



## The Davis Plan

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Rep. Tom Davis (R-Va.) is a man with a plan. That has become increasingly evident as Davis has become one of the most influential people in the information technology community.

Davis sat down with Federal Computer Week staff Jan. 13 to discuss his agenda for the 109th Congress and offer his views on a variety of subjects. Davis is chairman of the House Government Reform Committee, which he said is one of the few congressional committees with a governmentwide focus.

"Somebody has got to look across government, and what we have been seeing is a lot of narrowly drawn legislation," Davis said. We "have stovepiped government to the point where it's virtually impossible to respond to a crisis."

"You're going to see us ...be more aggressive," he said. The committee will be "asserting more jurisdiction, having more play with the appropriators."

Among the items on his agenda:

- The General Services Administration: Davis is focusing on a number of issues, including whether to maintain the organization's structure, which features various regions. There are also the problems with misuse of GSA contracts. "You've got all these regional administrators," he said. "You don't need that kind of stuff anymore. We just need to rethink how we can do this more efficiently." Davis said he is concerned that the Federal Supply Service and the Federal Technology Service seem to be competing with each other.
- Cybersecurity: "Cybersecurity is one area where the government is falling backward, not moving forward," he said. "This will be a major priority of our committee."
- Procurement: With a number of scandals grabbing headlines, such as the Defense Department's tanker deal with Boeing, some lawmakers might try to roll back procurement reforms from the 1990s. Davis said he will move to deflect any such efforts.
- Privacy officers: Davis said he will seek to eliminate the provision of the fiscal 2005 omnibus spending bill that mandates the creation of chief privacy officer positions at agencies. "These privacy officers have got to be put into perspective," he said. "If you want to have them, fine. But let's not make it so confusing that the [chief information officers] basically lose control of computer security and privacy becomes the overriding concern."

Davis was joined by members of his staff: David Marin, deputy staff director and spokesman; Melissa Wojciak, the committee's staff director; and Ellen Brown, the committee's legislative director and senior policy counsel. The following is an edited transcript of our conversation. The entire transcript is available online at [www.fcw.com/download](http://www.fcw.com/download).

**FCW:** Before we launch onto other topics, a member of your staff was in Hershey, Pa., at the Excellence in Leadership Conference and said that, given the Boeing controversy,

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### Holding the reform line

Stan Soloway, president of the Professional Services Council, applauded Rep. Tom Davis' (R-Va.) determination to hold steady on procurement reform. "Davis understands these issues better than most," he said. "The potential for rolling back some of the most critical reforms of the past decade is there."

It is possible that some procurement reforms of the past few years, including those that Davis has spearheaded, could be repealed, Soloway said.

"There are others [in Congress] who would like to see wholesale regression for the wrong reasons," he said. "There are some who opposed these reforms for purely parochial reasons. They think it's in their interests to make contracting look dirty or bad."

Larry Allen, executive vice president of the Coalition for Government Procurement, said his organization supported Davis' Services Acquisition Reform Act of 2003 and Acquisition System Improvement Act of 2004. Both bills were folded into the Defense Authorization bills in 2003 and 2004, but some provisions were removed before the legislation passed.

[involving a senior Pentagon official directing contracts to Boeing,] and all the other procurement issues, Congress is ready to do something to roll back procurement reforms.

**DAVIS:** A lot of members like to legislate anecdotally.

**FCW:** How vulnerable are the changes that you helped bring to pass? What is the health of procurement reform at this time?

**DAVIS:** We intend to stay on offense. Just sitting there on defense and having people come in and do more Buy America — that's not the right thing. We're going to press ahead offensively on changes.

When you have somebody who needs to get some new Xerox paper, we have to fill out forms in triplicate and send them up through the ranks and get them signed and get them back down to requisition accordingly. It's very, very inefficient. You lose time.

I'm willing to give people credit cards to get those things. Let them go over to Staples or whatever they have to do. I'm willing to let that guy at the window solve that customer's problem, even if he might bend the rule a little bit or can't find quite the exception to get that problem out of the way. That's the reality.

We do advocate more training. That's one of the things that we put more money into on the procurement side. We think it's important. Some people want to cut back on procurement officers and everything else. It's almost self-fulfilling — if you cut back procurement officers, of course you're going to need procurement reform.

You need more officers and auditors and everything else, if you do it the right way. But we've got to make sure that we are a mission-oriented government, not a regulation-driven government where, whatever the regulations say, that's the outcome. That's not the way any business would operate. That's not the way you want to operate in your life. We have missions to accomplish out there.

