



## Testimony

Before the Subcommittee on Technology  
Modernization, Committee on Veterans'  
Affairs, House of Representatives

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# VETERANS AFFAIRS

## Observations on IT Contracting Trends and Management Oversight

Statement of Shelby S. Oakley, Director,  
Contracting and National Security Acquisitions

# GAO Highlights

Highlights of [GAO-23-106845](#) a testimony before the Subcommittee on Technology Modernization, Committee on Veterans' Affairs, House of Representatives

## Why GAO Did This Study

VA spends billions of dollars annually on IT that supports delivery of benefits and health care to veterans. VA continues to face long-standing challenges managing its IT projects, including the department's multibillion dollar electronic health record modernization initiative. In 2015, GAO added VA health care to its High-Risk List due, in part, to these challenges. In 2019, GAO also added VA acquisition management to its High-Risk List.

This statement discusses (1) trends in VA IT contracting, and (2) oversight of VA IT procurements. It is based on GAO's [December 2022](#) report on trends and competition in VA IT contracting and GAO's [March 2023](#) report on VA's IT management. Details about the scope and methodology for published GAO reports are included in those products.

## What GAO Recommends

In its March 2023 report on VA's IT management, GAO recommended that VA implement automated controls into relevant contracting systems to ensure CIO review of IT procurements. VA concurred with the recommendation. Since 2010, VA has implemented 24 recommendations GAO made to address health care IT challenges. Twenty-two recommendations remain open, including fifteen related to electronic health record modernization. Since 2015, VA has also implemented 38 recommendations GAO made related to acquisition management, and 22 recommendations remain open.

View [GAO-23-106845](#) For more information, contact Shelby S. Oakley at (202) 512-4841 or [oakleys@gao.gov](mailto:oakleys@gao.gov).

May 24, 2023

## VETERANS AFFAIRS

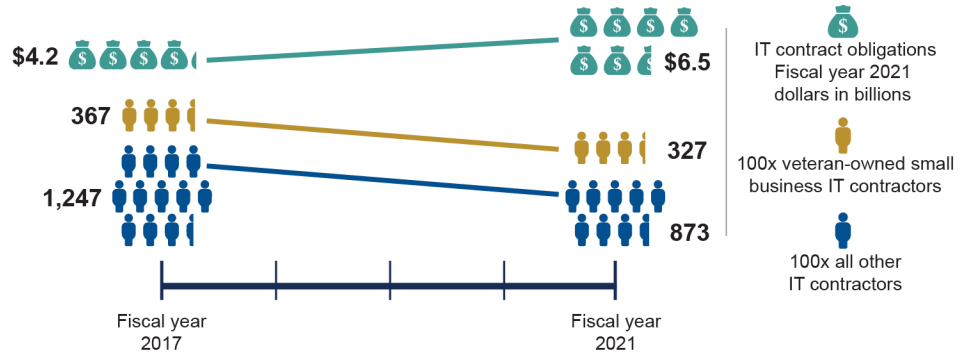
### Observations on IT Contracting Trends and Management Oversight

#### What GAO Found

The Department of Veterans Affairs (VA) depends on critical underlying IT systems to manage benefits and provide care to millions of veterans and their families. From fiscal years 2017 through 2021, VA obligated over \$25 billion to procure a range of IT products and services—among the highest IT obligations in the federal government—primarily through its Technology Acquisition Center.

During this period, VA has obligated more on IT, but to fewer contractors. In December 2022, GAO found that from fiscal years 2017 through 2021, VA's total IT obligations increased by more than half. At the same time, the number of contractors receiving awards decreased by more than a quarter. GAO also found that VA's competition rate for IT contracting was lower than for non-IT, but in line with IT contracting at other federal agencies.

#### VA's IT Contract Obligations Increased as Number of Contractors Decreased



Source: GAO analysis of Federal Procurement Data System data as of May 2022. | GAO-23-106845

VA's procurement of IT-related assets often has not received appropriate oversight by VA's Chief Information Officer (CIO). In March 2023, GAO did not find evidence of CIO approval for 39 percent of new IT contract actions awarded between March 2018 and September 2021. GAO also found that 14 of 26 selected fiscal year 2021 contract actions did not have CIO approvals.

#### Most Selected Fiscal Year 2021 VA IT Contract Actions Did Not Have CIO Approvals



Source: GAO analysis of Department of Veterans Affairs contract data. | GAO-23-106845

According to VA officials, their contracting systems did not have an automated control reminding contracting officers to route such actions for CIO review. The lack of visibility into IT procurement limits the CIO's opportunity to provide input.

