialists.

- b. Your leadership and management style.**

I strive to lead with integrity, creativity, and fairness, valuing my colleagues and their expertise, especially when they can offer differing perspectives that help us reach a better decision or plot a better course of action. Problems should be brought to light quickly so they can be addressed promptly. In order to create an environment where employees speak up, I try to foster a culture that promotes frank and open dialogue. I manage in a collaborative fashion that sets priorities and direction, empowers employees, and sets clear performance standards, but understand that if confirmed I will ultimately be accountable to this Committee, Congress, and the taxpayers for the decisions reached.

- c. Your experience managing personnel.**

The first individuals I managed were volunteers in college, where I helped organize a local girl scout troop, and where I also managed shifts at a coffee shop on campus that raised money to support the school's volunteer activities. Since then, I've managed approximately 140 employees at SBA, who were dispersed over seven different offices. As the Chief Acquisition Officer at GSA, I was responsible for about 100 employees nationwide, in addition to several groups detailed to my office, and worked to improve the career path, credentialing process, and educational opportunities for all members of the acquisition workforce at the agency. TerreStar, being a start up, did not have many employees, but I did manage several contractors. Most recently, as the Policy Director for the the Small Business Committee, I managed the individuals on the policy team.

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

The largest number of people who have worked under me is 140.

8. Please describe:

a. The circumstances of your departure from TerreStar National Services/TerreStar Networks.

In 2011, Congressman Sam Graves became Chairman of the House Small Business Committee and was looking for someone to work on government contracting issues. A former chief counsel for the Committee recommended me, and after the normal interview process, they offered me a job as senior counsel to the Committee. At that point, I tendered my resignation to TerreStar and returned to the Hill.

b. The circumstances of TerreStar National Services/TerreStar Networks bankruptcy and your role in that process.

TerreStar Corporation was the parent company of TerreStar Networks, which was in turn the parent company of TerreStar National Services. TerreStar Corporation filed for bankruptcy in October of 2010. I had no role in TerreStar Corporation's decision to file for bankruptcy. As TerreStar National Services had no ownership interest in the assets of either parent company - the spectrum license, the satellites, and the intellectual property - I had no responsibilities in the bankruptcy process, and was only provided publicly available information throughout the proceedings.

9. Based on the answers provided in your biographical questionnaire, it appears that you were self-employed as the President of Government Procurement Services during your time at Terrestar National Services between 2008 and 2011. Is this correct? If not, please clarify your response. If so, please describe the nature of your work at Government Procurement Services LLC.

This is correct. While I was with TerreStar, it permitted its employees to engage in outside consulting as long as there was not a conflict of interest with the company. My direct supervisor

therefore encouraged me to form a LLC, which I did in 2008 and which I allowed to lapse when I returned to government in 2011. The LLC was never very active, but provided a context for me to consult with a small number of companies exploring the federal marketplace. Most often, this meant performing market research to help them understand the addressable marketplace, and which agencies were most likely to be interested in their services. In one case, I helped a company improve its subcontracting plan. In another case, I helped a company improve its control processes. The LLC never provided substantial income, and did not interfere with my work for TerreStar.

III. Role of the Administrator - GSA

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

As someone who has spent most of my career working for Congress, I believe it is GSA's mission to fulfill the charge Congress gave it in 1949 - to "provide for the Government an economical and efficient system for (a) the procurement and supply of personal property and nonpersonal services . . . ; (b) the utilization of available property; [and] (c) the disposal of surplus property." While I understand that Congress has amended this list over the years, I consider it GSA's core mission to facilitate the missions of other agencies by carrying out the functions enumerated by Congress in a way that demonstrates good stewardship of taxpayer money. In 2017, I believe that means more efficiently providing contracts, buildings, technology, and other mission support services in an efficient and effective manner. If confirmed, it would be my responsibility to hold GSA to this mission and provide it with goals and strategies to advance its support for other agencies and taxpayers.

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

If confirmed, I anticipate that my greatest challenge will be improving federal real property management, which has been identified by the Government Accountability Office (GAO) as part of its High Risk list. Specifically, this includes improving the management of real property by disposing of unused or underutilized property, ensuring that there is the appropriate balance between owned and rented space, appropriately protecting federal real property, and improving the data on federal real property holdings. Further, the GSA Inspector General has identified 14 management challenges. While I believe GSA is making progress on these, work remains to be done.

If confirmed, my top priority would be to provide ethical and effective leadership to the agency's more than 11,000 employees. I would do so by addressing the challenges listed above, but also by focusing on three key principles;

- 1) Reduce duplication. While progress has been made since I was last at GSA, GSA still has opportunities to reduce duplication in its mission support services. Further, where

appropriate, it can help other agencies also reduce duplication by facilitating the adoption of shared services.

- 2) Increase competition. There are opportunities for GSA to increase competition at the award level and at the contract level, both for its own internal contracts and on the contracts used by other agencies. Improvements to GSA's own systems should make it less burdensome for agencies and vendors alike to work with GSA, which in turn should reduce barriers to competition.
- 3) Improve transparency. Taxpayers need to have confidence that GSA always puts their interests first, and to do so GSA should improve the quality, security and accessibility of its data, while helping other agencies do the same.

12. In your opinion, is GSA currently fulfilling its responsibility to provide the "best value in real estate, acquisition, and technology services" to the government? Please explain.

I believe that the employees of GSA are striving to provide best value in real estate, acquisition, and technology, but that there are still opportunities to improve. If confirmed, it would be my responsibility to work with this Committee to pursue those opportunities. For example, the use of blockchain, cloud and software/systems as a service, rather than reliance on legacy IT systems, should allow GSA to better fulfill its responsibilities to taxpayers and other agencies.

IV. Policy Questions

Real Property

13. Congress has encouraged the federal government to dispose of vacant and underutilized space as well as consolidate space. In December 2016, the Federal Assets Sale and Transfer Act (P.L. 114-578) was signed into law, which establishes a Public Buildings Reform Board to identify and sell no less than five excess high-value real property assets for a combined value of \$500 million.

- a. **What steps will you take as Administrator to ensure the full implementation of this legislation?**

If confirmed, I am committed to ensuring the success of the FAST Act. The legislation has given the Federal Government an opportunity to improve its management of real property and identify savings for the American taxpayer by incentivizing the more effective use of real property. This effort will also address some of the issues on the GAO High Risk list. GSA has already begun outreach to other Executive branch agencies and collected real property data to enable the Public Buildings Reform Board to make smart real estate decisions.

