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NOMINATION OF DANIEL R. LEVINSON

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON THE

NOMINATION OF DANIEL R. LEVINSON TO BE INSPECTOR GENERAL OF THE GENERAL SERVICES ADMINISTRATION

JULY 31, 2001

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NOMINATION OF DANIEL R. LEVINSON TO BE INSPECTOR GENERAL OF THE GENERAL SERVICES ADMINISTRATION

TUESDAY, JULY 31, 2001

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

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

Present: Senators Lieberman and Thompson.

OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. The Committee will come to order. We are here this afternoon to consider the nomination of Daniel R. Levinson to be the Inspector General of the General Services Administration. Mr. Levinson, welcome to the Committee. I know that having been confirmed previously by the Senate for the position of Chairman of the Merit Systems Protection Board, you are no stranger to these arcane proceedings. Hopefully, we can move with dispatch today.

As you already know, the IG's position at GSA is very important to the overall operation of our government. GSA is one of only three executive agencies with government-wide responsibility. It is the Federal Government's central management agency for administrative services and its activities are vital to the ability of all agencies to achieve their respective missions. GSA's anticipated budget for fiscal year 2002 is $18.2 billion, and through its contracting responsibilities, GSA will directly place another $37 billion in commercial purchases for agencies across the government. The Inspector General's role is to promote economy, efficiency and effectiveness within GSA and to detect fraud, waste and abuse in the agency's programs and operations. Given GSA's relationship with all Federal agencies, the Inspector General, obviously, is a key player in ensuring that literally billions of dollars of taxpayer money are properly managed and accounted for.

The previous IG's most recent assessment of the major challenges at GSA identifies several issues, which this Committee has raised through various channels, including under the leadership of my distinguished predecessor and colleague, Senator Thompson. They include management controls, information technology solutions, procurement activities, human capital, aging Federal buildings and, perhaps most importantly, the protection of our Federal

personnel and facilities. Helping GSA adequately address these and other areas of concern will be a major challenge of the IG.

Mr. Levinson, I am pleased that you have accepted this challenge and I look forward to hearing your ideas about how you will address some of these issues. I also look forward, as is the custom of this Committee, to working closely with you in your capacity as Inspector General, should you be confirmed by the Senate.

Senator Thompson.

OPENING STATEMENT OF SENATOR THOMPSON

Senator THOMPSON. Well, thank you, Mr. Chairman. I, too, want to welcome Mr. Levinson back into public service and I express my appreciation to you for scheduling this hearing. Hopefully, we can act on this nomination and Mr. Levinson can be confirmed before the August recess. It is important that we get inspectors general in place to carry out their mission that has been established, as you said, to promote the economy, efficiency and effectiveness, and detect waste, fraud and abuse and mismanagement in government programs and operations.

GSA's mission, as stated in the fiscal year 2002 budget justification, is to provide policy leadership and expert solutions and services, space and products at the best value to enable Federal employees to accomplish their missions. This is implemented in a variety of ways through a variety of organizations, including the Public Building Service, the Federal Technology Service, the Federal Supply Service and the Office of Government-wide Policy. The GSA Inspector General will have an opportunity to evaluate these operations and assist GSA as it seeks to adopt more business-like practices and streamline its organizations, cut overhead, cut unnecessary costs and re-engineer the processes to deliver quality goods and services to its customers.

Dan Levinson has served as Chairman of the Merit Systems Protection Board, General Counsel of the Consumer Products Safety Commission and as Deputy General Counsel at the Office of Personnel Management. He also was in private practice and in academia. I believe that Mr. Levinson has the experience and background to take on these challenges, and I am pleased that after many years of public service, he is again willing to reenter the public service. He is the kind of person we need giving a portion of his career to government. I am pleased to see that. Thank you and best of luck to you.

Chairman LIEBERMAN. Thanks, Senator Thompson.

For the record, Mr. Levinson has submitted responses to a biographical and financial questionnaire, has answered prehearing questions submitted by the Committee and additional questions from individual Senators, and has had his financial statement reviewed by the Office of Government Ethics. Without objection, this information will be made part of the hearing record with the exception of the financial data, which is on file and available for inspection in the Committee's offices. In addition, the FBI file has been reviewed by Senator Thompson and me, pursuant to Committee rules.

Mr. Levinson, before we proceed I would like to give you an opportunity to introduce family members that may be with us this afternoon.

Mr. LEVINSON. Thank you very much, Mr. Chairman. I would like to introduce my wife, Luna, and sitting next to her—and let me note that I understand you have among your children a daughter named Hannah.

Chairman LIEBERMAN. I do.

Mr. LEVINSON. To Luna's right is my younger daughter, Hannah.

Chairman LIEBERMAN. I was already inclined to support your nomination. I am now more vigorously inclined, yes.

Mr. LEVINSON. To her right is my older daughter, Claire.

Chairman LIEBERMAN. Welcome to all of you. You have a lot to be proud of.

Mr. Levinson, our Committee rules require that all witnesses at nomination hearings give their testimony under oath, so would you please stand and raise your right hand? Do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you, God?

Mr. LEVINSON. I do.

Chairman LIEBERMAN. Thank you. Please be seated. Mr. Levinson, if you have an opening statement, we would be happy to hear it at this time.

TESTIMONY OF DANIEL R. LEVINSON[1] TO BE INSPECTOR GENERAL OF THE GENERAL SERVICES ADMINISTRATION

Mr. LEVINSON. Thank you very much, Mr. Chairman. I want to begin by noting that my parents were unable to make the trip to Washington today, but please let me take this occasion to express my deep love for and continuing gratitude to my father, Gerald Levinson, and to my mother, Dr. Risha Levinson, of Garden City, New York.

Especially given this busy period for the Committee and the Senate, I thank you for this opportunity to appear before the Committee this afternoon. I also want to thank the Committee staff for taking the time to meet with me last week. I have a prepared statement that in the interest of efficiency—important for a prospective IG—I would ask your consent to have inserted in the record, and I would be glad to speak briefly and then go right to your questions.

First, I would like to say that I am grateful to the President for the honor of this nomination. As this Committee knows well, GSA is charged by Congress to perform a very big job on behalf of the American taxpayer. It is the Federal Government's provider of office space, products, services and technology affecting over $58 billion in transactions. It also is responsible for protecting the life and safety of employees and public visitors in Federal buildings. The job of Inspector General is to a great degree defined by the agency's mission and charter, and the very large responsibilities placed on GSA in turn place large responsibilities on its Office of Inspector General in the performance of its core audit and investigative roles.

[1] The prepared statement of Mr. Levinson appears in the Appendix on page 9. Biographical and financial information appears in the Appendix on page 14. Pre-hearing questions and responses appear in the Appendix on page 22.

As I have noted in my prepared statement, I have had the honor of serving in several senior posts in the Executive Branch over the course of a 25-year career, and I very much appreciate you and Senator Thompson noting that service in your introductory remarks. If confirmed, I welcome the major challenge and unique opportunity that this position affords in contributing to the effective and efficient operations of the Federal Government. As GSA seeks to improve on the ways in which it carries out its mission, an effective Office of Inspector General must be well-equipped and nimble to keep up with the pace of change. I commit myself to working with the agency and with this Committee and the Congress to ensure that GAO's OIG not only maintains its core abilities to prevent fraud, waste and abuse, but that it serve as a catalyst for positive change.

I welcome your questions, Mr. Chairman.

Chairman LIEBERMAN. Thank you for that thoughtful opening statement. I am going to start by asking you certain questions that we ask of all nominees. First, is there anything you are aware of in your background which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. LEVINSON. No.

Chairman LIEBERMAN. Do you know of anything personal or otherwise that would, in any way, prevent you from fully and honorably discharging the responsibilities as Inspector General of the General Services Administration?

Mr. LEVINSON. No, Mr. Chairman.

Chairman LIEBERMAN. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted Committee of Congress if you are confirmed?

Mr. LEVINSON. Yes, I do.