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Chairman Rosendale, Ranking Member Cherfilus-McCormick, and Members of the Subcommittee:

Thank you for having me here today to discuss our work on contracting for and managing IT at the Department of Veterans Affairs (VA).

VA depends on critical underlying IT systems to manage benefits and provide care to millions of veterans and their families. VA's use of IT includes hundreds of information systems, thousands of computers, and a computer network with hundreds of thousands of user accounts. As a result, VA has among the highest obligations in the federal government for IT procurement.<sup>1</sup> From fiscal years 2017 through 2021, VA obligated over \$25 billion on contracts and orders to procure a range of IT products, systems, and services.<sup>2</sup>

We and VA's Office of Inspector General have reported on VA's challenges with managing its major IT acquisitions, including its financial management system and electronic health record modernization initiatives, which have experienced schedule delays.<sup>3</sup> In 2015, we added VA health care to our High-Risk List due, in part, to its IT challenges. VA has implemented 24 recommendations we have made since 2010 to address its health care IT challenges. VA has not yet implemented 22 recommendations, including 15 related to the department's electronic health record modernization effort. However, VA challenges go beyond IT management. In 2019 we added VA acquisition management to our High-Risk List as a result of the department's significant contract obligations and numerous challenges to efficient acquisitions.<sup>4</sup> VA has implemented

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<sup>1</sup>To identify IT procurements, we used the government-wide category management taxonomy to identify product and service codes aligned with IT, and we identified contract actions with those product and service codes in the Federal Procurement Data System.

<sup>2</sup>Obligation amounts in this statement are reported in fiscal year 2021 dollars.

<sup>3</sup>GAO, *VA Financial Management System: Additional Actions Needed to Help Ensure Success of Future Deployments*, [GAO-22-105059](#) (Washington, D.C.: Mar. 24, 2022); and *Veterans Affairs: Ongoing Financial Management System Modernization Program Would Benefit from Improved Cost and Schedule Estimating*, [GAO-21-227](#) (Washington, D.C.: Mar. 24, 2021). Department of Veterans Affairs, Office of Inspector General, *Unreliable Information Technology Infrastructure Cost Estimates for the Electronic Health Record Modernization Program*, Report #20-03185-151 (July 7, 2021).

<sup>4</sup>For our most recent report on the High-Risk List, see GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

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38 recommendations we have made since 2015 related to acquisition management. VA has not yet implemented 22 recommendations.

In this statement, I will highlight findings from two recent GAO reports, including (1) trends in VA IT contracting, and (2) oversight of VA IT procurements. Detailed information on our objectives, scope, and methodology for that work can be found in the issued reports.<sup>5</sup>

We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

VA's Office of Information and Technology is responsible for managing most of the department's IT. This office is led by the Assistant Secretary for Information and Technology—VA's chief information officer (CIO)—and is responsible for providing strategy and technical direction, guidance, and policy related to how IT resources are to be acquired and managed for the department. In July 2015, VA issued a policy stating that all Office of Information and Technology funded procurements exceeding \$100,000 must be processed by the Technology Acquisition Center, which is part of VA's Office of Procurement, Acquisition, and Logistics and centralizes the management of IT procurements.<sup>6</sup> From fiscal years 2017 through 2021, the Technology Acquisition Center made over 90 percent of VA's IT obligations, with the remainder made by other VA contracting offices.

Over the last three decades, Congress has enacted several laws to help federal agencies improve the management of IT investments. For example, the Clinger-Cohen Act of 1996 requires agency heads to appoint CIOs and specifies many of their responsibilities with regard to IT

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<sup>5</sup>See GAO, *IT Management: VA Needs to Improve CIO Oversight of Procurements*, [GAO-23-105719](#) (Washington, D.C.: Mar. 30, 2023), and *VA IT Contracting: Observations on Trends, Competition, and Past Performance Information*, [GAO-23-105446](#) (Washington, D.C.: Dec. 15, 2022).

<sup>6</sup>Department of Veterans Affairs, *Policy for Processing All Procurements Exceeding \$100K at the Technology Acquisition Center (TAC)* (VAIQ# 7542865) (Washington, D.C.: July 2, 2015).