In some of the GSA issues that have come before us, people were trying to think outside the box to get things done. They might have bent the rules, but I don't think there has been any money lost or anything like that. We need to change rules and regulations in those cases to allow people to do things.

But we're going to stay on offense because ultimately you save a lot more money that way. The Boeing issue was simply fraud. This is just somebody who's sitting there in the bureaucracy breaking the law. You can pass any law you want, but if there is somebody who is sitting there on the take or an agreement and, in fact, a lot of the Boeing problem was caused by congressional interference by members who were trying to save the contracts. That's something that we have fought against.

**FCW:** Let's talk about GSA for a few minutes. Especially with Sandy Bates leaving her position as FTS commissioner, it seems as though there are opportunities here to make some changes.

**DAVIS:** Absolutely there are.

**FCW:** What is the problem at GSA that needs to be solved?

**DAVIS:** There are a lot of problems. First of all, GSA is not that badly run when you compare it with other agencies. But GSA needs to be setting the example and leading the way.

I want to see what the president's lineup is going to be at this point. A lot of rumors are out there about who's going to

"We feel proactive changes such as these recognize the dynamic nature of the federal market and the fundamental truth that you simply cannot go back to the procurement rules of the 1980s and expect to have a government that works," Allen said. "This is not your father's federal government. You can't have an acquisition system tied to that era and still meet the many critical missions citizens expect from their government today."

But Alan Bechara, president of PC Mall Gov, suggested taking a year to breathe and reassess before pushing more legislation through.

"I would slow down and figure out what works, what hasn't worked, rather than plowing forward with new legislation. I'm a proponent of less regulation," he said.

— Michael Hardy

## A fight over privacy officers

Rep. Tom Davis (R-Va.) is unhappy with privacy legislation that was slipped into the fiscal 2005 omnibus spending bill passed last year. He has vowed to fix those aspects of the bill that he says could have unintended consequences.

Davis doesn't want chief privacy officers to undercut the authority of chief information officers. "Let's not make it so confusing that the CIOs basically lose control of computer security and privacy becomes the overriding concern," he said.

Existing federal information policy makes the protection of personally identifiable information the responsibility of CIOs, and, therefore, privacy officers are unnecessary, said David Marin, Davis' spokesman.

Marin said Davis will introduce legislation in the new Congress to repeal Section 522, the portion of the omnibus bill that requires all federal agencies to hire chief privacy officers.

Privacy experts say they expect information privacy to be the focus of intense debate this year. "We would hope that Rep. Davis doesn't throw the baby out with the bathwater," said Ari Schwartz, associate director of the Center for Democracy and Technology, a nonpartisan public interest group. "We need more accountability in the way agencies — particularly intelligence agencies — are handling privacy."

Agencies that have chief privacy officers — the Homeland Security Department, the U.S. Postal Service, the Internal Revenue Service and the Commerce Department — have done a better job of protecting personal information from unnecessary disclosure, Schwartz said. "Where the privacy functions have been put underneath the CIO, we have seen more problems," he added.

Peter Swire, chief counselor for privacy in the Clinton administration, said although the law creating chief privacy officers is imperfect, "the idea is a good one." However, the new law includes some expensive auditing requirements that are unnecessary, said Swire, now a law professor at Ohio State University.

Swire also said he would prefer a law that goes a step further and creates a governmentwide privacy officer with responsibilities for protecting personal information shared among federal agencies. "The Office of Management and Budget is the logical

take what and so on, but I think this is the time to do it. You've got all these regional administrators. You don't need that kind of stuff anymore.

We just need to rethink how we can do this more efficiently. And we've got the Federal Supply Service and the Federal Technology Service in some ways competing with each other.

Two quick things. You got all these regional areas that made sense maybe 25 years ago. But at a time when you've got wireless communications and everything else, you don't need to have that same kind of setup. You don't need to meet the customer face to face on all these issues. A lot of stuff is being done online.

**FCW:** Many believe that the regional administrators, who are all politically appointed, all but ignore GSA headquarters.

**DAVIS:** Sure. I think they've probably outgrown their intended usefulness.

Another problem — and it's not GSA's problem — but you've got a proliferation of schedules in all the different agencies. GSA does a pretty good job overseeing that. It seems other agencies don't do it. They just look at it as a way to get money. And sooner or later ...we'll be getting [contract] vehicles, and they aren't getting the proper oversight.

All of those are reasons to take a look at what GSA does.