- b. **In addition to implementing the federal real property reforms enacted during the 114th Congress, what, if any, reforms would you suggest to reduce the federal government's real property footprint?**

If confirmed, I would work with this Committee, the Senate Committee on Environment and Public Works, the House Committee on Oversight and Government Reform, the House Committee on Transportation and Infrastructure and both Committees on Appropriations to reduce the Federal Government's real property footprint. It is my understanding that over 100 million square feet of GSA leases will expire in the next five years. This creates an opportunity to collaborate with Congress and agencies to consolidate operations, but it will require frank discussions about agency requirements. Likewise, if confirmed, I would explore opportunities to use these expiring leases to save taxpayer money, either by reducing reliance on short term leases or by analyzing opportunities for ground lease leasebacks or discounted purchase options.

- c. **What, if any, reforms would you suggest to expedite the process for disposing of excess, underutilized, or surplus real property?**

If confirmed, I would work with this Committee and Congress to improve the disposal process. The first round of disposals under the FAST Act should provide insights into additional opportunities to improve the process, but I also believe that the option to have short-term leasebacks could expedite the disposal process.

14. **The Government Accountability Office (GAO) has included federal real property management on its High Risk list each year since 2003. GSA is the primary agency responsible for improving this high risk area.**

- a. **What steps will you take as Administrator to remove federal real property management from GAO's High Risk list?**

I am committed to working with GAO and relevant Executive branch agencies to address the GAO recommendations, with the goal of removing real property from the High Risk list.

15. **GAO has reported extensively that GSA's database of agencies' inventories of real property assets, the Federal Real Property Profile (FRPP), is inaccurate and unreliable due to inconsistent reporting by agencies.**

- a. **What steps will you take to improve the accuracy of the FRPP so that it can be a useful tool to assist in disposing of excess, underutilized, or surplus real property?**

I am committed to continuing the work of GSA to improve the quality of data in the FRPP through enhanced data validation processes and working with the Federal Real Property Council to improved data definitions so that agencies can have greater clarity when ~~to provide greater clarity for agencies~~ submitting data to the FRPP. Additionally, I will work with my agency colleagues to make even more FRPP data accessible to the public.

16. **What concrete steps will you take during your tenure to reduce agency reliance on leases in cases where government ownership would be more cost-effective over the long term?**

I firmly agree that it is often in the best interest of the Federal Government to reduce agency reliance on real property leases. If confirmed, I see my role as an advocate for federal real property and will work with Congress to secure access to the funding necessary to repair, maintain, and appropriately manage the federal real property portfolio.

17. In July 2017, GSA announced its decision to cancel plans to exchange the current Federal Bureau of Investigations (FBI) headquarters, which sits on a square city block of prime real estate in downtown Washington, D.C., for the construction of a new headquarters in suburban Maryland or Virginia. GSA's statement read in part that "[t]he cancellation of the project does not lessen the need for a new FBI headquarters ... GSA and FBI will continue to work together to address the space requirements of the FBI."

a. If confirmed, will you commit to working expeditiously with FBI officials to secure a new headquarters for the FBI and in the meantime facilitate acquisitions to support the agency's critical needs in its current location?

Yes.

b. If confirmed, will you commit to promptly informing Committee Members and staff of significant developments, delays or needs in support of securing the FBI's new headquarters and maintaining the FBI's existing infrastructure?

Yes.

18. On March 23, 2017, GSA determined that Trump Old Post Office LLC is in "full compliance" with its lease with GSA for the Old Post Office property in Washington, D.C., and that "the Lease is valid and in full force and effect."

a. Did you have any role in this determination? Please explain.

No. This determination was made by the career contracting officer.

b. If confirmed as Administrator, how will you handle this specific lease?

I will handle this lease like all other GSA leases.

As with all other GSA leases, I will ensure that GSA fosters an environment that allows the career professionals at GSA to perform their work free of outside interference, political or otherwise.

19. During the Obama Administration, GSA and the Department of Homeland Security (DHS) undertook a large scale construction project at the St. Elizabeth's campus in Washington, D.C., which, in 2013, was estimated to cost \$4.5 billion and be completed by 2026. The initial plan was for the project to be completed as early as 2014 and cost less than \$3 billion. The project would consolidate DHS operations at a single, secure location. GAO in a September 2014 report concluded that GSA and DHS had not followed relevant GSA guidance and leading practices when developing cost and

schedule estimates for the St. Elizabeth's project. For example, GAO found that a life-cycle cost analysis, including the cost of operations and maintenance, was not factored into the estimates and that an independent cost estimate was not conducted. GAO recommended that GSA and DHS revise the DHS headquarters plans to reflect leading practices for capital decision making and reliable cost and schedule estimates. That recommendation remains open.

- a. If confirmed, what steps will you take as GSA Administrator to implement all recommendations made by GAO in its September 2014 report with regard to the St. Elizabeth's consolidation project?

If confirmed, I will be committed to implementing the GAO recommendations with respect to GSA activities.

Personal Property

20. GAO and multiple Inspectors General have uncovered fraudulent activity within various federal excess personal property disposal programs. For instance, the Office of Inspector General for GSA in July 2017 reported that GSA does not have adequate controls in place to prevent ineligible organizations from registering and receiving donations of IT equipment through the Computers for Learning Program.

- a. What do you see as GSA's role in the federal excess personal property disposal process?

I see GSA's role as assisting agencies in disposing of excess personal property in a fair and transparent process that provides the best overall value to the American taxpayer. I will also work to ensure that GSA implements the IG recommendations and that the disposal process is in compliance with all relevant statutes and regulations.

- b. If appropriately funded, do you believe GSA should serve as the central clearinghouse for excess personal property programs like Computers for Learning?

I understand the benefits of getting technology into the hands of American students, and, if confirmed, will study how better support this important program. It is my understanding that since fiscal year 2000, GSA has supported the Computers for Learning (CFL) program by hosting a website that facilitates transfers of computer and peripheral equipment transfers; however, use of the website is not mandatory and that roughly half of CFL transfers happen outside the CFL website in a given fiscal year. If confirmed, I would work with this Committee to understand whether an expanded role for GSA in the CFL process, if appropriately funded, could improve the operations of the program and better ensure that surplus computers are making it to the intended recipients.