Chairman LIEBERMAN. Thank you. I have just a few questions. The first is about e–Government. As you may know, e–Government is one of my personal priorities here on this Committee. I am convinced that this is one of the keys to creating a more efficient, cost-effective and citizen-accessible government, by transferring more of the government onto the net, but also using information technology more effectively. I am pleased that you indicated in prehearing communication with the Committee that if confirmed as IG, you anticipate an important role for GSA's Inspector General as e–Government develops. I wonder if you could elaborate briefly on how you view the IG's responsibility in this area?

Mr. LEVINSON. Mr. Chairman, I view the entire IT arena as an extremely important emerging area for activity, certainly by IGs government-wide, and collectively, through the President's Council on Integrity and Efficiency, as well as across agency lines. We must work to ensure that as the significant investments are made in e–Government, that they are made with careful thought, both about how the networks will actually deliver service and how those networks are protected from unauthorized or improper access. It just so happens that we are meeting on a day when a significant virus is expected to hit the Internet. This underscores how timely, and in a sense how timeless, this issue is, that it is not just a matter of coming up with perhaps one specific fix for any particular prob-

lem that may emerge on a particular day, but that, systematically, we need to be prepared government-wide.

IGs, because of the mission that IGs have, have a unique responsibility to ensure that through their IT audit work, as well as through their work with PCIE, OMB and GAO, that they work aggressively to make sure that those services are provided with the appropriate controls.

Chairman LIEBERMAN. I appreciate the answer. I hope you will not hesitate as you proceed with your work, if it generates thoughts that you have about how to improve e–Government more broadly, that you would not hesitate to be in touch with the Committee.

Mr. LEVINSON. Yes, I will. I appreciate that, Mr. Chairman.

Chairman LIEBERMAN. Let me go to the subject of building security. Upgrading the security of Federal buildings continues to be a major challenge for GSA. In July 1995, GSA launched a multimillion dollar program to strengthen security at 8,300 buildings under its control. While GSA has made progress, the GAO has reported that GSA cannot pinpoint the program's exact cost or status. Also, GSA has not established program outcome measures and, consequently, does not know the extent to which completed upgrades have resulted in greater security.

I think that effectively monitoring GSA's progress in this area is a key challenge that faces you as incoming Inspector General. I know from my staff that you have expressed a commitment to keep the issue of security for employees at our Federal buildings right at the top of your agenda, and I just wondered today if you have any preliminary thoughts about working with other law-enforcement agencies in this effort.

Mr. LEVINSON. Mr. Chairman, in the most recent semi-annual report of the GSA OIG, it was indicated that there is still a good deal of work to be done in making more effective the intelligence-sharing program that GSA has been an integral part of. It does strike me that it would be of key importance, again, to be working across agency lines, working with the Justice Department, with the Treasury Department, with resources around the Executive Branch to ensure that the security provided is done in an integrated way.

Going back to my experience, having done Congressional staff work in Conference on the 1996 anti-terrorism bill, and having had an opportunity and, indeed, the privilege, of meeting some of the families of the victims of the Oklahoma City bombing—those instances really bring home in a very personal way how much depends on our ability to address the security needs around the country, and in some respects, around the globe. I do not certainly, this afternoon, have any quick verbal formula to share with you on that.

Chairman LIEBERMAN. Understood.

Mr. LEVINSON. But I do think that there could be no more important issue for the agency and for the Inspector General than to ensure that this kind of security issue—certainly computer security and other security issues are important, but physical security never take second-place to anything else.

Chairman LIEBERMAN. Absolutely. Thank you. My final question is on the persistence of waste, fraud and abuse in government. In your responses to the Committee's written questions, you shared

your belief that waste, fraud and abuse will probably always be issues of concern to our government. You also indicated that you would employ expertise in management analysis to gain a more complete understanding of the relationship between acute problems and the underlying systemic issues. I thought that was a very interesting statement, and I wonder if you wanted to elaborate on that a bit today. I am interested whether you have utilized that expertise to address systemic problems at other times in your career in government.

Mr. LEVINSON. Well, thank you, Mr. Chairman. I certainly was afforded a wonderful opportunity to address systematic issue as chairman of the MSPB earlier in my career. There we integrated the important work of the Board in adjudicating work place due process cases with the Board's merit studies function, so that the studies were informed by the real world experience of individual disputes in the workplace.

This is, as you know well, a very, very large enterprise. When you deal with a couple of million people who are exercising such a broad array of responsibilities, it is an enormous challenge for executive leaders to understand where the synergies are, where you can pinpoint how a change in a particular system or a change in a particular management operating method can have a ripple effect throughout an agency and throughout the Executive Branch. We certainly tried to do that at the board. More often than not, we probably were not able to succeed as much as we would like, but by having the issue presented, I think we laid a very good foundation for better things to happen in the future.

Chairman LIEBERMAN. That is a thoughtful response. Let me just mention one other observation that we have made on the Committee, which is the inclination of IGs in recent years, not just to focus on the kind of independent watchdog role by which they have performed such extraordinary service, uncovering literally billions of dollars in waste and fraud or abuse, but also in trying to play a proactive kind of preventive role, to help the agencies avoid the difficulties in the first place. It seems to me that the challenge—and I think that is a good step—in combining those functions is obviously—or perhaps I should say so evidently—to be certain that the independence necessary for the first role as the watchdog is not compromised by a kind of collegial relationship that might develop in the second role, of being the preventive, the adviser to proactively prevent problems. I do not know whether you want to comment on that or not.

Mr. LEVINSON. I would, Mr. Chairman. It is an interesting issue that you raise here, and in a sense, I think Congress was struggling with exactly that in 1978, during its consideration of both the Inspector General Act as well as the Civil Service Reform Act. Coincidentally, the two acts were passed within 24 hours of each other. I think the language of the IG Act reveals a struggle to incorporate, in one operation, a multi-tasked list of very important structural duties. I think on the civil service side, there was the struggle with the Special Counsel and its relationship with the merit board. And some of the language there is reflected in the IG Act, as well.

The language of the IG statute, codified as an appendix to Title V, reflects an encouragement to IGs to make the case internally and to work with the Congress to show how the day-to-day issues involved in the investigative and audit work draws connections with important, systematic or structural reforms. The IG needs to carry that forward, not just do that very important foundation work with the investigative and audit responsibility, but then to ensure that the leadership in the agency and the relevant committees of Congress are aware of what systematically the implications of that audit and investigative work really mean.

Chairman LIEBERMAN. Again, a very thoughtful answer. I do not have any more questions. I hope that we can put your nomination on the agenda for a markup that we have this Thursday, and move it out quickly. It should not be controversial.

I thank you for your willingness to serve the public again in the Federal Government. I thank your family for their support and acceptance of the fact that you are returning to public service. I say that on behalf of my wife and children, who are not here today. I believe we have done it. Every confirmation hearing should go this well.

The hearing is adjourned.

[Whereupon, at 2:52 p.m., the Committee was adjourned.]

APPENDIX

STATEMENT OF

DANIEL R. LEVINSON

NOMINEE TO BE

INSPECTOR GENERAL

OF THE

U.S. GENERAL SERVICES ADMINISTRATION

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS

UNITED STATES SENATE

JULY 31, 2001

PREPARED STATEMENT OF DANIEL R. LEVINSON, NOMINEE TO BE INSPECTOR GENERAL OF THE GENERAL SERVICES ADMINISTRATION

Mr. Chairman and members of the Committee, thank you for this opportunity to appear before you today to be considered for the position of Inspector General of the General Services Administration. I am honored by the confidence that the President has bestowed upon me by this nomination. I pledge that if confirmed, I will do my best to lead the Office of Inspector General in its goal of promoting economy and efficiency at GSA.

As this Committee is aware, the responsibilities of GSA's Inspector General are detailed in the Inspector General Act of 1978, incorporated as an appendix to Title 5 of the United States Code. The Inspector General supervises and coordinates audit and investigative activities and makes recommendations to senior management on promoting economy and efficiency in agency operations. The Inspector General also is responsible for preventing and detecting fraud and abuse in agency programs.