**FCW:** Are you thinking about changes because of some of the abuses that occurred with the IT fund?

**BROWN:** The IT fund and the other funds all give an opportunity for change. This is something that we've talked a lot about and are trying to figure out where to go. But when you take the IT fund and look at the definition of IT, maybe we need to look again at that. I was just realizing how old it was.

When you add that to how fast technology has grown, maybe it's really outdated. Maybe that's something we need to be looking at, together with the restructuring. When you really start peeling away, this thing could get huge. When we say GSA reorganization and restructuring, we're really talking about all of those issues, because they all play together.

**FCW:** While we're on the subject of GSA, let's talk about the Network contract. With Bates leaving, there is concern about what this means for Network and the Treasury Communications Enterprise contract.

**DAVIS:** Well, everybody in the world has protested it. How many government contracts do you see with that many protests? The track record at Treasury is not particularly good on these issues. Let's see where it all goes. But this gives us an opportunity to step in in Sandy's absence. Sandy was with us, and we weren't opposite on some of these issues. But there is always concern when there is a vacuum over what's going to happen. We tend to step up to the plate on that.

**FCW:** Any concerns over the potential combination of FTS and FSS? Do you see FTS as having a role to play, and would it have an effective role under a unified organization? Would it still play the role of helping agencies with contracting?

**DAVIS:** It's got a role. This is an opportunity to redefine what everybody's doing. Right now, everybody is doing the same kind of thing, and [they] are competitive to some

place for that," he said.

— Florence Olsen

## Cybersecurity: A long way to go

The government is falling backward, not moving forward on cybersecurity, said Rep. Tom Davis (R-Va.), chairman of the House Government Reform Committee.

Some consider his committee to have an excellent track record for leadership on federal cybersecurity policy. But Davis said the shuffling of House committees and subcommittees has created uncertainty about how members will carve up cybersecurity responsibilities.

Some cybersecurity experts agree with Davis' assessment. "The cybersecurity agenda right now is in a bit of disarray," said Dan Burton, vice president of government affairs at Entrust, an information security company. Several changes led him to that conclusion, he said.

The biggest change is that cybercrime, such as fraud and financial blackmail, has grown by leaps and bounds while government officials have been distracted by worries about cyberterrorism, Burton said. Cybercrime "is the pressing issue of the day right now," he said.

Others such as Robert Cresanti, vice president for public policy at the Business Software Alliance, a high-tech trade group, praised the work of Davis' committee. But Cresanti agreed that more could be done in Congress to protect the nation's cyberinfrastructure and combat cybercrime. "The whole security situation could use more hardening," he said.

As for the jurisdictional upheaval in the House, "the dust hasn't really settled yet," Burton said. But it appears that the House Homeland Security Committee will have jurisdiction over cybersecurity within DHS, he said. The Energy and Commerce Committee will have jurisdiction over cybersecurity related to commerce and the private sector, he added, and Davis' committee will be responsible for governmentwide cybersecurity policy.

Some cybersecurity experts say that other changes may be needed, too. Federal cybersecurity could be undermined if executive staffing levels are not corrected, said Paul Kurtz, executive director of the Cyber Security Industry Alliance.

Kurtz said alliance members favor increasing the number of staff members who work on cybersecurity policy and standards at the Office of Management and Budget and the National Institute of Standards and Technology.

"OMB's resources and NIST's resources are thin in this area," Kurtz said.

For example, he said, OMB has good people — Glenn Schlarman, chief of OMB's Information Policy and Technology Branch, and others — who are working on cybersecurity policy, but their workload is enormous. "We need more Glenn Schlarman," Kurtz said.

— Florence Olsen

## Recombinant GSA

Rep. Tom Davis (R-Va.) would like to see the

extent. That's inefficient. So that's something we remain open on, but we have just too many [overlaps] at this point.

**FCW:** There has been an ongoing discussion about whether cybersecurity goes to the Homeland Security Committee or stays with your committee.

**DAVIS:** The Federal Information Security Management Act is something that every committee in Congress ought to be concerned about. The vulnerabilities of our systems are significant, and the potential damage that can be done is a lot more than any plane flying into a building. That's the reality.

It hasn't been given enough attention. The Energy and Commerce Committee has done a little bit with it, the Science Committee has done a bit with it. We've probably taken the lead on this. We will continue to be out there leading and working with whomever we have to.

I always get nervous when we start talking about change and there's no money. For government managers, it's just tremendous pressure on them to do so many different things. Cybersecurity is not part of the mission. It's a cost-avoidance issue. You just hope [something bad] doesn't happen on your watch. It's something we have to keep driving. I think we'll continue to take the lead on cybersecurity. Other committees have traditionally not shown the same interest in it, but we're happy to see them involved. If additional legislation needs to come through, we'll continue to work with them.