Hurricane Recovery Activities at GSA

21. GSA is a critical component of the nation's disaster response apparatus, assisting federal, state, and local governments to quickly purchase additional ambulance services, search and rescue services, medical supplies, food and water, and other emergency supplies.

a. Please describe GSA's activities in response to hurricanes Harvey and Irma.

GSA is the co-lead with FEMA on Emergency Support Function #7, which supports timely and efficient delivery of supplies, equipment, services and facilities. It also facilitates comprehensive logistics planning, technical assistance, training, education, exercise, incident response and sustainment that leverage the capability and resources of Federal logistics partners, public and private stakeholders and nongovernmental organizations (NGOs) in support of both responders and disaster survivors.

In addition to the lead role GSA plays in ESF #7, GSA also provides support for ESF #1 (Transportation), ESF #2 (Communications), ESF #3 (Public Works and Engineering), ESF #5 (Emergency Management), ESF #8 (Public Health and Medical Services), ESF #10 (Oil and Hazardous Materials Response) ESF #11 (Agriculture and Natural Resources) and ESF #15 (External Affairs).

GSA deployed:

- 24/7 staff to the FEMA National Response Coordination Center (NRCC).
- GSA Liaison embedded with NORTHCOM.
- An ESF-7 Command Unit in Fort Worth, TX to augment local ESF-7 GSA personnel at the Austin, TX Initial Operating Facility, assist GSA nationwide with situational awareness, and coordinate updates for internal and external GSA stakeholders.
- Staff at the FEMA Regional Response Coordination Centers (RRCC) in Region 2: New York, Region 4: Atlanta, and Region 7: Fort Worth.
- Staff deployed for the Surge Capacity Force Mission Assignment (as of 9.28.17, 2 (two) employees deployed and up to 10 (ten) employees are currently being vetted).
- Field Office staff, including Leasing Contracting Officers in TX, FL, and PR.

b. Please describe your role, if any, in facilitating these efforts.

As a Senior Advisor to the Administrator, I have been monitoring GSA's efforts in facilitating the agency's support to federal, state, and local agencies in response to hurricanes Harvey, Irma and Maria. Given my past work on disaster response, I've been able to suggest options such as redeploying the contracting policy office in the Office of Governmentwide Policy, if necessary, to provide surge capacity to support the disaster relief efforts. I've also worked to coordinate waivers with the Office of Procurement Policy to ensure GSA is best using the authorities it has to provide all possible support to affected areas. I have accompanied the Acting Administrator to the FEMA NRCC to ensure that GSA is best fulfilling its responsibilities to FEMA, other agencies, GSA employees, and the people of Texas, Florida, Georgia, Alabama, Puerto Rico and the Virgin Islands.

- c. What reforms, if any, would you suggest to improve GSA's capacity in this area?

If confirmed, I would work with this Committee and Congress to make any necessary improvements to GSA's capacity to provide timely and thorough responses to disasters. One area I'd like to explore is expanding GSA's ability to provide assisted acquisitions, so that GSA can more rapidly pick up surge requirements from other agencies. Likewise, I would like to explore the idea of maintaining a database of leasing and contracting specialists within GSA that have completed contingency contracting training at the Federal Acquisition Institute and who would be willing to deploy in cases of national disasters.

Information Technology Acquisition and Development

22. GSA's mission statement states that one of the agency's missions is "to deliver the best value in [...] technology services to government and the American people."

- a. Is the proper role of GSA to deliver technology services to federal agencies, or to assist those agencies in acquiring technology services? Please explain.

I firmly believe that whenever possible GSA should look to the private sector for technology services for federal agencies. While there may be some instances where it is necessary and appropriate for government to build a technology solution, there is a tremendous advantage for the government and the taxpayer in taking advantage of existing commercial technology services. If confirmed, I will work to ensure that GSA facilitates the adoption of commercial solutions first, and that it helps agencies by supplementing technological expertise to ensure taxpayer dollars are spent wisely.

23. In June 2017, GSA announced that it is reorganizing and folding the Technology Transformation Service (TTS) into the Federal Acquisition Service (FAS). This comes after a report by the GSA OIG which found that previous GSA Administrator Denise Turner Roth retaliated against a whistleblower who alleged that the creation of TTS outside FAS was a violation of law.

- a. Do you think this reorganization will assist GSA in meeting its mission? Please explain.

I believe this reorganization represents an opportunity for GSA to better meet its mission and affect change across the government. Given that FAS was already responsible for over \$24 billion in technology related acquisition with over 5,000 contracts, and that TTS possesses substantial expertise in how to better define requirements and adopt agile procurement and development strategies, bringing these two organizations together allows taxpayers to better leverage the expertise of both groups. If confirmed, I will work to ensure that the merger results

in high-quality service to federal agencies and the best practices of the private sector providing a diverse array of products, services, and support.

b. How would you address concerns that having a political appointee as FAS commissioner will lead to politicized purchasing and create conflicts of interest?

I do not believe it is the role of political appointees to sign contracts, or to inject politics into government procurement. If confirmed, I will ensure that an environment exists that allows the contracting officers to perform their work free of outside interference, political or otherwise, and I will also hold the FAS Commissioner accountable for creating such an environment. Additionally, I believe the appointment of a FAS Commissioner shows a high level of commitment by the Administration to improving and modernizing government procurement practices.

24. The GSA Office of Inspector General has recently investigated allegations relating to the misuse of GSA's Acquisition Services Fund (ASF) by the Technology Transformation Service (TTS). If confirmed, what steps will you take to prevent future mismanagement of ASF funds?

I take the IG's recommendations very seriously and it is my understanding that TTS has already implemented several steps to address the IG's findings. GSA is fully aware that the overall staff size of 18F should correspond to imminent market demand for its services. In fact, TTS has streamlined operations and 18F has reduced its headcount by 7% in the recent months. One step that 18F took to address the IG's recommendations is that no new 18F staff is hired without the written approval of FAS leadership and proof of need. Furthermore, 18F has made it a priority to substantially increase the number of hours that existing 18F employees are working on agency-partner projects. 18F has established clear organization-wide targets for full cost recovery and is tracking progress toward that goal each week. If confirmed, I will continue to ensure that TTS and 18F adhere to, and expand upon, these important remedies.

25. The Modernizing Government Technology Act ("MGT Act"), if enacted, will establish a centralized fund for technology modernization housed within the Department of Treasury, which will be administered by GSA under guidance from OMB.

a. What, in your view, are the biggest challenges GSA would face related to the administration of this centralized revolving fund? If confirmed, what steps would you take to address these challenges?