Over the years, other specific statutory responsibilities have been placed on the Inspector General, including the annual audit of the agency's financial statements, as required by the Government Management Reform Act of 1994. The Inspector General also issues a semiannual report that summarizes its activities and major successes to the Congress and to the Administrator of General Services.

I am very proud that over a career spanning more than a quarter century, I have had the privilege of contributing toward the improvement of government operations in a variety of senior policy and management posts. My early record of public service included senior positions as Deputy General Counsel of the Office of Personnel Management and General Counsel of the Consumer Product Safety Commission, both of which involved participation in a variety of federal audit and investigative activities. I had the privilege of describing my early career to this Committee fifteen years ago when I appeared as nominee to Chair another Title 5 entity under its jurisdiction, the U. S. Merit Systems Protection Board.

My seven-year tenure on the Board furnished a unique opportunity to contribute to the efficient operations of the federal government in the context of vindicating independently and objectively the due process protections Congress affords to millions of public servants. Indeed, those protections were extended several times by Congress during my term, most prominently with passage and enactment of the Whistleblower Protection Act of 1989. At the same time, I also had the privilege of reinvigorating the Board's merit systems evaluation and reporting function so that the Board might serve both as a fair and neutral tribunal for workplace disputes and proactively as a helpful change agent to enhance effective and efficient management practices.

This dual role is not unlike that envisioned for Inspectors General by the 1978 Act, which not only charges the Inspector General to direct the office's activities toward the prevention and detection of fraud, but also toward promoting better agency operations.

Inspectors General are thus authorized to provide objectively and independently the kind of advisory and consulting services that can assist Agency managers in evaluating and improving their programs. The past semiannual reports of GSA's Office of Inspector General, which note this pro-active role and describe considerable efforts to fulfill it, reflect a healthy institutional impulse to be an effective partner in helping the Agency toward self-improvement. I look forward to building on this foundation, and commit myself to working with this Committee and the Agency to maintain and strengthen this important contribution to sound Federal government operations.

Of course, the ability to fulfill these diverse roles requires the right level and depth of human capital, a challenge faced by the Federal government generally, and, as indicated in the GSA OIG semiannual reports, by the Agency in particular. As an experienced public and private sector human resource professional, I would dedicate my efforts to helping us meet this challenge OIG and Agency wide. And in view of the extent to which meeting the Federal government's management challenges of the future depend on the high quality of its workforce, I also would work with the IG community, through the President's Council on Integrity and Efficiency and other appropriate vehicles, to identify ways in which we can diminish the human capital risks identified government wide by the Comptroller General.

In addition to human capital challenges, the Office of Inspector General at GSA has identified a number of other key issues for GSA. In its most recent semiannual report, the OIG included protection of federal facilities and personnel, information technology

associated with "E-gov" initiatives, management controls in an environment of increased streamlining and flexibility, aging federal buildings that need modernization, and a variety of procurement activity issues.

None of these are unimportant, but there is no more paramount concern than the protection and security of our people. GSA is responsible for protecting the life and safety of employees and public visitors in Federal buildings, and I am committed to working diligently in support of an effective, integrated security program.

I also would like to acknowledge the Committee's recent request to Agency heads and Inspectors General to take steps to reduce improper payments. As GSA is the Federal government's provider of office space, products, services, and technology, affecting over $58 Billion in transactions, this is a critical area within which to focus efforts to secure effective internal control policies and practices. I am committed to aggressively pursuing this matter and working with this Committee to ensure effective results.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you and other members of the Committee may have.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)

   Response: Daniel R. Levinson

2. **Position to which nominated:**

   Response: Inspector General, General Services Administration

3. **Date of nomination:**

   Response: June 12, 2001

4. **Address:** (List current place of residence and office addresses.)

   Response:

   (Residence)

   (Office)
   General Services Administration
   1800 F Street, NW
   Washington, DC 20450

5. **Date and place of birth:**

   Response: March 24, 1949; New York City, New York

6. **Marital status:** (Include maiden name of wife or husband's name.)

   Response: Married to Luna Lambert Levinson

7. **Names and ages of children:**

   Response: ----------

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

Name of Institution	Dates Attended	Degree and Date Received	
Jamaica High School	9/64 to 6/67	Diploma	6/67
Univ. of Southern Calif.	9/67 to 6/71	A.B.	6/71
Georgetown University	9/71 to 6/74	J.D.	6/74
The Geo. Washington Univ.	9/76 to 9/77	LL.M.	9/77

9. **Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

Fire Crew Member
U.S. Department of the Interior
Bakersfield, California
1972 (Summer)

Clerk to Administrative Law Judge William Fauver
U.S. Department of the Interior
Arlington, Virginia
1973 (Summer)

Confidential Law Assistant
New York Supreme Court Appellate Division
Brooklyn, New York
August 1974 – August 1976

Associate (1977-1981) and Partner (1982 – 1983)
Law Offices of McGuiness & Williams
Washington, DC

Adjunct Lecturer (Legal Methods)
The American University Law School
Spring Semesters 1981, 1982

Adjunct Lecturer (Construction Industry Labor Relations)
The Catholic University of America
School of Architecture and Engineering
Washington, DC
Fall Semester 1982

Deputy General Counsel
U.S. Office of Personnel Management
Washington, DC
1983 –1985

General Counsel
U.S. Consumer Product Safety Commission
Washington, DC
1985- 1986

Chairman
U.S. Merit Systems Protection Board
Washington, DC
1986- 1993

Of Counsel
Law Offices of Shaw, Bransford & O'Rourke
Washington, DC
1993-1994

Chief of Staff
Office of U.S. Representative Bob Barr
1995-1998

Law Offices of Daniel R. Levinson
1998-2001

Chief of Staff: Senior Advisor
U.S. General Services Administration
Washington, DC
2001-Present

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

Response:
Member: Administrative Conference of the United States, 1984-1993
Hearing Officer: Office of Fair Employment Practices, U.S. House of Representatives, 1996
Panel Member: National Academy of Public Administration Project on U.S. Department of Energy Whistleblower Retaliation Complaints, 1995-96

11. **Business relationships:** List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Response:
Partner (1982-1983), Law Offices of McGuiness & Williams, Washington, DC
Of Counsel (1994-1995), Law Offices of Shaw, Bransford & O'Rourke, Washington, DC
Member, Board of Directors (1993-1996), The Washington Hebrew Congregation, Washington, DC.
Consultant (1998-2001), Koch Industries, Inc., Washington, DC
Consultant (1998-2001), Charles G. Koch Charitable Foundation, Washington, DC
Consultant (2000-2001), W.W. Grainger, Inc., Chicago, Illinois
Consultant (2000-2001), Southern States Police Benevolent Assn, McDonough, Georgia.

12. **Memberships:** List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

Response:
Member – New York Bar
Member – District of Columbia Bar
Member – California Bar
Member – U. S. Supreme Court Bar
Member – U. S. Court of Appeals for the D.C., Federal, and Fifth Circuit.
Member – U. S. District Court for the District of Columbia
Member – American Bar Association
Member – Federal Bar Association
Member – The George Washington Law Association
Member – Southern California Alumni Association
Member – Phi Alpha Delta Law Fraternity
Member – Tau Kappa Epsilon Social Fraternity
Member – Delta Phi Epsilon Foreign Service Fraternity
Member - Georgetown University Alumni Association
Member – The University Club of Washington, DC
Member – The Washington Hebrew Congregation
Member – Washington Performing Arts Society
Member – International Society of Semantics
Member – Mercedes Benz Club of America
Member – President's Club of George Washington University

Member – Washington Sports Club
Member – Phi Beta Kappa Society
Principal – Council for Excellence in Government

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Response: None

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Response: None

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 5 years.

Response: I contributed $100 in Year 2000 to the Maryland Republican Party, and $1,000 to the Governor George W. Bush Presidential Exploratory Committee, Inc., in 1999.