**FCW:** Rep. Adam Putnam (R-Fla.) was the big voice in the last Congress on that issue, and both he and his staff person, Bob Dix, are leaving the committee. Who fills that vacuum?

**DAVIS:** We don't know yet. I've still got five members to pick. Last time, we got some pretty good freshman members. But the committee has been reduced in numbers. My Republican ratio goes up a little bit, so I can lose two members and still carry the day.

But on that issue, I'm not sure whom I'm going to take for subcommittee chair. If I can't find the right one, I'll take it to the full committee.

We've got some very able members at this point, but we're still trying to decipher what the membership is going to be. Are we going to pick up five freshmen? Are we going to go for some more senior members who have an interest in this? I'd say it's under negotiation. We're out there recruiting, and it's too early to tell.

**FCW:** How much do other members care about FISMA?

**DAVIS:** Nobody knows what FISMA is. We have 10 members out of 535 who know what FISMA is.

I think a lot of members understand the concepts. But if you're from North Dakota, there's one issue, and that's high wheat prices. That's the kind of thing that gets you there, and that drives the economy there.

You don't have the constituent interest in this kind of thing, until you get into some kind of cyber Pearl Harbor, or cyberattack, and there's some downside, or somebody loses money, or somebody gets hurt. But nobody's going to be an instant expert. That's just the way this business works, unfortunately.

**MARIN:** Back to the jurisdictional question for a second. It's something we've been trying to get people to understand.

**DAVIS:** Believe me, any committee will claim jurisdiction over anything. The place is driven by jurisdiction. It is in the

General Services Administration become more efficient. And one way to do that is to make sure its primary branches, the Federal Supply Service and Federal Technology Service, do not compete against each other, he said.

Rumors of a possible melding of the two organizations have been circulating for some time, said Anthony D'Agata, vice president and general manager of Sprint's government systems division. FSS manages the schedules program, while FTS is concerned with telecommunications and procurement services.

"Telecommunications and information technology are synergistic and cross-elastic," D'Agata said. "A lot of our customers are looking for more customized solutions that cross both telecommunications and the information technology domain. I think GSA probably should look at that."

Scott Orbach, president of consulting firm EZGSA, took a different position.

"While the rules would seem to indicate that the two branches not compete, the reality is that they do," Orbach said. "But after all, isn't it competition that makes everyone perform better, faster and cheaper? Left to compete with each other, the branch that offers the best customer service to its government customer will ultimately succeed."

"Even the best organization can be left behind if it doesn't continuously adapt," said Larry Allen, executive vice president of the Coalition for Government Procurement. "We support additional analysis on whether FSS and FTS can work even more closely together. We feel not only that they can, but that they must, given the constantly expanding nature of federal agency missions and the loss of experienced personnel in critical roles."

Alan Bechara, president of PC Mall Gov, said he agrees with Davis that GSA's regional offices may be superfluous in the age of instant electronic communications.

"He's absolutely right," Bechara said. "The existing [GSA] structure has not been updated to reflect technology. Where you have walk-in customers it makes sense, but with phone and e-mail you can reach people everywhere."

— Michael Hardy

## Shuffling the deck

Few subjects are more sensitive on Capitol Hill than changing committee jurisdictions and restructuring agencies. But as chairman of the House Government Reform Committee, Rep. Tom Davis (R-Va.) said he will continue to speak out on the need for greater communication and cooperation among congressional committees and among department and agency officials.

Because of traditional committee jurisdictions, lawmakers are often hamstrung when they begin legislating, Davis said. Through narrowly drawn legislation, congressional members have "stovepiped government to the point where it's virtually impossible to respond to a crisis," he said.

Industry officials and leaders of watchdog groups say that committee or agency reorganization is entirely up to congressional leaders, but they would welcome greater cooperation among congressional committees and federal agencies.

"Congress should be streamlined the way

way of a lot of good legislation getting through. Laws get written in funny ways to keep them under the jurisdiction of one committee as opposed to another. They get written under the wrong sections of the code sometimes just to avoid jurisdiction in one place or another.

**FCW:** I know you have problems with the chief privacy officer legislation, but talk about the concept of a chief privacy officer.

**DAVIS:** Well, I don't like it. I don't have the concern that we need a chief privacy officer, another bureaucrat. It's almost like you want to move this way, then you bring somebody back the other way. What is the mission of these different departments that protect privacy?