The Technology Modernization Fund (TMF) would be a significant new tool to help address the federal government's aging IT infrastructure. As the agency tasked with administering the TMF and supporting the TMF's Board, one of GSA's biggest challenges is likely to be balancing the need to keep administrative expenses low, while also ensuring the Board has the necessary information and background to make well-informed decisions on project investment. If confirmed, I would ensure clear processes and procedures are put in place to clearly identify how projects are to be evaluated by GSA staff prior to and during Board consideration.

- b. Do you believe that the reforms included in the MGT Act, if enacted, will fully address the federal government's technology modernization needs?**

While the TMF would be a powerful new tool to help address the Federal Government's technology modernization needs, fully addressing this issue will require sustained effort across both the Executive and Legislative branches of government. If confirmed, I would look forward to working with this Committee and with Congress to continue to address these issues.

- c. If confirmed, what additional reforms, if any, would you pursue to facilitate information technology modernization government-wide?**

I believe GSA can play an important role in IT modernization. Already, GSA is helping agencies in a variety of ways, including through assisted acquisitions, best practices development, shared services, and technical assistance to agencies. If confirmed, it would be my goal as GSA Administrator to expand and grow these efforts. In particular, I believe there are opportunities for GSA to help agencies make better use of commercial IT solutions, whether through direct procurements or through shared services. Additionally, GSA should continue its leadership in data center consolidation, greater use of the cloud environment, and use of agile development practices.

Further, if confirmed I would work with this Committee on better ways to acquire Information Technology. For example, one possibility would be to purchase consumption-based IT as a utility. Today, agencies can face significant challenges in purchasing consumption-based IT, such as Infrastructure-as-a-Service or Software-as-a-Service, because agencies have trouble adequately forecasting usage due to a large number of variables that can increase or decrease usage dramatically. This leads to overconsumption, which costs taxpayers money without delivering additional value. By shifting to a pay-as-you-go model that allows agencies to pay after the fact for IT consumed, as is already done for other utilities like electricity, it would eliminate significant complications for agencies and allow agencies to reap greater financial savings.

26. 18F, which recently moved under Federal Acquisition Services as part of the reorganization of Technology Transformation Services at GSA, has a website which states that it works with other federal agencies to "plan successful projects, build custom software, get better results with vendors, or learn how to work in new ways." 41 U.S.C. § 3307 institutes a preference for commercial items over custom IT development.

- a. Do you believe GSA should be encouraging custom, in-house IT development? Please explain.**

It is my strong belief that GSA, and the federal government, should always seek to buy first, and build only as a last resort. If confirmed, it will be my policy to utilize commercial items "to the maximum extent practicable," as outlined in 41 U.S.C. § 3307.

27. 18F developed Login.gov, a tool designed to be a universal login for any interaction with the federal government despite the existence of numerous commercial login platforms that are routinely patched for security issues as part of the regular course of businesses by their developers.

a. Do you believe the universal login could be at risk for being targeted by our adversaries? If so, what would you recommend to mitigate this risk?

It is my understanding that Login.gov is designed to help both improve the user experience for the American public when interacting with the federal government online, as well as ensure the security of citizens' data. Specifically, Login.gov safeguards their data by mandating a two-factor authentication process, and by encrypting the personal information of each user separately, using a unique value generated from each user's password. As a result, only the user has the capability to decrypt their information, making their information safer and significantly less prone to being compromised. However, if confirmed, I would continue to monitor this initiative to ensure that any emergent risks are mitigated promptly.

b. Do you view this in-house development approach as more cost-effective in the long term than a full, open competition for a commercial product that best suits the government's needs?

I believe that full and open competition provides the best value to both the American taxpayer and the Federal Government, and should be the first option considered in any procurement.

28. How would you distinguish the work of 18F from that of the U.S. Digital Service?

I cannot speak on behalf of another agency. However, 18F provides technical expertise to federal agencies on a reimbursable basis on a wide variety of digital services using agile processes on a discrete, project-by-project basis. Agencies seek out 18F for that expertise, and 18F takes on projects after consultation with those agencies. Because of this unique role, 18F is able to help develop a longer-term strategy for improving how agencies interact with the public. Furthermore, 18F is responsible for recovering the costs of its work; it does not receive a regular appropriation.

29. Do you believe that 18F is meeting a current government need? Please explain.

By bringing to bear technological expertise assembled directly from the private sector, 18F helps ensure that Federal agencies are better able to properly scope critical projects, understand commercial solutions and products available to them, improve the way in which they interact with and respond to the American public, and employ agile methods when appropriate to get the best possible return on investment for taxpayers.

30. If confirmed, what steps will you take to ensure that GSA continues to consolidate its own data centers and leads the consolidation efforts at other agencies?

GSA has been a leader amongst Federal agencies in consolidating and closing its own data centers. Since the Federal Data Center Consolidation Initiative (FDCCI) was launched in 2010, GSA has closed 110 data centers and has realized \$35 million in cost savings. Currently, GSA has two tiered and one non-tiered agency-owned data centers. If confirmed, I would work to close the two remaining tiered data centers.

Furthermore, if confirmed, I would work to ensure that GSA meets its obligations under OMB Memorandum M-16-19, which requires GSA to manage the Data Center Optimization Initiative (DCOI). If confirmed, I would support DCOI efforts to coordinate government-wide consolidation, offer subject matter expertise, and operate a shared-services marketplace, and meet the data center consolidation requirements of the Federal Information Technology Acquisition Reform Act (FITARA).

31. GSA recently made awards under its Enterprise Infrastructure Solutions (EIS) contract. GSA has stated that “EIS is a comprehensive solutions-based vehicle that addresses all aspects of federal agencies’ information technology, telecommunications, and infrastructure requirements.”

a. Do you believe that EIS is comprehensive? If not, what services is it missing?

It is my understanding at the recently awarded EIS contract was designed with agency input and lessons learned from the Networx contract to be a comprehensive solution, including essential agency capabilities, security and compliance requirements. However, technology is rapidly evolving, so the contract includes the ability to on-ramp companies with new and innovative vendors and mandatory price resubmissions by contract award winners. If confirmed, I would work to ensure that these flexibilities are used to address any gaps that develop in the contract.

b. Do you think federal agencies will be able to successfully transition from Networx by 2020 as projected?