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Response:
Elected Phi Beta Kappa
Elected Blue Key
Elected Phi Eta Sigma freshman honorary
Elected Notes and Comments Editor, The American Criminal Law Review 1973-1974), Georgetown University Law Center
Rated "AV" by Martindale-Hubbell Law Directory.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Response:
"Search Incident to Arrest for Minor Traffic Violations," The American Criminal Law Review (ABA 1973).
"After Abood: Public Sector Union Security and the Protection of Individual Public Employee Rights," American University Law Review (Fall 1977).
"A Study of Preferential Treatment: The Evolution of Minority Business Enterprise Programs," The George Washington University Law Review (Fall 1980).
Personal Liability of Managers and Supervisors for Corporate EEO Policies and Decisions (Equal Employment Advisory Council Monograph 1982).
A Study of Judah P. Benjamin, Jewish War Veteran and Southern Partisan (1983-1984).
"Voluntary Standards and the CPSC," Legal Times, Sept. 10, 1985.
"Federal Personnel Law and the Mixed Case," Labor Law Journal (Commerce Clearing House, December 1986).
"The Challenge of Public Service," Federal Managers Quarterly (Federal Managers Association, April, 1987).
"Remarks on the Tenth Anniversary of the Civil Service Reform Act of 1978," The Fifth Annual Judicial Conference of the U.S. Court of Appeals for the Federal Circuit (West Publishing, 1988).
"Quayle Law Reforms and the MSPB," Federal Circuit Bar Journal (Fall 1991).
"The Ten Commandments for Agencies," Federal Merit Systems Reporter (Labor Relations

Publications, 1992).
"The Federal Circuit and Federal Personnel Law," George Mason University Law Review (Spring 1992).
"Remarks at the Special Session of the United States Court of Appeals for the Federal Circuit Commemorating its First Ten Years," published in the Federal Circuit Bar Journal (Fall 1992).
Co-author with Jerry Shaw and Chris Okay, "Using alternative Dispute Resolution in the Federal Government," (Federal Personnel Management Institute Communications, 1993).
"A Federal Firing Brigade," op-ed in the Washington Post, October 11, 1993.
"Current Developments in Hatch Act Reform," published in The Political Law Handbook(D.C. Bar/ GWU Law Center Continuing Legal Education) 1994.
"Is Employee Grievance Process Ripe for Dramatic Reform?" The Federal Power Curve (Federal Personnel Management Institute Communications 1994).

16. **Speeches:** Provide the Committee with four copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Response: None.

17. **Selection:**

(a) Do you know why you were chosen for this nomination by the President?

Response: I believe I was chosen on the basis of my background, experience, education, and training.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Response: By education, I am trained as a lawyer, and much of my academic study focussed specifically on areas of special relevance to the Inspector General: criminal law and procedure, administrative and regulatory law and policy, and government operations. Over the course of my career, I have published in these fields, and have taught various aspects of government law at the post-graduate and professional level.

My professional career over more than 25 years has included a number of assignments that prepare me well for the duties and responsibilities of Inspector General. My private sector work has regularly concentrated on issues of sound government process, especially with respect to federal workplace matters. This focus has been reinforced by several senior level assignments in the federal government, both in the Executive Branch at central management agencies, and in the Legislative Branch working with the House Judiciary and Government Reform Committees, that have required extensive immersion in effective and efficient government operations.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Response: Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   Response: No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   Response: No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   Response: No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   Response: Not applicable.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

   Response: I have received (in diminishing amounts that now are less than $150 annually) royalties from a 1993 tape course on MSPB practice and procedure that I prepared with attorney Peter Broida. I also have received about $60 a year from the law firm of Shaw, Bransford, Roth and Veilleux, for work performed in 1994 on behalf of Thermaflo, Inc, Springfield, Mass., in which financial difficulties experienced by the firm resulted in a long-term payout plan to eliminate the debt.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

   Response: None.

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

   Response: None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.
   Response: In 1994, I assisted the firm of Shaw, Bransford & O'Rourke in its representation of American Thermaflo, Inc. of Springfield, Mass, to receive EPA approval to market its automobile refrigerant pursuant to requirements for certification under the Clear Air Act. In 2000-2001, I represented the Southern States Police Benevolent Association, of McDonough, Georgia, to help obtain federal legislation providing financial incentives for States and localities to enhance and/or establish administrative due process protections for law enforcement officers accused of misconduct. Finally, in 2000-2001, I represented WW Grainger, Inc., of Chicago, Illinois, in its

efforts to strengthen commercial incentives for companies to participate in the Javits-Wagner-O'Day Program to promote job opportunities for the blind and the severely disabled through government purchasing of services and supplies by agencies of the National Institute for the Blind and the National Institute for the Severely Handicapped.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide copies of any trust or other agreements.)

   Response: I do not believe there are any issues which involve actual conflicts of interest, and to avoid any potential conflicts of interest or even the appearance thereof, my letter to GSA's Office of Ethics provides that I will recuse myself from particular matters that have a direct and predictable effect on the financial interest of Shaw, Bransford, Roth & Veilleux, until such time as the debt from American Thermaflo is relinquished. Also, to avoid even the appearance of a conflict of interest, I have declared that for a one year period after assuming the position for which I have been nominated, I will not participate in any particular matter involving my former clients, including the Southern States Police Benevolent Association, Inc., and WW Grainger, Inc., if any of these organizations is or represents a party to such matter if I determine that a reasonable person would question my impartiality in the matter, unless I have received authorization to participate in the matter pursuant to 5 C.F.R. Section 2635.502)d).

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

   Response: Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

   Response: No.

2. Have you ever been investigated, arrested, charged or held by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

   Response: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.
   Response: I have been a named defendant in administrative agency proceedings and civil litigation, but only in my official capacity as Chairman of the Merit Systems Protection Board during the period 1986-1993.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

   Response: No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Response: None.

E. FINANCIAL DATA

The financial portion of the answers to this questionnaire are retains in the files of the Committee.

AFFIDAVIT

DANIEL R. LEVINSON being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Daniel R. Levinson

Subscribed and sworn before me this 22 day of June, 2001

Jeanette Jermas Curtis
Notary Public
My Commission Expires: Jan. 14, 2002

Pre-hearing Questionnaire for the
Nomination of Daniel R. Levinson to be
Inspector General, General Services Administration

I. Nomination Process and Conflicts of Interest

1. Why do you believe the President nominated you to serve as Inspector General of the General Services Administration?
Response: I believe the President nominated me to serve as GSA's Inspector General on the basis of a record of integrity and demonstrated ability in government operations accumulated over a period of two decades in a variety of Federal senior management and policy positions.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.
Response: No conditions, expressed or implied, were attached to my nomination.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Inspector General? If so, what are they and to whom have the commitments been made?
Response: I have made no such commitments.

4. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures you will use to carry out such a recusal or disqualification.
Response: Having served for a five-month period earlier in the year as the Chief of Staff for GSA, I would work with the Designated Agency Ethics Official and the Designated Ethics Counselor for OIG to ensure that my previous assignment did not raise conflict issues with my new assignment, if confirmed.

   Beyond that, I am aware of only one issue that might have the potential to create the appearance of a conflict of interest, and that relates to GSA activities in furtherance of the Javits-Wagner-O'Day Act to assist in promoting employment opportunities for the blind and severely handicapped. Because I provided advice and counsel to a private sector client in the past year on this issue, recusal may be appropriate. In this, as in all such potential conflict issues, it would be my policy to consult with the Counsel to the IG and the Designated Agency Ethics Official to ascertain whether, and if so, for how long a period of time, recusal would be advised. I would follow such advice faithfully, without exception.

II. Role of the Inspector General

Inspectors General were established over twenty years ago by the Inspector General Act of 1978. Since that time, IGs have played a critical role as watchdogs of the Executive branch, uncovering billions of dollars in waste, fraud and abuse. In addition to identifying misspent agency funds, IGs have initiated thousands of successful criminal prosecutions and civil actions. At the same time, IGs are now focusing resources on helping agencies avoid problems rather than just auditing for mistakes after the fact. In the process, they have helped agencies improve efficiencies while identifying billions of dollars in potential savings.