This was Sen. Richard Shelby's (R-Ala.) creation. The Information Age offers a lot of challenges to people conceptually. A lot of information is always available and is now available almost instantaneously. It's always there. Information is what makes government efficient. It's what allows us to make smart decisions.

The privacy officers, I guess, are a way to try to offer the public some kind of protection that the information they're giving the government is not going to be misused. But for the life of me, if that's what they wanted to do, that's not what they did in this legislation. And if that's what they want to do, we'll write it, and we'll have them do what they want to do. But let's just do that, and let's not do 10 other things that were unintended.

**FCW:** Do you think the chief privacy officer position would undercut the authority of or the jurisdiction of the CIO?

**DAVIS:** Absolutely. Under the legislation, it's unclear who does what at this point and what the priorities are. It was badly written, which is what happens when you're in a room and you don't have the committees of jurisdiction writing it. You've got some appropriators in there writing something at the last minute.

**FCW:** What's your sense of e-government projects these days?

**DAVIS:** I think you need some central coordination on the projects to make sure all of it works together. There are a lot of issues out there at this point. It's got to be coordinated from the Office of Management and Budget. That's the way the law is written. And I think the grade on that would not be that high.

**WOJCIAK:** The 25 projects continue to do well, but it's not clear that OMB is understanding and addressing the new challenges that are coming before them related to information policy, information technology and information security. We need to start moving beyond the face of 25 projects to making sure that OMB is addressing the new challenges on the IT landscape with the agencies.

**BROWN:** The relationship between the agencies and OMB doesn't seem to be all that good.

**DAVIS:** OMB is going to be more concerned about the budget side. They are under tremendous pressure, given the size of the deficit and some other things. I can walk you through some of the deficit issues they've got and the pressure that puts on the dollar.

We are very lucky — carrying the deficits we are — that the percent of the annual budget for debt service is only about 7 percent. If those interest rates go to where they were when I came into office, that's 14, 15 or 16 percent of the budget. That squeezes a lot of other things out. You've got to be concerned about that. Between the trade deficit and the operating deficit, those are two major factors at this point. It also affects the dollar. They're under a lot of pressure at this point.

**FCW:** Do you think OMB officials have the resources they need on the management side? Do they have the people with the expertise they need to apply the management discipline?

**DAVIS:** If they wanted more resources, I wouldn't fight that. Clay Johnson [OMB's deputy director for management] has tried to give this some impetus. Clay has come in and tried to turn this thing around. He's given a lot of thought to this as deputy. He's close to the president, which helps. So I don't want to take anything away from him. But I'm just telling you, at the end of the day, the priorities are there for budget work.

**FCW:** Bush administration officials have asked for money periodically for OMB's e-government initiatives and apparently haven't made a convincing case. And they've tried several other ways to get it, including hijacking part of the IT fund. The fact that they keep failing implies that lawmakers don't think that they have made a convincing case. But you're saying that if OMB needed more resources and made a good case, you would support it.

**DAVIS:** Let me just say that OMB publishes the president's budget. That is the starting point for congressional consideration. It gets jumbled up and down. Ten or 15 percent of it gets moved around fairly significantly. But if they really want it, they can come by, make a case and get it.

government agencies are streamlining and industry is streamlining," said Olga Grkavac, an executive vice president of the Information Technology Association of America.

Short of thoroughly reorganizing congressional committees, lawmakers could rely more on IT to improve communication and collaboration among the committees, said Patricia McGinnis, president and chief executive officer of the nonprofit Council for Excellence in Government. "You can never reorganize perfectly," she said.

Davis said when committees and agencies do not work together, the result is overlap and wastefulness. "Waste and abuse are just marbled through the bureaucracy in the way we do business," he said.

But faced with a growing deficit and budget cuts, Davis said, the federal government cannot afford waste. "We can continue to do a lot of the things we're doing without having to cut programs to consumers or to recipients of government largesse, if we do it efficiently," he said.

— Florence Olsen

**WOJCIAK:** The problem in the past has never been the chairman of the Government Reform Committee, who is an authorizer and has supported it. But the structure of the Appropriations Committee — and the allocation structure — has impacted OMB getting the funding they've requested. The chairman authorized the funding when he wrote the E-Government Act of 2002.

**FCW:** It sounds like there's going to be a lot of pressure on IT budgets for the next couple of years.

**DAVIS:** There's pressure on everything. Even the Defense Department is cutting stuff because of the pressure of the war and everything on DOD budgets.

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