It is my understanding that GSA has carefully studied the lessons learned from the transition to Networx, including the GAO recommendations, and believes that with appropriate cooperation from agencies it will be able to transition from the previous contract to EIS in a timely and efficient manner. However, in my opinion, risks do still exist. If confirmed, I will ensure that GSA monitors and mitigates these risks, which include:

- Resource challenges for GSA and contractors involving timing and the anticipated number of Fair Opportunity solicitations and contract modifications
- Timely execution of Interagency Agreements to between GSA and agencies due to volume
- Slow Fair Opportunity decision making at the agency level
- Lack of funding for Task Orders at the agency level
- Task Order protests by unsuccessful vendors
- Delays in Operations Support Systems and Business Support Systems testing
- Lack of senior oversight within agencies

- Shortened transition window may increase the need for Continuity Of Service and sole-source actions

32. After many years of challenges, GSA appears to be making progress with the modernization of the Integrated Acquisition Environment and the System for Award Management. Do you believe the modernization is moving in the right direction? What is needed to ensure that current efforts are successful?

As a former Hill staffer and a current active user of the system, I share your interest and concern for the successful modernization of SAM/IAE. While employed by the House, I frequently participated in working groups aimed to improve the operations of SAM/IAE. If confirmed, I plan on following the progress of SAM/IAE closely, and look forward to working with the Committee to ensure these efforts are successful.

Some of the aspects of the modernization I will be monitoring include: feedback from agency, private sector and public sector stakeholders regarding Beta.SAM.gov- the recently launched unified homepage and eventual authoritative source for all grants and contract information; implementation of the Beta site when it launches to all stakeholders; the integration of functions from legacy systems into Beta.SAM.gov; contracting costs and support levels for the modernization effort and the continuation of uninterrupted functionality of the SAM/IAE system for all users.

Procurement Policy

33. While working in the private sector, you gave numerous speeches regarding “contracting reform.”

First, I would like to note that my speeches on contracting reform all occurred while I was a federal employee, either working for GSA, or - in the vast majority of cases - the House of Representatives. These speeches were a chance to talk with outside groups about legislation before the Committees where I was employed, so I could share their feedback with the Members of Congress for whom I worked, and thus help refine the underlying policies. If confirmed, I will strive to ensure that GSA also engages in robust dialogue on policy issues.

- a. What, in your view, is working with the system for contracting and procurement in the federal government and what are the most critical reforms needed to improve efficiency and cost-effectiveness for taxpayers in government contracting?**

I think the United States should be proud that it has a procurement system in which any qualified vendor can compete, the terms of the competition are announced publicly, agencies are held accountable for making the awards in accordance with those terms, and the public has visibility into how federal funds are spent. However, in my opinion, the government still fails to fully take into account the lifecycle of its acquisitions, instead focusing on the specific instance of the

procurement. Further, I believe the government can improve how it define its requirements. Finally, I believe too many procurements only have one offer.

b. If confirmed, what steps would you take, if any, to implement these and other contracting reforms for which you've advocated?

If confirmed, I would work to fully implement the reforms Congress has enacted, emphasize acquisition planning rather than simply procurement, and seek to increase competition at the contract level and the task order level.

34. GAO has identified increased use of strategic sourcing as a means of saving tens of billions of dollars in federal procurement spending. Yet, use of strategic sourcing remains low in many agencies. What, if any, reforms would you suggest to increase the use of strategic sourcing without unduly limiting competition?

Strategic sourcing holds the promise of delivering real savings for taxpayers. In my opinion, the most successful strategic sourcing vehicles are those that first and foremost thoroughly understand the market forces as well as the government's buying practices. Additionally, these vehicles provide for the addition of updated products, allow competition at the task order level, have on ramps for new competitors, and have discrete enough statements of work so the maximum number of companies can compete.

For example, the various strategic sourcing vehicles used for office supplies provide useful insights, as office supplies are a relatively standard commodity. The most successful of these vehicles in terms of capturing market share and delivering savings was a blanket purchase agreement (BPA) with a variety of vendors on the multiple award schedule. It was successful because the awardees sharply discounted their prices and committed to further discounts when certain thresholds were met while allowing the companies to continually update the products offered. However, another key to its success was that it provided opportunities for companies that did not win BPAs to remain in the market. As a result, these companies also became much more aggressive with their pricing, so the strategic sourcing contract was able to deliver savings even to agencies that didn't use the strategic sourcing vehicle. If confirmed, I would work with the Committee to find innovative approaches like this to harness the potential of strategic sourcing while promoting competition.

35. If confirmed, what steps will you take to ensure category management and the common acquisition platform proceed in a way that minimizes administrative cost increases for vendors?

If confirmed, I will work to improve the systems that are used to manage the contract offerings of the Federal Acquisition Service. There are currently more than 150 such legacy systems. The lack of modern systems limits GSA's ability to effectively implement category management. Modernizing these systems should also reduce the burden on contractors, which removes a substantial barrier to entry for many companies.

36. The AbilityOne program provides important employment opportunities for people who are blind or severely disabled through federal procurements of goods and services from non-profits employing these individuals. However, it is often difficult for the program to determine whether these non-profits are actually employing sufficient numbers of severely disabled individuals to meet the program's requirements. If confirmed, what action will you take to ensure this program is helping people who truly need it?

I take seriously GSA's responsibilities in assisting those with disabilities finding a place in the workforce in support of Federal agencies. In section 898 of Public Law 114-328, Congress established a panel to investigate problems referenced in your question, and to ensure that contracting staff are appropriately trained on the use of the AbilityOne program. If confirmed, I will follow the progress of the panel closely, and will work to ensure that the AbilityOne program continues to have the full support of the entire agency, I will also be prepared to address any findings of the panel. Further, I will explore replicating the training for use by civilian contract specialists. Finally, I share your concern about participating entities meeting program requirements and will seek the oversight and advice of the OIG, this Committee and the AbilityOne Commission (of which GSA is a member) to help with this issue.

37. In 2006, you approved the suspension of the price evaluation adjustment for small disadvantaged businesses for the Department of Defense (DoD).

- a. Please explain your rationale for suspending the use of the price evaluation adjustment for small disadvantaged businesses in DoD procurements at this time.