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management.<sup>7</sup> Among other things, CIOs are responsible for implementing and enforcing applicable government-wide and agency IT management principles, standards, and guidelines; assuming responsibility and accountability for IT investments; and monitoring the performance of IT programs and advising the agency head whether to continue, modify, or terminate such programs.<sup>8</sup>

In December 2014, Congress and the President enacted IT acquisition reform legislation, commonly referred to as the *Federal Information Technology Acquisition Reform Act* or FITARA.<sup>9</sup> FITARA, among other things, required VA and other covered agencies to improve their IT acquisitions by requiring CIO involvement in these acquisition processes.<sup>10</sup> One way that the law enhances the authority of agency CIOs is by requiring them to review and approve contracts for IT. Specifically, FITARA requires that agency CIOs review and approve IT contracts prior to award, unless that contract is associated with a non-major investment.<sup>11</sup> When the contract is associated with a non-major investment, the CIO may delegate the review and approval duties to an official who reports directly to the CIO. Alternatively, the law states that an agency may use its governance processes to approve any IT contract, as long as the agency CIO is a full participant in the governance processes.

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<sup>7</sup>The requirement for agencies to designate a CIO is codified at 44 USC § 3506(a)(2)(A). See also 40 U.S.C. § 11315, Agency Chief Information Officer.

<sup>8</sup>40 U.S.C. § 11315.

<sup>9</sup>*Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015*, Pub. L. No. 113-291, division A, title VIII, subtitle D, 128 Stat. 3292, 3438-50 (Dec. 19, 2014).

<sup>10</sup>The provisions apply to VA and the other agencies covered by the *Chief Financial Officers Act of 1990*, 31 U.S.C. § 901(b). However, FITARA has generally limited application to the Department of Defense.

<sup>11</sup>According to the Office of Management and Budget (OMB), a major IT investment is a system or an acquisition requiring special management attention because it has significant importance to the mission or function of the government; significant program or policy implications; high executive visibility; high development, operating, or maintenance costs; an unusual funding mechanism; or is defined as major by the agency's capital planning and investment control process. In contrast, OMB states that non-major investments are those that do not meet the criteria of major IT investments.

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Office of Management and Budget (OMB) guidance released in June 2015 described how agencies are to implement FITARA.<sup>12</sup> The guidance emphasized the need for CIOs to have full accountability for IT acquisition and management decisions, and gives agencies considerable flexibility in making those decisions.<sup>13</sup> Specifically, with regard to CIOs' review and approval of IT contracts, OMB's guidance provides:

- Agencies may not approve acquisition strategies and plans that include IT without CIO review and approval;<sup>14</sup>
- CIOs can designate other agency officials to act as their representatives, but the CIOs must retain accountability;<sup>15</sup>
- Chief Acquisition Officers are responsible for ensuring that all IT contract actions are consistent with CIO-approved acquisition strategies and plans; and
- Chief Acquisition Officers are to indicate to the CIOs when planned acquisition strategies and acquisition plans include IT.

VA's FITARA approval process guidance from August 2020 requires the CIO or other authorized representative to review the acquisition strategies of VA's IT and IT-related procurements prior to solicitation and contract award.<sup>16</sup> This process is intended to ensure that the CIO has visibility into and accountability over all IT across the department. For acquisitions with estimated total contract lifecycle costs under \$15 million, VA guidance allows the CIO to delegate the FITARA review and approval to another

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<sup>12</sup>Office of Management and Budget, *Management and Oversight of Federal Information Technology, M-15-14* (Washington, D.C.: June 10, 2015).

<sup>13</sup>OMB's 2015 guidance defines IT as any services or equipment, or interconnected system(s) or subsystem(s) of equipment, that are used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the agency.

<sup>14</sup>OMB's guidance states that, for contract actions that contain IT without an approved acquisition strategy or acquisition plan, the CIO shall review and approve the contract action itself.

<sup>15</sup>OMB has interpreted FITARA's "governance process" provision to permit such delegation. That provision allows covered agencies to use the governance processes of the agency to approve a contract or other agreement for IT if the CIO of the agency is included as a full participant in the governance process.

<sup>16</sup>Department of Veterans Affairs, *Federal Information Technology Acquisition Reform Act: Acquisition Compliance Standard Operating Procedure* (Washington, D.C.: Aug. 6, 2020).

