

Response to Written Questions Submitted by Hon. John Thune to Hon. Peggy Gustafson

Question 1. NOAA satellite acquisition has received considerable scrutiny in the past few years, including from this Committee. Several OIG and GAO reports have made recommendations on how to address the myriad schedule, cost, and functionality challenges for the \$10.9 billion Geostationary Operational Environmental Satellite-R Series 4, and the \$11.3 billion Joint Polar Satellite System 4 programs.

You noted in your testimony that NOAA's major satellite system programs are among the Department's largest investments, totaling more than 16 percent of its \$9.7 billion fiscal year 2017 budget request. Do you believe NOAA will be able to avoid further cost overruns and delays in the acquisition process?

Answer. It is likely that there will be future cost overruns and delays in these programs. As we have generally reported in our work, the JPSS and GOES instruments are highly complex systems, and the small number of satellites procured by each program creates a challenge from a program standpoint. If any of the new satellites suffer a setback, those discrete delays have the potential to complicate ongoing and future work in the program resulting in cost overruns, particularly if technical problems arise during the satellites' system assembly, integration, and testing.

The OIG's past work concerning NOAA's satellites highlights risks and areas of improvement to the Department, giving the programs an opportunity to learn and improve from past efforts—resulting in many resolved audit recommendations over time. The OIG will continue its work auditing these programs and keep Congress informed of the progress and challenges faced by NOAA.

Question 2. At the hearing, you mentioned the importance of strengthening the cybersecurity of government information and systems. What are the most important steps the Secretary should take to increase the effectiveness of the agency's cybersecurity programs?

Answer: Our cybersecurity audits continue to find deficiencies in the Department's implementation of basic security measures, such as regularly identifying vulnerabilities, expeditiously remediating security flaws, and effectively managing access controls. These basic measures are essential for improving the security posture of IT systems Department-wide, as is evidenced in our recent reports titled:

- Successful Cyber Attack Highlights Longstanding Deficiencies in NOAA's IT Security Program;
- Lack of Basic Security Practices Hindered BIS' Continuous Monitoring Program and Placed Critical Systems at Risk;
- Significant Security Deficiencies in NOAA's Information Systems Create Risks in Its National Critical Mission; and

- Review of IT Security Policies, Procedures, Practices, and Capabilities in Accordance with the Cybersecurity Act of 2015.

In the short term, the Department should prioritize some actions over others to improve the effectiveness of the cybersecurity program:

- fully utilize the Department's enterprise security services at each bureau to gain real-time situational awareness;
- conduct high-quality information system security assessments to ensure adequate security is in place across the Department;
- prioritize the updating of IT security policies and procedures to ensure a cohesive approach to cybersecurity across the Department;
- implement strong security measures to protect the Department's national security systems;
- implement multi-factor authentication for all users with greater authorities; and
- Secure cloud-based systems in accordance with federal requirements.

Question 3. As your respective offices issue recommendations based on audit and investigation work, what steps do you take to ensure that the recommendations are discrete tasks that are feasible for the agency to implement in a reasonable timeframe?

Answer. With respect to recommendations contained in the OIG's audit reports, consistent with GAO's Government Auditing Standards, the OIG provides draft report findings and recommendations for review and comment by responsible Department management officials. The Department officials then have an opportunity to inform the OIG whether each recommendation is reasonable and feasible. If Department officials oppose any recommendations, and the OIG determines that the Department's views are valid and supported, the OIG modifies the recommendations to incorporate the Department's response in the final report. That final report, with the Department's response, is then issued for implementation.

The OIG's investigative reports generally are geared toward two audiences: the Department of Justice (DOJ) for potential criminal action or Department of Commerce (Department) management for potential administrative action. DOJ makes an independent determination as to the feasibility and viability of any criminal case arising out of OIG investigative efforts. Likewise, Department management makes the determination of what administrative actions, if any, are supportable by OIG investigative work. The OIG does not recommend specific action be taken in the administrative context as such decisions are within the Department's management purview and not subject to OIG discretion. The OIG, does, however, highlight "root causes" of potential misconduct within the Department.

Response to Written Question Submitted by Hon. Deb Fischer to Hon. Peggy Gustafson

Question. Inspector General Gustafson, in your written testimony, you highlighted more than \$18 million in waste at the U.S. Patent and Trademark Office stemming from employees who falsified their timesheets. This is concerning, to say the least. Can you please discuss steps that have been taken by the Department to remedy this problem and any additional actions you think are necessary?

Answer. In its January 27, 2017, written response to the OIG investigative report finding more than \$18 million in potential waste, USPTO reported taking actions to improve workforce management and strengthen time and attendance controls. Some of the recent actions USPTO reported that it has taken include:

- Providing guidance to patents and trademark supervisors to specifically monitor indicators of potential time and attendance issues, such as responsiveness to supervisory communications; inconsistent workload activity (e.g., claiming 80 hours of examining time in a bi-week, but not claiming any work credits); and customer inquiries or complaints;
- Implementation of an Agency-wide July 2016 policy requiring any employee with performance or time and attendance issues to provide more specific schedule information to their supervisor;
- Issuance of an USPTO-wide refresher on time and attendance obligations and training for all employees and supervisors on time and attendance policies;
- Launching a program to improve supervisory mentoring of patent examiners with low or inconsistent production;
- Providing guidance to all patent supervisors to regularly utilize their IT dashboard tool to monitor examiners' production and timeliness, which can provide an early warning sign of potential time and attendance issues; and
- Additionally, the USPTO has implemented and/or taken action that responds to the 23 National Academy of Public Administration recommendations concerning internal controls related to time and attendance.

According to USPTO, some of its efforts to address the recommendations in the OIG's report are ongoing, including:

- Reevaluating USPTO's examiner production goals for each art unit and revising them, to the extent necessary, to reflect efficiencies in work processes from automation and other enhancements; and

- Reviewing USPTO's policies, procedures, and practices pertaining to overtime hours to identify and eliminate the areas susceptible to abuse.

Response to Written Question Submitted by Hon. Dean Heller to Hon. Peggy Gustafson

Question. A difficulty for Inspectors General across federal agencies has always been getting the information they need and pushing back on the agency when they dispute the IG's claims.

It's something I've seen frequently at the Department of Veterans Affairs, and I've always felt very strongly that IG's must be willing to confront agencies to get the information they need to conduct a full investigation.

Have any of you had difficult accessing the information you need to hold your agency accountable and are there tools you need from Congress to increase transparency?

Answer. Historically, the OIG has faced challenges gaining access to some information as a result of conflicting laws or occasional delays arising within the Department. The OIG has been successful enforcing our statutory right to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department. More recently, the OIG encountered resistance from the Department in obtaining access to information protected by another statute. The OIG promptly informed Congress and the issue was resolved with full access being granted to the materials sought. As we move forward, we will continue to work with the Department to ensure timely access to all information needed to conduct our work.

At this time, the OIG has no current access issues. Should the OIG experience an access issue in the future, we will promptly inform Congress.