When GSA is providing assisted acquisition services for other agencies, GSA's contracting officers are required to follow the rules applicable to those agencies. DoD, pursuant to 10 U.S.C. § 2323(e)(3)(B)(ii) requires that the Secretary of Defense annually determine whether the DoD met the goal of awarding 5 percent of prime contracts to small disadvantaged businesses, and if so, the Secretary must issue a written suspension of the price evaluation adjustment for small disadvantaged businesses for one year. On February 23, 2006, the Secretary issued such a suspension, and therefore as the Chief Acquisition Officer at GSA it was my responsibility to communicate that suspension to contracting officers providing assisted acquisition services to DoD in order to ensure that GSA was complying with the underlying law.

- b. Please describe any other instances during your tenure at GSA where you suspended the price evaluation adjustment for a class of businesses?

I am unaware of another time at GSA when I issued a suspension of the price evaluation adjustment for any class of businesses; however, in the spirit of this question, I want to disclose that while with SBA, I issued a memorandum to the Chief Acquisition Officer and Senior Procurement Executives notifying them that the statutory authority for civilian agencies to apply a price evaluation adjustment to procurements with small disadvantaged business (Section 7102 of the Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355) had lapsed.

Consequently, absent Congressional action, civilian agencies did not have the authority to apply a price evaluation adjustment. The same memorandum referenced the separate authority for Defense agencies in title 10. This memorandum was issued on December 22, 2004, and a copy was provided to the Committee.

Improper Payments

- 38. According to the GSA OIG, GSA is not in compliance with improper payments laws because it did not meet the reduction target for the Rental of Space Program. If confirmed, what will you do to ensure that GSA is in compliance going forward?**

If confirmed, it is my goal for GSA to not make any improper payments. I will work with the CFO to ensure that all of the IG's recommendations are addressed, and that we apply all lessons learned to future transactions.

- 39. GSA OIG also found that GSA's Office of Chief Financial Officer published the Agency Financial Report with numerous errors related to improper payments and did not correct internal control deficiencies contributing to improper payments. If confirmed, what will you do to ensure that the agency's internal controls are improved and reporting is accurate?**

If confirmed, I will work to ensure that the agency corrects all internal control deficiencies contributing to improper payments. I believe it is fundamental that GSA accurately reflect its financial disposition in the AFR and that the AFR accurately reflect the correction to the errors pointed out by the IG.

Accountability

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

To the best of my knowledge, my conduct as a federal employee or a federal contractor has not been the subject of any such investigation.

- 41. At any point during your career has your conduct as a federal contractor been subject to suspension or debarment proceedings by with the federal government? Please explain.**

To the best of my knowledge, my conduct as a federal contractor has never been subject to suspension or debarment proceedings.

- 42. On June 21, 2017, the GSA Office of Inspector General (GSA OIG) released a report of investigation finding that the previous GSA Administrator, Denise Turner Roth, retaliated against a whistleblower that made a protected disclosure of violations of several laws, gross mismanagement, gross waste of funds, and abuse of authority. Protecting**

whistleblower confidentiality is of the utmost importance to this Committee, and is particularly important at GSA in the wake of these findings.

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

If confirmed, it would be my goal to create an environment where all GSA employees feel safe disclosing waste, fraud, and abuse. Individuals who come forward as whistleblowers will be treated fairly and are an invaluable asset to agencies and the taxpayer.

- b. **Do you commit without reservation to work to ensure that any whistleblower within GSA does not face retaliation?**

Yes

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

Yes

43. **Please describe specific examples regarding how you have worked to implement Inspector General and/or Government Accountability Office recommendations during your tenure in government.**

I would characterize my relationship with the Government Accountability Office (GAO), the Inspectors General (IGs), and other oversight bodies to be incredibly productive, and I appreciate the insight, recommendations and safeguards they provide. While the policy director for the House Committee on Small Business, I worked closely with GAO on a series of hearings to ensure that the open recommendations for SBA were addressed. I also regularly met with the SBA IG, Peg Gustafson, and her staff.

When I last served in the Executive Branch, I valued my partnerships with the IG and GAO. A notable example of my effort to implement IG recommendations would be my work on the Get It Right efforts at GSA in 2005 and 2006. The GSA and DoD Inspectors General had documented problems at GSA with improper sole source contracts, misuse of small business contracts, out-of-scope orders being placed against contracts, and Anti-Deficiency Act violations. The auditors attributed their findings to an ineffective system of internal management controls and contract personnel prioritizing customer preference over proper procurement procedures.

To address these issues, I worked with the GSA Commissioners and the Regional Administrators to: 1) communicate that failure to follow the law would not be tolerated; 2) identify areas where contracting specialists perceived ambiguity and provide clarity regarding expectations and policy; 3) engage in workforce training targeting identified failures or weaknesses; 4) implement an ongoing series of procurement management reviews to identify other outstanding issues; 5) realign reporting chains and performance plans to ensure that contract specialists were evaluated on the quality of their work; 6) communicate with contractors regarding the proper procedures to follow should a task order appear to exceed to scope of the contract; 7) develop the Schedules

eLibrary to assist contracting officers in making scope determinations; 8) institute regular meetings with the DoD to insure that any DoD specific requirements or funding issues were appropriately addressed by GSA; and 9) engage in ongoing dialogue with the Inspector General so that all issues could be addressed promptly, thus mitigating risk to the taxpayer. As a result of this process, each of GSA's customer support centers passed follow-on audits. GSA continues to have regular program management reviews, engage in targeted training, and maintain many of these processes.

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

The GSA IG is an incredible resource that allows GSA to better meet its statutory mission by improving the performance of GSA programs, increasing accountability, and ensuring the integrity of GSA's programs and operations. I have always had a positive relationship with the Inspectors General of the agencies where I have served, in addition to valuing their partnership during my nine years working for Congress.

Since I returned to GSA, I have met with the Inspector General several times in my capacity as a senior advisor and as White House Liaison. The Office of the Inspector General helped me provide training to all GSA political appointees on the role of the IG, and the responsibility of all GSA employees to cooperate fully and completely with the office. If confirmed, I would repeat this training as new appointees join the agency.

Further, if confirmed, I would hope to meet regularly with the IG to ensure that her office has access to the documents, people and resources they need to perform their function. I would encourage all GSA employees to cooperate fully with the IG, and address their findings in a prompt and thorough manner.

45. In May 2017, the GSA Office of Inspector General released its semi-annual report and identified several management challenges including acquisition programs, implementing GSA's mobile workforce strategy, financial operations, implementing GSA's enterprise risk management framework, technology transformation, and GSA's real property operations.