1. Do you believe IGs can be effective in this pro-active, preventive role, which necessarily requires a more collaborative relationship with agency managers, while also serving as the independent watchdogs who shine the light on agency mismanagement? If confirmed as IG, would you provide advisory services to GSA managers as well as reports of GSA deficiencies?
Response: I believe it is important for the Inspector General to provide such advisory services. The infrastructure of GSA, developed in an era that emphasized uniform standards and control mechanisms, is giving way to more flexible, discretionary approaches purportedly designed to achieve greater efficiencies, coordinate service delivery, and ultimately change for the better the perception of GSA among both the public and private sector customers working with the agency. The IG, in its conduct of audits and investigations, can play a particularly valuable role in assisting GSA with this transformation. By providing objective evaluations of Agency operations, independent of program responsibilities, it can

systematically help identify what is working well and what is not, and point out opportunities for reducing costs, increasing efficiency, and improving program operations and service delivery.

2. Do you perceive any pitfalls given what might appear to be potentially conflicting roles? How will you ensure that both roles are implemented successfully?
Response: I believe that there are risks that performance of the watchdog and pro-active roles can be viewed as inconsistent, both inside and outside the agency. The Inspector General must vigilantly guard against his office being placed in what might be characterized by some as an "either-or" situation.

To vindicate the statutory directive embodied in the 1978 Act that both roles be fulfilled, the Inspectors General must regularly demonstrate to the Agency and the Congress that these roles are in fact complementary. This is facilitated, in my view, by the mandates placed on agency management by statutes such as the Results Act, CFO Act, and the FMFIA, to measure and demonstrate operational improvement and integrity, thus encouraging the effective utilization of IG resources and expertise. The GSA OIG pro-actively solicits agency requests for assistance. Its published Audit Plan, for example, lists and describes the types of consulting services it offers (e.g., Advisory Reviews, Management Consulting Reviews, Task Force Participation, Monitoring Services, etc.) and encourages agency management to employ its expertise. Declaring that communication with GSA managers and contracting officers is the most important element in the audit process, network teams consisting of Regional Inspectors General for Audits, audit managers and auditors, have been established. Initiatives such as this appear to be beneficial, and if confirmed, I would examine how they are working, search for improvements, and look to build upon existing strengths.

Ultimately, it is important, wherever possible, to link the detection of fraud and abuse with positive recommendations for prevention. Specific citation to instances of fraud, abuse, and program deficiencies furnish key substantive support for an IG's promotion and recommendation of policies to improve efficiency and effectiveness. Effective integration of detection and pro-active evaluative functions at the policy level can diminish, if not eliminate, the perception of conflicting roles.

3. If confirmed as IG, what factors would you consider in allocating resources among these different functions?
Response: It is my understanding that GSA's Office of Inspector General has through the development and implementation of a five-year strategic plan (1998-2003) sought to calibrate resource allocation on the basis of achieving three strategic goals. As stated in the Plan, those goals are: (1) identify opportunities for increased economy and efficiency in Agency operations; assist management by identifying, recommending, and developing appropriate management improvements; (2) Protect the integrity of GSA programs and operations by detecting and responding to waste and wrongdoing and by identifying and mitigating vulnerabilities, particularly those resulting from changes in the agency's methods of doing business and from changing legal and administrative requirements; and (3) Improve the delivery of OIG products. Within each OIG function, resource allocations have been made to achieve each of these goals. For example, it is estimated that the Office of Audits will operate on a resource mix utilizing 77 percent of the available direct staff for internal and 23 percent for contract audits. This mix, according the OIG Audit Plan, continues emphasis on high priority reviews of GSA programs, yet provides sufficient time for contract oriented reviews.

Although my opportunities to interact with the GSA IG this year have been limited, the thoughtfulness and thoroughness with which its senior staff appear to have addressed strategic objectives and anticipated five-year outcomes warrant a careful consideration of current allocation judgments. To the extent that audit and other needs exceed resource availability, I would not hesitate to initiate an audit "triage," a prioritization process to ensure that the most significant audits, especially those required by statute, are completed in a timely fashion. In any event, if confirmed, I would undertake my own review to satisfy myself that the value-added determinations built into current resource distributions optimize the potential to effectively address OIG-designated major issues, and would share my thinking and findings with the Agency and with the Congress.

4. Most Inspectors General understand the importance of keeping Congress and others informed of their efforts to promote economy and efficiency, and to prevent fraud, waste, and abuse, even as they remain

independent and objective. IGs are required by law to report their findings to Congress, as well as to Executive branch officials, and they routinely provide testimony at hearings about key issues of concern. If confirmed, what methods, other than formal reports and hearings, would you use to interact with Congress and ensure timely and effective communications?
Response: In addition to the communications channels noted above, and the Seven Day Letter Option for reporting particularly serious or flagrant problems, Section 4 of the 1978 Act specifies that IG's keep Agency heads and Congress informed "otherwise" (separate from the required reports), thus allowing for a variety of mechanisms through which to communicate with Congress. I also would not hesitate to have meetings with lawmakers and staff, and provide information and Reports directly to Members of Congress, its committees and subcommittees, and other offices.

If confirmed, I would pursue all of these mechanisms to ensure that the IG's obligations and responsibilities to Congress are fulfilled.

5. Would you inform the Congress if you were asked to limit your work or alter your reports due to pressure from GSA or any other entity or person?
Response: Yes.

6. If confirmed as IG, how would you determine and address the vulnerabilities and risks facing GSA?
Response: The OIG has communicated to Congress its designated top management challenges for GSA. These include management controls, information technology solutions, procurement activities, human capital, aging Federal buildings, and protection of Federal facilities and personnel. These categories are so broad as to cover a considerable portion of GSA's mission, but in almost each of these areas, the IG's semiannual reports articulate specific audit and investigative activities identifying deficiencies and summarizing evaluations and recommendations for program improvement, together with estimated cost benefits resulting from the adoption of IG recommendations.

This reporting function is a critical tool, in my view, for an IG to understand where the vulnerabilities and risks have been identified in the past. In view of the dynamic nature of many of these areas, however, past reports are useful points of departure, not necessarily roadmaps to future problems or opportunities for better solutions. In tandem with a review of written reports, I would look to learn from those within the Agency where vulnerabilities and risks have been identified, and then consult within the community of OIG and Congressional expertise to give insight to where future vulnerabilities and risks are likely to emerge.

7. What do you believe to be the major challenges facing the IG with respect to management and operations of the IG's office, and how do you propose to address them?
Response: In support of its FY 2002 Budget Request, the OIG identified a number of management and operations challenges with serious implications for taxpayers. According to the OIG, its Return-on-Investment traditionally has been between $6-10 to the taxpayer for every dollar appropriated. Issues addressed included OIG support for GSA infrastructure costs, increases in IT audit function, technical/managerial training, IT and telecommunications replacement, office modernization, and centralized administrative support charges. If confirmed, I would examine all of these issues, make an independent assessment of management and operational challenges, and work with the Agency, the Congress, and the OMB, in how best to address them.

III. Persistence of Waste, Fraud and Abuse

Waste, fraud and abuse continue to pose major problems for federal agencies. IGs, the GAO and others consistently report that the federal government wastes billions of taxpayers dollars and that agencies are less than adequate in effectively managing the public's tax dollars. The Committee has held numerous hearings on this issue, and passed legislation -- such as the Government Performance and Results Act, the Clinger-Cohen Act, the Chief Financial Officers Act -- to provide agencies the tools they need to improve. Yet, there continue to be grave concerns about

federal mismanagement.

1. What are your general thoughts on why waste continues to be a significant problem throughout the federal government, more than two decades after the passage of the Inspectors General Act?
Response: In a government as large and diverse as ours, and with as much dynamic change as occurs in service delivery, my sense is that the battle against waste, fraud, and abuse, never simply ends. It must be incessantly waged with an appreciation for the problems, and opportunities, of today and tomorrow. The sheer diversity and scale of the Federal government challenge our ability to eliminate all vestiges of mismanagement. There are more than several score executive departments and agencies, employing as few as a handful, and in some situations, many hundreds of thousands of employees. Many billions of dollars at stake, and millions of people working in literally thousands of occupations ranging from manual laborers to highly skilled scientists and engineers, make for the largest of management challenge.

