

Stenographic Transcript  
Before the

COMMITTEE ON  
RULES AND ADMINISTRATION

**UNITED STATES SENATE**

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

Wednesday, July 24, 2019

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1                                   OPENING STATEMENT OF SENATOR BLUNT

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

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

23           The rapid advance in printing and digital technologies  
24 has also resulted in a real transformation at the  
25 Government Office tasked with making this information

1 available, but now doing that in ways that would not have  
2 been anticipated just a few years ago. In 1988, Congress  
3 established the current Office of Inspector General to  
4 examine the GPO's operations and recommend policies to  
5 enhance its effectiveness. The Director of the GPO  
6 appoints the Inspector General, who operates independently  
7 to ensure the agency and Congress receive objective  
8 information and reviews of the agency's administration.  
9 The Inspector-General routinely conducts operational  
10 audits, reviews legislative impact on the agency, and  
11 reports deficiencies to both the Director of the GPO and  
12 the Congress.

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

22 This is an area, Mr. Leary, that has had some lack of  
23 permanent leadership for a long time. The fact that you  
24 are the third Inspector General would indicate just part of  
25 that problem. The Director of the now known as the Joint

1 Publishing Office position has been vacant since October of  
2 2017. As of April of this year, 5 of the 10 GPO executive  
3 leadership team positions are vacant with employees serving  
4 in an acting capacity. You are the third IG appointed by  
5 the Acting Deputy Director since March of 2018.

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

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1           I provided a full written statement to the committee  
2   so I will just briefly highlight a few areas in this  
3   opening statement which I think might be worthwhile  
4   exploring today. In my first months on the job, I have  
5   encountered a proud and dedicated workforce at GPO who  
6   believe in their agency, their mission, and the necessity  
7   to adapt, but my initial assessments is that they want  
8   certainty and commitment from Congress and the  
9   Administration in the form of a nominated and confirmed  
10  Director, and they want adequate investment to enable their  
11  success. Unfortunately, I did not find a GPO IG office  
12  that was positioned to help GPO succeed. To rectify that,  
13  I have taken immediate actions to change the focus,  
14  policies, and the practices of my office.

15           Through hiring, training, and partnership with the IG  
16  community and CIGIE, I will permanently change my office's  
17  culture and as a result its value to GPO. I have had the  
18  cooperation and engagement of GPO's leadership since  
19  arriving. I believe they are committed to the independence  
20  of the Inspector General and to a constructive relationship  
21  between the agency and my office. But beyond this, there  
22  are some serious concerns going forward, issues particular  
23  to my office and to Legislative branch agencies. Some  
24  answers to which lie perhaps only with Congress. These  
25  include potential long-term solutions for greater Inspector

1 General independence and work product integrity, and  
2 rectifying encroachments on my ability to conduct law  
3 enforcement activities.

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

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

12 [The prepared statement of Mr. Leary follows:]

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

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

12          The Chairman. Did you also just say that you were  
13 going to propose a new five-year strategy yourself?

14          Mr. Leary. Mine is due in October. The current five-  
15 year strategy expires at the end of this Fiscal Year.

16          The Chairman. And at the front end of that five-year  
17 strategy, what would be the top three challenges you would  
18 think the next Director would have?

19          Mr. Leary. GPO is a business. It has to remain  
20 relevant to the customer, and the customer is principally  
21 Congress, but also the broader Government in general, and  
22 it has to be able to figure out how to provide cost-  
23 effective, efficient delivery of products. It has to be  
24 cutting edge. Those are the challenges, I think, that are  
25 fairly obvious to me for this agency. It needs permanent

1 leadership in order to ensure that it can get to that point  
2 and stay there.

3 The Chairman. How many employees are at GPO now?

4 Mr. Leary. There is almost 1,800.

5 The Chairman. 1,800. And how many different  
6 facilities are out there?

7 Mr. Leary. There are eight off-site facilities, but I  
8 could be -- I think it is about eight.

9 The Chairman. And not at all used like they would  
10 have been used 20 years ago by any stretch of the  
11 imagination, is that correct?