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appropriate official.<sup>17</sup> Further, the guidance states that contracting officials may not enter into a contract or other agreement for IT or IT-related products or services without receiving FITARA approval. Based on definitions in VA's August 2020 guidance and subsequent policy issued in January 2023, VA requires FITARA review and approval for all procurements using IT funds and all procurements categorized with IT product and service codes.<sup>18</sup>

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## VA's IT Contract Obligations Increased as Number of Contractors Decreased

In 2022, we reported that from fiscal years 2017 through 2021, total IT contract obligations increased by more than half, while the number of contractors receiving awards decreased by more than a quarter (see fig. 1).<sup>19</sup>

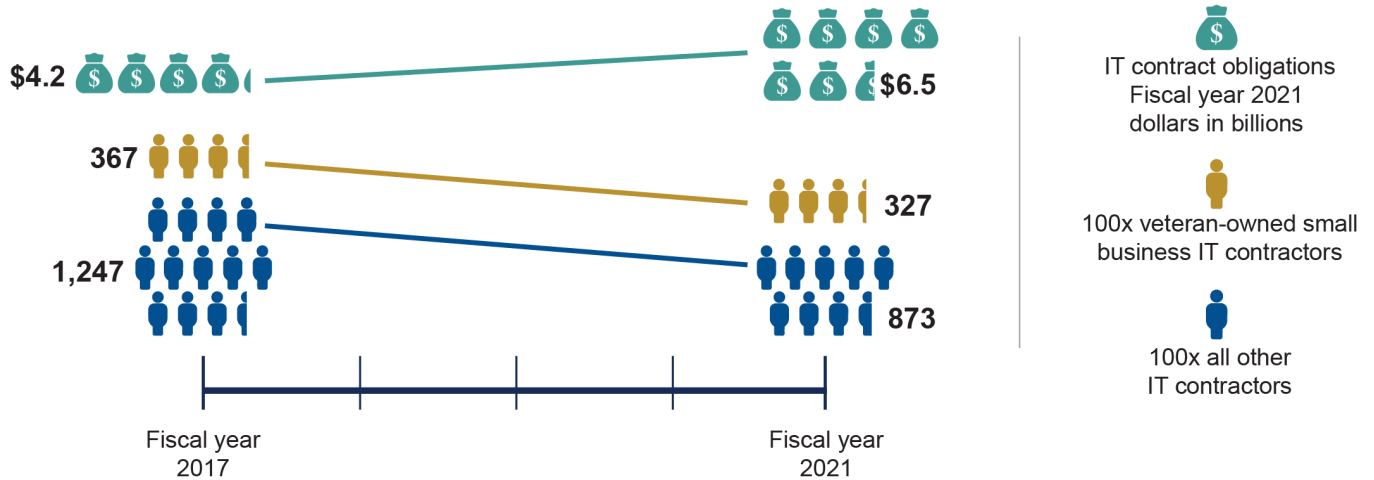
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<sup>17</sup>The specific thresholds for the required FITARA review depend on the estimated total contract lifecycle costs. If the estimated costs are less than or equal to \$1 million, the approver should be the director (or equivalent) of the requiring activity, which is the office that owns the requirement or needs the product or service. If the estimated costs are greater than \$1 million but less than or equal to \$5 million, the approver should be the executive director or equivalent of the requiring activity. If the estimated costs are greater than \$5 million but less than \$15 million, the approver should be the deputy assistant secretary, the deputy chief information officer, or equivalent of the requiring activity. If the estimated costs are at least \$15 million, the CIO is responsible for the FITARA review.

<sup>18</sup>Department of Veterans Affairs, *Acquisition and Management of VA Information Technology Resources*, Directive 6008 (Washington, D.C.: Jan. 6, 2023). In order to define the scope of the acquisitions needing a FITARA review, VA's August 2020 guidance defines IT as all acquisitions funded with congressionally appropriated IT funds and IT-related as all acquisitions funded outside of the IT budget that are identified as IT by product and service code. VA's January 2023 policy further clarifies the definition of IT, stating that IT items are also identified as those utilizing IT product and service codes. Product and service codes are 4-digit codes that describe the products, services, and research and development purchased by the federal government. These codes are to indicate what was bought for each contract action reported in the Federal Procurement Data System. There is only one product and service code given to each award in the Federal Procurement Data System. Consequently, if a given procurement includes more than one product or service, the product and service code is to be selected based on the predominant product or service being purchased. For example, a contract for \$10,000 of portable air purifiers and \$5,000 for any related IT hardware would be categorized under 4460: "Air Purification Equipment." The product and service code schema specifically reserves 40 product and service codes as being for the purchase of IT products and services.

<sup>19</sup>[GAO-23-105446](#).