That said, however, one of the drafters of the original IG Act, James Naughton, opined on the Twentieth Anniversary of the statute that there have been considerable successes for the IG community. Naughton not only noted the billions of dollars in savings and cost avoidance, and the thousands of successful civil and criminal prosecutions, but related what he viewed as the deterrence effect on firms or individuals who might otherwise attempt to defraud the taxpayers. The "positive impacts" that Naughton, and others, have described, lay a foundation for the IG role to become more successful in the future in minimizing the deficiencies that can attend such a large and sophisticated enterprise as the Federal government. IG commitment, together with enactment of additional management reform mechanisms, such as the Government Performance and Results Act (GPRA), make the effort against waste more powerful, and thus potentially even more productive, than in the past.

2. If confirmed, how would you be sure that your efforts are effectively addressing the underlying causes of management problems at GSA and not just the most glaring manifestations?
Response: I would expect this to be a perennial challenge for the GSA IG (and perhaps for the IG community at large) and would look to employ expertise in management analysis to gain a more complete understanding of the relationship of particular or acute problems with underlying, systemic issues. This is a critical function for an OIG, requiring a longer analytic horizon than any one or more semiannual reports may provide. If confirmed, I would look to ensure that such analysis is an integral part of OIG operations.

3. Are there additional tools IGs need to help us address these persistent problems?
Response: Under Sections 6 and 7 of the 1978 Act, IG's have an array of powers and authorities with which to perform the dual nature of their reporting requirements, but there have been a number of proposals over the recent past to amend or increase existing tools to enhance IG effectiveness, including independence, quality of work, and the use of government resources.

I believe it would be important to review the current use of existing tools before recommendations possible changes. If confirmed, I undertake such a review and not hesitate to recommend additional tools if justified.

IV. E-government

GSA is playing a major role in transforming the way government conducts its business, especially with e-government. Via partnerships with federal agencies, GSA manages the Firstgov.gov portal, auctions excess federal property online, supports e-procurement and computer security, and it is coordinating several cross-agency initiatives designed to provide the public with single points of access to information and services from multiple agencies and even layers of government. These initiatives are key to creating a more efficient government by eliminating unnecessary waste and duplication. If confirmed, do you envision a role for the IG in ensuring that GSA's e-government initiatives are effective?

Response: Yes, I would. Millions of dollars are anticipated to be invested in making our Federal government a more citizen-centric enterprise, with e-government a linchpin in this multi-year, multi-agency effort. Like other areas of government services that implicate substantial resources, Inspectors General have an existing role in helping to ensure the efficient expenditure of public funds in this important and emerging area.

Beyond that role, however, the IG may play a particularly useful role in identifying effective paths toward e-government efficiency and effectiveness. Familiarity with the discrete problem areas uncovered through its audit and investigations efforts can lead pro-actively to recommendations for system improvements and integration that might not otherwise come to light. Indeed, this has the potential to be one of the most interesting and productive avenues through with the IG can add value to a large-scale government enterprise.

V. Information Technology Management

The Office of the Inspector General has conducted numerous audits of GSA's management of information technology. The IG has noted that as information technology becomes increasingly prevalent within Government, it impacts all aspects of business operations. Consequently, GSA's challenges with IT management have increased exponentially. The IG's office has or is currently reviewing implementation of the Clinger-Cohen Act of 1996, problems with the development of specific IT projects, the use of commercial solutions, the status of information technology security, and other key issues. Do you believe that a strategic assessment of GSA's strengths and weaknesses in information technology management might help devise solutions to the kinds of problems identified in audits of specific projects?

Response: Yes, I believe the problems faced by GSA's IT Management initiatives can benefit significantly from such a strategic assessment. Evidence of these benefits can begin to be seen, for example, in the OIG's review of Phase I the GSA's Seat Management Initiative. The OIG's review of Phase I, a 3 year, $34 million effort which provides services for 1160 desktop and laptop computers, found that GSA was unable to determine whether it was sufficiently successful to continue expansion to include regional operations. These kind of analytic, systemic examinations can have important and useful implications for how IT will evolve agency, and ultimately, government wide.

VI. Major Management Challenges

1. The IG's most recent assessment of the major challenges at GSA identified management controls, information technology solutions, procurement activities, human capital, aging federal buildings, and protection of federal facilities and personnel as vulnerable areas.

   a. Which of these challenges do you believe are the most critical and why?
   Response: I have insufficient knowledge and information at this time to furnish an informed opinion on this question, but none of the identified challenges strike me as unimportant or not worthy of priority consideration. I note that the GSA OIG's most recent semiannual report lists as the first challenge the protection of federal facilities and personnel, and I would endorse perhaps an implied suggestion that nothing could be more important, given that the Agency is responsible for protecting the life and safety of employees and public visitors in Federal buildings.

   b. If confirmed, how would you go about ensuring that GSA addresses these challenges and how would you identify emerging areas of concern?
   Response: The IG Act specifically prohibits IG's from taking corrective action or instituting changes themselves. The broad range of audit and investigative authority provided to IG's, however, provide significant opportunity to assemble a record that, effectively shared with Congress and the Agency, should provide appropriate incentives to address identified challenges. Looking ahead, it is most important to recruit, retain, and develop the institutional knowledge and capabilities within the Inspector General's office that will best ensure an ability to identify emerging areas of concern. If confirmed, I will dedicate priority consideration to human resource development internally, to ensure that this capability is optimized.

2. Much of the concern about management controls stem from GSA's efforts to loosen controls and empower its staff to reduce administrative barriers and provide timely responses to its customers' needs. GSA has acted to simplify rules and operating procedures, and management has eliminated many of the checks and balances that were part of the control system. However, several audit reports have indicated that management may not be adequately ensuring implementation of the broad controls that would help deter fraud, waste, and abuse. Along

with targeted audits of the controls in place for specific programs, do you think it might also be beneficial to conduct a broader assessment of actual incentives employees have to deter waste, fraud, and abuse in program management and implementation?

Response: The most recent semiannual report of GSA's OIG suggests that specific issue identification may be leading toward a broader understanding of how to institutionalize improved employee performance to deter abuse. If confirmed, I would examine the extent to which these broader, systemic goals could be achieved within the IG mission.

3. If confirmed, how will your office use the Government Performance and Results Act (GPRA) in its daily work? What are the key performance measures you will focus on that you believe are critical indicators of whether GSA is accomplishing its mission? What approaches will you use to determine if the data being used to measure performance are valid? What are some of the key performance measures of the GSA IG office and how should its success be determined?

Response: As described in my answer above about resource allocation, the OIG has applied the Results Act to its work by establishing three strategic goals in its performance plan. The OIG, according to its Plan, measured the impact its products had by the results of customer surveys and management's commitment to pursue audit recommendations. If confirmed, I would first review the current methodology and design of the OIG's compliance with the Results Act to ascertain the extent to which it captures optimum performance management. In making that determination, I also would seek to gain an understanding of how the Results Act is applied in other OIG's, as well.

4. GSA was a pilot agency for the CFO Act's efforts to get agencies to produce audited financial statements. If confirmed, would you be committed to ensuring that GSA's financial systems and related statements are of high quality?

Response: Yes, I would.

VII. Procurement

1. Recent years have seen an explosion of government-wide and inter-agency contract vehicles. These contracts are negotiated with multiple vendors by a single agency and are often available for use government-wide. Some firms in the vendor community have expressed concern about the proliferation of such vehicles. They are concerned that these vehicles are becoming uneconomical because too little business is spread over too many contracts resulting in not enough competition. Others believe that there is sufficient competition for these contracts. The previous IG conducted several audits of these contracts with mixed results. Do you believe these oversight efforts should be continued?