12 Mr. Leary. Yes. Some of them are just warehousing.  
13 Some are distribution points.

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

22 Mr. Leary. That is right. Right. So with SID, the  
23 Secure and Intelligent Documents Division, their principal  
24 customer is the State Department, and that is in part  
25 because we insist on the passports needing to be securely

1 produced and we are the only people who can provide that  
2 for them. They are a principal customer, maybe even could  
3 be considered a sole customer.

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

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

16 The Chairman. And are you comfortable with the  
17 security provisions of the passport part of the operation?

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

23 The Chairman. And have you looked at past challenges  
24 that the agency may have had on harassment or  
25 discrimination?

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

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

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

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

11          Senator Hyde-Smith. Thank you, Mr. Chairman, very  
12 much, and thank you, Mr. Leary, for being here and all your  
13 staff that you have with you. We certainly appreciate your  
14 attendance today and your credible testimony. Having just  
15 been appointed in April, you have served in this position  
16 for only a few short months. However, you bring to the job  
17 many years of experience with the Executive branch and with  
18 the Council of Inspectors General on integrity and  
19 efficiency, and so I certainly look forward to learning  
20 more about your plan. The GPO is important to the daily  
21 operations of not only Congress but also the Federal  
22 Government as a whole. I would like to make sure that as  
23 we carry out this oversight of GPO, that we are doing  
24 everything possible to help the agency run effectively.

25          Mr. Leary, what do you believe to be the most critical

1 risk the GPO should address in the coming year?

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

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

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

22 Senator Hyde-Smith. So to accomplish this goal that  
23 you have envisioned here, and we certainly want you to have  
24 those adequate resources, how far are we from having those  
25 adequate resources? Where do we stand, and how can we help

1 you accomplish those goals?

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

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

20 Senator Hyde-Smith. Thank you very much.

21 The Chairman. So on that topic in terms of the  
22 budget, I would assume actually most printing efforts  
23 everywhere probably gone down in cost in recent years, the  
24 way you do this, the way you prepare the document, the way  
25 you set the type, the way that a lot of it is now probably

1 made available, you do all of the preparation work, but the  
2 numbers that you used to print probably not printed, that  
3 seems totally reasonable to me. Now, I think maybe you were  
4 making the point that while the budget has gone down there,  
5 the maintenance budget, the sustaining the buildings, the  
6 sustaining the equipment, has not reflected any need there.

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

13 The Chairman. And some of the buildings are being  
14 used for archival and other storage now, is that right?

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

21 The Chairman. From the point of view of your work as  
22 a Legislative branch Inspector General, can you describe  
23 the differences in being a Legislative branch Inspector  
24 General and an Executive branch Inspector General?

25 Mr. Leary. Some of them are formal. So the Inspector

1 General Act of 1978, the amendments of 1988, the amendment  
2 just a couple of years ago, all those apply to Executive  
3 branch Inspectors General. They only informally apply to  
4 Legislative branch Inspectors General. We operate under  
5 Title 44 in my agency. My authorities reference the  
6 Inspector General Act but do not incorporate it. So,  
7 things like, look if my boss wants to fire me, he can fire  
8 me.

9 The Chairman. And you are appointed by the head of  
10 the agency, of the GPO?

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

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

25 Mr. Leary. Absolutely.

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

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

14           My agents go to all four corners of the country. They  
15 were just out in California. We actually have an open  
16 investigation in Florida right now. They have to travel to  
17 serve warrants, to issue subpoenas, to make seizures, to do  
18 interviews, to participate in a surveillance, in joint  
19 investigations. All those things involve law enforcement  
20 authority. I have seven agents in my investigations  
21 division to include my Assistant Secretary-General for  
22 Investigations.