- a. **Do you commit that, if confirmed, you will work to ensure that GSA addresses the management challenges identified by GSA OIG?**

Yes

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

Yes

V. Relations with Congress

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

Yes

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

Yes

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

Yes

VI. Assistance

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

Yes, these answers are my own. I have consulted with professionals at GSA for technical support in preparing my answers.

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Minority Pre-Hearing Questionnaire
For the Nomination of Emily Murphy to be
Administrator, General Services Administration**

I. Nomination Process and Conflicts of Interest

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

No, the only non-disclosure statements I have signed since I arrived at GSA were for briefings that included procurement sensitive information.

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

No.

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

No.

II. Background of Nominee

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

I believe dissenting views provide important information and perspectives, which ultimately lead to better decision making. While working for the Committee on Small Business and for the Committee on Armed Services in the House of Representatives, I would seek out groups that had opposing viewpoints to garner feedback, and worked collaboratively with both Republican and Democrat staff to refine issues. As a manager, I try to solicit candid feedback from subordinates by expressly stating that I want to know their true opinions and thoughts, and that I don't want them agree with me simply for the sake of agreeing. I would much rather learn about problems quickly so that they can either be mitigated or addressed promptly.

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

If confirmed, I will continue to aggressively advocate for what I believe is right. I have done so in the past, whether working in the private sector, working in the House of Representatives, or serving in the Executive Branch. As an example, I advocated against any political appointee being involved with suspension and debarment decisions, because I believe that responsibility determinations should be made by trained career employees to avoid any appearance of political

influence on responsibility determinations. Further, I was successfully able to insist upon compliance with FACA, terminating an advisory committee that I did not believe complied with the spirit of the law. When a superior signed a contract and then attempted to make one of my subordinates ratify the contract, I objected vociferously and the contract was terminated.

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

Each of the decisions referenced above required that I stand up to the Administrator or Commissioner of my agency, which is always politically difficult. I also cooperated with the FBI when they investigated misconduct by a prior GSA Chief of Staff. However, the most politically volatile issue I ever faced involved the investigations conducted by the Inspector General, Office of Special Counsel, and the Committee on Government Reform and Oversight into the then-Administrator, including the finding that she violated the Hatch Act. My cooperation with investigating bodies was the right decision for the country, because the American people deserve to have confidence that their government is acting in their best interests. However the decision cost me friends, job opportunities, and led to public attacks on my competence.

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

While no success is completely mine - I've always been fortunate to have wonderful colleagues - the following are examples of successes.

- Working with the Department of Homeland Security to co-chair the contingency contracting working group and create the Contingency Contracting Corps so that agencies could better respond to disasters;
- Participating in the successful merger of the Federal Supply Service and the Federal Technology Service, which created the Federal Acquisition Service
- Ensuring that GSA was able to pass the joint DoD-GSA IG audits in 2006 that found all eleven of GSA's Customer Support Centers to be compliant;
- Establishing the Procurement Management Review process at GSA so that education, policy and compliance issues could be promptly identified and addressed;
- Negotiating and signing a Memorandum of Understanding with DoD which reestablished the contracting relationship between the agencies, and which identified 24 action items aimed at improving acquisition processes;
- Increasing the training available to the then-8,000 civilian contract specialists while reducing the cost for that training and leveraging resources at the Defense Acquisition University;
- Led the strategic sourcing initiative for wireless services and express and ground domestic delivery contracts, each of which resulted in savings of over 25 percent;
- Collaborating with minority staff, the staff of other committees, and with my Senate counterparts to successfully pass contracting reform language supported by my Chairman.

In response to question 10(B) on your biographical questionnaire, you mentioned that you were the subject of a discrimination complaint. You indicated that pursuant to 29 CFR § 1614, a

formal complaint of discrimination was filed on March 2, 2007. A court name is not applicable in this instance. The complaint was processed by the GSA EEO program. The matter was entitled, McGill v. the General Services Administration. The complainant was Therese McGill, and Emily Murphy, the alleged responsible management official (RMO). You indicated that upon completion of the investigation, the complainant requested an immediate final decision from GSA in accordance with 29 CFR § 1614.110(b). A February 27, 2008, final agency decision (FAD) on the merits issued by GSA's Office of Civil Rights found no discrimination on each of the issues in the complaint.

Question 10C requested that you "please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity." Your response referenced a June 2, 2017 letter from GSA's Deputy General Counsel, which stated:

The complaint captioned as McGill v. General Services Administration, Agency Case No. 07COVTM-1, alleged race and age discrimination when the complainant was subjected to a hostile work environment, derogatory comments and detailed to another organization within the Agency to perform duties below her grade level. You were named as a Responsible Management Official (RMO) in this complaint. However, a February 27, 2008 Final Agency Decision (FAD) on the merits issued by OCR found no discrimination on each issue in the complaint. The FAD was not contested; therefore, the FAD became the final action on the case.

This response does not sufficiently identify or provide details of the alleged actions taken or omitted by you for the proceedings. For example, it does not explain what actions and/or comments the complainant alleged that gave rise to the complaint.

Please supplement your response with documents and/or information sufficient to identify the details for this proceeding including a description of the actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity including, but not limited to the complaint in this matter.

I sincerely apologize for any confusion caused by my initial response. In an effort to obtain additional information, another search was conducted by the Office of General Counsel and the Office of Civil Rights to no avail. The Office of Civil Rights also informed the Office of General Counsel that they do not send files to the record center and that they destroy files four years after the final action in accordance with the record retention policy.

At my request, the Office of General Counsel also contacted Brenda Ward, a former GSA attorney who handled the matter in 2007. Ms. Ward had a draft copy of an affidavit that I was asked to provide in connection with the allegations in the complaint and a draft copy of another management official, George Barclay's affidavit. I conducted a search of my personal email account and discovered another draft of my affidavit. The draft affidavit states the following issue was accepted for investigation:

“Complainant alleges she was discriminated against based on her age (58; DOB 12/31/1948) and race (African American) when she was detailed for a 120-day developmental assignment to perform duties that she felt were not commensurate to her grade level, GS-15 Program Analyst.” I believe the GSA Office of General Counsel has now provided copies of these documents to the Committee. I am unaware of any other relevant documents.