Response: I have insufficient information at this time to determine the extent to which IG activity in the future on this matter would address the concerns reflected in some quarters of the vendor community. If confirmed, I would seek to learn internally within GSA and its OIG, from the Congress, and from the vendor community itself, the extent to which interagency procurement practices impact the efficient and effective delivery of products and services to government customers.

2. We understand that GSA is charging fees to other federal agencies that wish to purchase goods or services under GSA's government wide contracts and that there may be variation in the fees being charged for similar services. We also are concerned that the fees being generated may substantially exceed the actual costs to GSA of administering and managing the contracts and that this money, which has not been appropriated to GSA, may allow GSA to circumvent the congressional budgeting process. GAO is reviewing this issue at our request. If confirmed as IG, would you explore whether these fees are established to ensure that they recover the actual costs for managing and administering these contracts?

Response: Yes, I would.

VIII. Building Security

Upgrading the security of federal buildings continues to be a major challenge for GSA.

In July 1995, GSA launched a multimillion-dollar program to strengthen security at the 8,300 buildings under its control. While GSA has made progress, GAO has reported that the upgrade program has been hindered in part due to the unreliability of data. Because of this, GSA can not pinpoint the program's exact cost or status. Moreover, GSA has not established program outcome measures, does not know the extent to which completed upgrades have resulted in greater security or reduced vulnerability in federal office buildings. As a result, according to GAO, GSA will face a formidable challenge protecting its large inventory of diverse properties.

1. What can be done from an audit and investigative standpoint to improve GSA performance in the protection of federal facilities and personnel?
   Response: According to the OIG's recently issued semiannual report, this has been an area of intense activity over the recent past. If confirmed, I would work with GSA management to identify program weaknesses.

2. Given the problems with unreliable data, how can the Inspector General's office effectively audit GSA's progress in this critical area?
   Response: Reliable data, to be sure, is absolutely essential for effective auditing. If confirmed, I would place a high priority on establishing reliable parameters through which progress in this area could be accurately measured.

IX. Background and Experience

1. Please describe any specific experiences you have had in performing or supervising audits, investigations, and other duties you would perform if confirmed as Inspector General.
   Response: Over the course of the past 30 years, I have held a variety of positions, and performed a diversity of work. Most of my assignments and the work that I have performed relate to one or more of the core capabilities for an Inspector General.

   My earliest private sector work experiences was as a line auditor for a New York-based CPA firm engaged in audits of major fire insurance claims. Later in my career I engaged in more extensive audit-related activity as deputy general counsel of the Office of Personnel Management where I was called upon to assist with the legal implications of audits conducted in connection with annual reviews of non-profit organizations participating in the Combined Federal Campaign. I also furnished advice and counsel on a regular basis to OPM's Retirement and Insurance Group, particularly the Assistant Director for Insurance Programs, whose audit activities extended to Federal Employee Health Benefits Program participants.

   My experience with investigations also begins early in my career and has been an integral part of my work since then. Upon graduation from law school, I served as law clerk to the New York State Supreme Court's Appellate Division, where I assisted an appellate panel whose plenary jurisdiction in state law matters extended to judicial oversight of a wide variety of administrative investigative matters.

   Thereafter, as an associate and partner in the law firm of McGuiness & Williams, I assisted with the representation of clients who either were the subject of government investigation, or who sought assistance in the effective investigation of internal human resource matters.
   As OPM's Deputy General Counsel, I oversaw, and rendered advice and counsel to, the Investigations Group charged with administering the process by which, among other things, suitability determinations for initial or continued federal employment are made.

   My involvement in investigations continued as General Counsel of the CPSC. Early in my tenure, my staff and I held a series of Regional Office meetings to obtain field investigators' views on how the pre-litigation processes could be made more efficient and how better evidence could be developed. This subsequently assisted the Commission in accomplishing its investigative goals and objectives, including a successful litigation to pursue an investigation over objections by the target. See, e.g., *In the Matter of Establishment Inspection of Roadmaster Corporation,* C.A. No. 86-3005, S. D. Ill., Upon the Commission's application, a U.S. magistrate issued a warrant pursuant to the Federal Hazardous Substances Act and the Consumer Product Safety Act for inspection of books and records. The Commission investigator successfully

conducted the inspection and returned the warrant.

Upon entering service at the Merit Systems Protection Board, my experience with investigations was further enhanced by my adjudicative work, specifically with respect to original jurisdiction matters brought by the Special Counsel upon investigation of allegations of prohibited personnel practices. Many of these cases required close scrutiny of the records of investigations undertaken by that office, and evaluations of the legal implications and consequences of their findings.

Direct involvement and familiarity with investigative work on Executive Branch operations by the Congress and its Committees are especially relevant and useful for Inspectors General.. For three and a half years as Counsel to a Member of the House of Representatives who served on the House Judiciary and Government Reform Committees, I was involved with investigative proceedings on specific as well as general policy matters that came under their respective jurisdictions. I also assisted the Member in his capacity as a Conferee on the Senate-House Conference for the 1996 Anti-Terrorism Legislation.

The ability to effectively oversee policies and practices to detect and prevent fraudulent activity is significantly enhanced by my knowledge of criminal law. Since my years in law school, during which I served on the Editorial Board of the American Bar Association Section of Criminal Law's official journal, The American Criminal Law Review, I have devoted considerable parts of my legal career to this important area. My two-year clerkship to the New York Supreme Court's Appellate Division, which has one of the largest criminal law dockets of any court in the nation, provided me an extensive exposure to criminal law practice and procedure.

Later in my career, I brought this experience to bear during my tenure as general counsel of the CPSC. Although most of the litigation undertaken by the Commission is civil in nature, criminal penalties attach to especially grievous misconduct under some of the statutes the Commission administers. Among criminal prosecutions that I supervised in tandem with the Justice Department was a groundbreaking case under the Federal Hazardous Substances Act against the owner of a Nashville, Tennessee mail-order fireworks business. The indictment in that case, *United States v. Gary Weaver d/b/a Full Auto, et al.*,M.D. Tenn. 1986, culminated an extensive Commission investigation and was the first criminal charge for illegal distribution of fireworks components to be brought on the Commission's behalf.

Still later in my career, as counsel to a former United States Attorney and a Member of the House Judiciary Committee's Crime Subcommittee and Banking and Financial Services Committee, I had numerous occasions to deal with issues concerning money laundering, fraud, sentencing, anti-terrorism, habeas corpus, and a wide range of other criminal law matters.

From a day to day perspective, I believe the Inspector General's office benefits from a senior leadership team that brings a solid understanding of the laws and policies governing human capital management. I believe that is why the 1978 IG Act specifies management analysis and public administration as core capabilities for IG's. Ultimately, I believe it accounts for the statute's placement in the United States Code as an appendix to Title 5, the part of the Code devoted to Government Organization and Employees. Focus by the Congress and the Comptroller General on human capital in the Federal government as a high risk area, and the current incorporation of this subject into the GSA IG's list of top management challenges, reinforces the special importance of this subject in today's workplace.

In this critical area, I have dedicated the greater part of two decades of my career. Employment law and policy has been a specialization in my law career both in the private and public sector. After completing a specialized Master of Laws degree in Labor Law, I spent seven years practicing with an employment law firm. During that time I drafted one of the first studies of the law of personal liability of corporate officials for EEO policies and decisions. I subsequently devoted much of my career to public sector employment issues. As deputy general counsel to the central personnel agency under Title 5, the Office of Personnel Management, I rendered counsel and advice to senior officials government wide on the full range of recruitment, staffing and suitability, discipline, and health and retirement benefits issues. I also assisted with the initial development of the Office of Government Ethics, which subsequently became an independent Title 5 agency.

Thereafter, in my capacity as general counsel of CPSC, I served as Designated Agency Ethics Official, where I assisted with the administration of the Office of Government Ethics financial disclosure and ethics program. During this time, I also began a nearly ten-year government membership on the Administrative Conference of the United States, a Title 5 agency then devoted to improving the administration of the nation's laws. As a member of the Government Operations Committee, I participated in studies and recommendations to improve the administrative processes of the Executive Branch.