23           When I got into the office, all seven of those  
24 positions were authorized law enforcement positions. As of  
25 next Friday, two out of seven will be authorized to carry

1 their weapons and execute law enforcement authority. In  
2 three months, I have lost 75 percent of my law enforcement  
3 authority.

4 The Chairman. How did that happen?

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

18 The Chairman. They being who?

19 Mr. Leary. The Marshal Service.

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

22 Mr. Leary. No, either to be re-certified or  
23 certified. You know, it seems to me the mistake was we put  
24 our trust in a process that relied upon an agency to make,  
25 I guess, decisions that depended on who the lawyer was that

1 sat in a particular chair. For 10 years, they thought it  
2 was okay. Now they do not think it is okay. I have heard  
3 secondhand that they had an issue with separation of  
4 powers. As a lawyer myself, take that for what it's worth,  
5 I do not put any real weight on that conversation or that  
6 argument. Marshal Services can deputize anybody. There is  
7 no separation of powers issues in their authority to do  
8 that.

9 The Chairman. So give me an example of why your  
10 agents need to be deputized and armed. Not a specific  
11 example but give me a hypothetical example of the kinds of  
12 things your agents might be looking at in terms of  
13 contracts that are fraudulent or -- just give us an example  
14 of that.

15 Mr. Leary. So whenever you serve a warrant, the  
16 practice is that somebody needs to be armed because it is  
17 an inherently dangerous activity. In fact, I am glad you  
18 brought this up at this point. I have two things I would  
19 like to submit to the record.

20 The Chairman. Alright, what would they be?

21 Mr. Leary. One of them is an article that was written  
22 by Glenn Fine who is now the Acting IG for the Department  
23 of Defense, but at the time was the IG for the Department  
24 of Justice, and he wrote an article about the passage of  
25 the Homeland Security Act in 2002. That article, there was

1 a provision in that Act that gave law enforcement authority  
2 to a number of IG offices, all of them Presidential  
3 appointment offices or PAS offices, and he explains why  
4 that happened and why the authority was needed.

5       Interestingly, there is no distinction in here as to  
6 why those offices would get it and other offices would not.  
7 We perform the same responsibilities and we have the same  
8 functional needs that those offices had. So I want to put  
9 that in the record because it lays out the argument pretty  
10 clearly. The other thing I would like to offer is a  
11 Congressional research service article that was published a  
12 few years ago in 2014 that explains law enforcement  
13 authority in the IG community. Both of these will help to  
14 lay out why our office needs it, why any office who does  
15 fraud investigations should have it.

16       The Chairman. Alright, those in the record without  
17 objection.

18       [The information referred to follows:]

19       [COMMITTEE INSERT]

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

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

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

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

25          The Chairman. So why wouldn't you know if they

1 changed their policies or not, isn't that your job?

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

9 The Chairman. Okay. Senator Hyde-Smith.

10 Senator Hyde-Smith. I think you have done an  
11 excellent job addressing this. I share your concerns about  
12 the ability to have the enforcement on your side because it  
13 is an inherently dangerous position to put yourselves in.  
14 And I have no further questions.

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

20 Mr. Leary. No, Senator. I appreciate the opportunity  
21 to talk to you particularly about the law enforcement  
22 issue. I have restructured my office to be more proactive.  
23 I think that is an important principle. I want my agency  
24 to know that I am here to partner with them, that I think  
25 the more important services that an IG can provide to an

1 agency is to help them be more effective and efficient. I  
2 am focusing on inspections as opposed to investigations,  
3 and I think that partnership is much more fruitful to a GPO  
4 than simply emphasizing investigations. That is a big  
5 piece of what I am doing.

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

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

16 The Chairman. Got it. Got it. I think we are going  
17 to conclude the hearing now. The record will be open until  
18 5:00 p.m. on July the 31st. I think there are likely to be  
19 other questions submitted in writing.

20 [The information referred to follows:]

21 [COMMITTEE INSERT.]

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

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

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