III. Policy Questions

Real Property

8. On March 23, 2017, GSA determined that Trump Old Post Office LLC is in “full compliance” with its lease with GSA for the Old Post Office property in Washington, D.C., and that “the Lease is valid and in full force and effect.”
 - a. In December 2016, the Deputy Commissioner of GSA’s Public Building Service indicated that “GSA assesses that Mr. Trump will be in breach of the lease agreement the moment he takes office on January 20, 2017, unless he fully divests himself of all financial interests in the lease for the Washington D.C. hotel.” On March 20, 2017, Trump Old Post Office LLC submitted an amendment to their operating agreement divesting President Trump from Trump Old Post Office LLC. GSA’s March 23, 2017, determination agrees that the March 20, 2017, divestiture satisfies the terms of the lease, consistent with the representations made by the Deputy Commissioner of GSA’s Public Buildings Service in December 2016., who indicated to House Committee on Oversight and Government reform staff that “GSA assesses that Mr. Trump will be in breach of the lease agreement the moment he takes office on January 20, 2017, unless he fully divests himself of all financial interests in the lease for the Washington D.C. hotel.” Please explain GSA’s apparent reversal of its position regarding the Old Post Office building lease.

Neither I nor any other political appointee at GSA has been in any way consulted regarding the contracting officer’s decision that the Trump Old Post Office LLC for the Old Post Office was in compliance with the terms of the lease, although I was assured that the decision was made by a career contracting officer in consultation with the Office of General Counsel. I have been further assured that the administration of the lease followed, and continues to follow, standard processes. Given that I have not been involved in the decision, I am unable to provide a more substantive answer, but if confirmed, I would be happy to make the Deputy Commissioner available to explain the reported remarks.

- b. Since January 20, 2017, have you had any role in reviewing or approving any internal or external communications regarding GSA’s lease with the Trump Old Post Office LLC for the Old Post Office property in Washington? Please explain.

No, I have not had any role in reviewing or approving any internal or external communications regarding GSA’s lease with the Trump Old Post Office LLC for the Old Post Office property in Washington.

- c. Since January 20, 2017, have you had any communications with any current or former White House officials regarding GSA's lease with the Trump Old Post Office LLC for the Old Post Office property in Washington? Please explain.

No.

- d. If confirmed as Administrator, will you cooperate with the GSA Office of Inspector General's ongoing review of GSA's lease with the Trump Old Post Office LLC for the Old Post Office property in Washington?

Yes

Travel

9. The Office of Management and Budget (OMB) and the General Services Administration (GSA) established requirements for federal agencies regarding the use of government aircraft, including executive travel on these aircraft. Please describe your understanding of GSA's role in enforcement and oversight of federal employees' compliance with these rules?

While GSA sets the travel regulations for the Federal government, it is up to the individual agencies to ensure that their employees, including executives, are in compliance with those regulations. GSA also co-chairs the Senior Travel Official Council, which meets quarterly, and provides agencies with information, guidance and best practices on how to best implement the Federal Travel Regulations.

All GSA employees that travel as part of their job are required to take training and managers take additional training. If confirmed as GSA Administrator, I will ensure that all GSA employees are accountable for adhering to the travel and ethics regulations. In addition, I will work to find cost effective alternatives and reduce the need for travel by employees.

Election Commission

10. On May 11, 2017, the President issued a Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity. The Executive Order states that "to the extent permitted by law, and subject to the availability of appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission on a reimbursable basis."

- a. Please describe your role to date in supporting the Presidential Advisory Commission on Election Integrity?

Personally, I have no role. As we do with many other board and commissions, GSA provides administrative support to the commission on a reimbursable basis.

b. What is your understanding of the role of the GSA Administrator in supporting the Presidential Advisory Commission on Election Integrity?

GSA provides administrative support to the commission. The GSA Administrator has no role in providing this support.

Whistleblower protections

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

While employed with the House of Representatives, I frequently spoke with - and protected - whistleblowers. In some cases, such as that of the Department of Veterans Affairs Senior Procurement Executive, Jan Frye, testified before Committees or Subcommittees where I was counsel. In other cases, the individuals were willing to provide information to the Committee, but not to speak publicly, and I will continue to protect their privacy. To that end, I cannot provide a comprehensive list, however I will try to provide examples. In my nine years working for Congress, I spoke with whistleblowers on issues as diverse as improprieties in Biomedical Advanced Research and Development Authority contracts, SBA employment practices, compliance with section 15(k) of the Small Business Act at a number of agencies, and the way the Department of Health and Human Services was awarding task order contracts. In each of these cases, I coordinated investigations with the minority on my employing committee, and often collaborated with other committees. Further, I coordinated my efforts with the relevant Inspectors General. In no case did I ever reveal the name of the whistleblower without that individual's consent, and I made sure that any inquiries made did not reveal that individual's identity.

When previously at GSA, I protected the contracting officer who did not wish to ratify a contract signed by a superior, and protected my employees when they identified wrongdoing in the agency, whether or not they sought whistleblower protection.

Most recently, I was aware of a whistleblower complaint at GSA and the allegations of retribution against the whistleblower by the prior Administrator. As a senior advisor, I had no authority to make any decisions in the outcome of this case, but did make inquiries to ensure that the agency was fully cooperating with the Office of Special Counsel and Inspector General. Further, I worked to ensure that the allegations were addressed as part the reorganization of the Technology Transformation Service.

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

As I referenced in the earlier answer on difficult political decisions, while I have never claimed whistleblower status, I am well aware of how difficult it can be for individuals to step forward, but also of how crucial it is that they do so. Since returning to GSA, I have quadrupled the ethics

training provided to political appointees, and coordinated training for all appointees with the Inspector General. If confirmed, I will work with the Inspector General, and the Office of Special Counsel to ensure that GSA cooperates fully with any investigation, and to create an environment where all employees and contractors are encouraged to report waste, fraud and abuse.

IV. Relations with Congress and the Public

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

If confirmed, I will ensure that GSA is responsive to all Congressional requests for information and that GSA acknowledges the receipt of requests and provides updates to Congress on the status of these requests.

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

Yes

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

Yes

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

Yes

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

Yes

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

Yes

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

Yes

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

Yes

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

Yes

22. Do you agree that exemptions under FOIA do not apply to congressional oversight requests?

Yes

V. Assistance

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

Yes, these answers are my own. I have consulted with professionals at GSA for technical support in preparing my answers.

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


(Signature)

This 5 day of October, 2017