I continued this work in a managerial and adjudicative capacity as Chairman of the bipartisan Merit Systems Protection Board for seven years. The Board is the Title 5 agency that assumed the workplace due process responsibilities previously administered by the Civil Service Commission. During that period, I served as the chief operating officer for an agency of approximately 300 employees, more than half lawyers and nearly a quarter of those administrative judges. Together with two other Members, I adjudicated thousands of personnel disputes, including adverse actions for misconduct, performance-based removals and downgrades, employment suitability and legal retirement decisions, reductions in force, denials of within-grade increases, and denial of restoration to duty or reemployment rights.

Many Board cases also required adjudication of affirmative defenses implicating the full range of the nation's civil rights laws, including Title VII, the Age Discrimination in Employment Act, the Rehabilitation Act, and related statutes. I continued my work in the civil rights area after leaving the Board. While serving on staff in the House of Representatives in the mid-1990's, I was appointed by the Chairman and Ranking Member of the House Administration Committee to serve as Hearing Officer for its Office of Fair Employment Practices.

During my tenure at the Board, I witnessed and participated in the expansion of worker due process protections, most notably with enactment of the Whistleblower Protection Act of 1989 and the Board's establishment of procedures to apply the new law's requirements. I continued my work in whistleblower protection law after leaving the Board. I assisted with whistleblower representation in my private practice as Counsel to a federal personnel law firm. Later, during my employment in the House of Representatives, I served by invitation from the National Academy of Public Administration (NAPA) as a panel member for its Department of Energy Whistleblower Retaliation Study.

Similar to the IG's dual mandate to detect abuse but also to pro-actively engage in a preventive role, the MSPB is charged with hearing and deciding specific disputes but also providing oversight of merit systems to help determine whether they are free of prohibited personnel practices. With the benefit of data gleaned from its caseload, employee surveys, and work with relevant Congressional committees and the GAO, I worked with the Board's Office of Policy and Evaluation to focus examination on key human resource challenges. Board reports were issued on, among other topics, attracting and retaining a quality workforce; linking pay to performance; a survey of employee views on sexual harassment in the Federal government; Balancing Work Responsibilities and Family Needs; Measuring and Improving Federal Workforce Quality; Women and the Glass Ceiling in the Federal Government; and studies on the quality of work performed by contract specialists and a study of the efforts of Federal agencies to manage change in the human resources arena.

Many of these subjects remain timely, even as the landscape upon which they appear has changed and shifted. If confirmed, I would welcome the challenge of employing these experiences in human resource policy development and improvement to enhance the ability of GSA's Office of Inspector General to significantly contribute to meeting the human capital challenges faced by today's federal government.

2. Please describe the work you performed as a consultant for Koch Industries, Inc., the Charles G. Koch Charitable Foundation, W.W. Grainger, Inc., and the Southern States Police Benevolent Association.
Response: As a consultant to Koch Industries, Inc., I monitored and furnished information on regulatory,

legislative, administrative, and judicial developments at both the Federal and State levels in the areas of labor-management relations, equal employment opportunity, Employee Retirement and Income Security Act (ERISA), Fair Labor Standards Act, and other employment laws.
As a consultant to the Charles G. Koch Charitable Foundation, I responded to requests for information, on an intermittent basis, in the areas of employment law and legal reform in connection with grant applications to the Foundation.
As a consultant to W.W. Grainger, Inc., I furnished advisory services in connection with Grainger's efforts to increase its government sales through participation in the Javits-Wagner-O'Day (JWOD) program, which assists in increasing employment opportunities for the blind and the severely handicapped.
As a consultant to the Southern States Police Benevolent Association, I furnished assistance in developing draft legislation and legislative strategies to promote workplace due process protections for State and local law enforcement officers otherwise subject to termination-at-will policies, through the Justice Department grant-making process.

3. As a consultant to any of the organizations listed in question three, were you involved in any cases pertaining to whistle blowers? If so, please describe your role.
Response: No.

4. According to press reports, (see attached) as chairman of the Merit Systems Protection Board (MSPB) you participated in resolving a MSPB employee's sexual harassment complaint against a fellow board member. According to these reports, the employee was fired after she complained to agency officials. The press also reported that seven Members of Congress wrote a letter to President Clinton about this case expressing concerns that the process by which MSPB responded to the allegations was "seriously flawed," that the complainant was intimidated, and that her firing constituted an act of retaliation. The press further reported that MSPB resolved this case through a sealed agreement with the complainant under which she was rehired, assigned to a regional office, and given $17,500.

a. Please describe your role in this case.
Response: In late Winter or early Spring of 1993 I was informed by the Board's General Counsel and/or the Director of Equal Employment Opportunity that a complaint of sexual harassment had been lodged against the Vice Chairman of the Board by his Special Assistant, and , sometime thereafter, also was informed that the parties to the case wished to pursue a settlement of the matter. I believe that a settlement of the matter between the parties was reached and that sometime later that year, an investigation of the circumstances surrounding the complaint and settlement was undertaken either by a House Committee, the White House, or perhaps both. I have a recollection of being interviewed about this matter by an independent investigator outside of the Board and sharing this chronology of events, but cannot recall whether it was with a White House, or Congressional investigator. To the best of my recollection, the settlement agreement was left undisturbed and the Board Vice Chairman was permitted to complete his term of office that I believe expired in 1997.

b. Was this matter investigated to determine the factual basis of the complainant's allegations?
Response: I believe this matter was investigated either by a Congressional Committee or by a White House office, or perhaps both.

c. Did you respond to the Congressional letter? If so, please provide a copy of that response.
Response: I have no recollection of receiving or responding to the Congressional letter referenced in the attached newspaper article, which is dated approximately a half year after my departure from the Board.

5. According to the same press reports, MSPB's Inspector General dropped his informal inquiry into the matter after being informed that the complainant had been assigned elsewhere.

a. Did you discuss the investigation with the Inspector General?
Response: I have no recollection of discussing this matter with the IG.

b. Did you in any way attempt to influence the IG's investigation or decision?
Response: No

c. Do you believe the MSPB's Inspector General adequately performed his duties in this particular matter? Why or why not?
Response: The performance of the Inspector General as portrayed in the article is troubling because he does not appear to be exercising independent judgment on the basis of his knowledge and actions. However, I do not have a full understanding or recollection of what actions the Board's IG may have taken that are not captured in this article, which I believe is an incomplete portrayal of that particular episode. For example, I do not know what role, if any, he may have played in the independent White House investigation referenced above or with appropriate Congressional committees.

One of the earliest management actions in my first year at the Board was to establish an Agency Office of Inspector General. I appointed Mr. Paul Reigert, who served throughout my term, and encouraged him to exercise and take independent judgment and action throughout my tenure at the Board. My best recollection stemming from the periodic meetings with the IG was that he did exercise such independent judgment.

d. If confirmed as IG and you are confronted with similar circumstances, how will you respond?
Response: If confirmed, I will vigorously exercise the powers statutorily authorized by the 1978 Act. To the extent that non-statutory IG's in smaller agencies such as the MSPB might feel constrained in the exercise of their independent judgment, or by their conduct create a perception of constraint as a result of their status as agency-appointed officials, reform of the IG program in designated federal entities warrants serious consideration.

X. Relations with Congress

1. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?
Response: Yes.

2. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of Congress if you are confirmed?
Response: Yes.

XI. Assistance

1. Are these answers your own? Have you consulted with GSA or anyone else in answering these questions? If so, please indicate who.
Response: All answers are my own. I have consulted with the Counselor to the GSA's OIG, Kathleen Tighe.

AFFIDAVIT

I, DANIEL R. LEVINSON being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate and complete.

Daniel R. Levinson

Subscribed and sworn before me this 18th day of July 2001.

Notary Public

Dimitria M. Lomax
Notary Public
District Of Columbia

MY COMMISSION EXPIRES: Nov. 14, 2002