**Figure 1: Department of Veterans Affairs IT Contract Obligations and Number of Contractors Receiving IT Contract Obligations**



Source: GAO analysis of Federal Procurement Data System data as of May 2022. | GAO-23-106845

Technology modernization initiatives and COVID-19 pandemic response efforts drove the growth in IT contract obligations. Large technology modernization initiatives included electronic health records modernization and replacement of VA’s legacy financial management system. In addition, VA obligated over \$2 billion for IT as part of the agency’s response to COVID-19 in fiscal years 2020 and 2021. Meanwhile, a potential driver of the decrease in contractors despite rising obligations is that from fiscal years 2017 through 2021, the number of new IT contracts awarded and orders issued fell by more than half. At the same time, the average total contract and order value of new awards—as identified in the Federal Procurement Data System—almost tripled.<sup>20</sup> VA officials told us that the department had made a concerted effort to consolidate customer IT requirements, which resulted in fewer—though larger—IT procurements. Our prior work on government-wide contracting for common products and services through initiatives such as strategic

<sup>20</sup>In calculating average contract and order value, we did not include the values identified for awards of indefinite delivery vehicles such as indefinite-delivery, indefinite-quantity contracts and blanket purchase agreements. Instead, we included the values for the orders issued under the indefinite delivery vehicles.



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sourcing and category management likewise showed a decrease in the number of contractors providing such products and services.<sup>21</sup>

Across fiscal years 2017 through 2021, VA also made an increasing proportion of IT obligations via modifications adding funding to existing contracts and orders, compared with those made via new contracts and orders. VA officials told us that the department increasingly exercised options to extend performance on existing contracts, rather than awarding new ones. These overall trends were mirrored in VA's IT contracting with service-disabled veteran-owned or veteran-owned small businesses. While obligations to these businesses increased almost 30 percent, the number of such contractors fell by more than 10 percent.

We also found an increasing concentration of obligations to a small group of contractors. The proportion of obligations received by the 10 contractors with the most IT obligations in a given year grew from 45 percent in fiscal year 2017 to 56 percent in fiscal year 2021. More broadly, 30 contractors received about 75 percent of all VA IT obligations over this period.

VA increasingly concentrated obligations on two particular contract vehicles—including the Transformation Twenty-One Total Technology Next Generation (T4NG) contract—which by fiscal year 2021 together accounted for over half of all VA's IT contract obligations. These two contract vehicles consist of indefinite-delivery, indefinite-quantity contracts awarded to multiple contractors.<sup>22</sup> Agencies may use this type of contract when they do not know the exact quantities and delivery times of needed products and services at the time of contract award. Once awarded, an agency places orders against the contract for specific products or services as needs arise. The order generally must be competed, through fair opportunity, among all the contract holders.<sup>23</sup> VA

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<sup>21</sup>GAO, *Federal Buying Power: OMB Can Further Advance Category Management Initiative by Focusing on Requirements, Data, and Training*, [GAO-21-40](#) (Washington, D.C.: Nov. 30, 2020).

<sup>22</sup>The other multiple-award contract vehicle is National Aeronautics and Space Administration Solutions for Enterprise-Wide Procurement (NASA SEWP).

<sup>23</sup>The specific procedures required to provide fair opportunity differ based on the dollar value of orders. Contracting officers must provide each contractor a fair opportunity to be considered for each order unless exceptions apply. Exceptions to fair opportunity requirements for orders are permitted in certain circumstances, such as when only one source is capable of providing the particular products or services sought.

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officials told us that potential reasons for increased use of these contracts included a streamlined acquisition process, cost savings, and the ease with which contracting officers could identify small businesses capable of meeting IT requirements.

We also analyzed procurement data on competition rates for IT contracting. Overall, VA's 76 percent competition rate for IT contracting for fiscal years 2017 through 2021 was lower than the 82 percent rate for non-IT contracting.<sup>24</sup> We found that one large contract for the electronic health record modernization initiative represented over 50 percent of the total obligations for contracts or orders identified as awarded or issued noncompetitively. VA awarded this contract noncompetitively to Cerner Government Services, Inc. in 2018. VA's competition rate for IT contracting was similar to that for IT contracting at comparable federal agencies.<sup>25</sup> VA also achieved competition rates of over 90 percent on its two primary indefinite-delivery, indefinite-quantity contract vehicles.

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## VA's IT-Related Assets and Activities Were Not Consistently Procured with CIO Approval

As we reported in March 2023, VA procured IT and IT-related assets and activities that were often not approved by its CIO.<sup>26</sup> Specifically, VA awarded 11,644 new contract actions categorized as IT between March 2018 and the end of fiscal year 2021. VA did not provide evidence of CIO approval for 4,513 (or 39 percent) of these contract actions.

Our in-depth review of 26 selected IT contract actions from fiscal year 2021 found that 12 had documentation showing approval by appropriate agency officials at the required level of authority. The remaining 14 contract actions lacked CIO approval documentation. Of these, one was managed by the Technology Acquisition Center—charged with centralized management of IT procurements—and 13 were managed by

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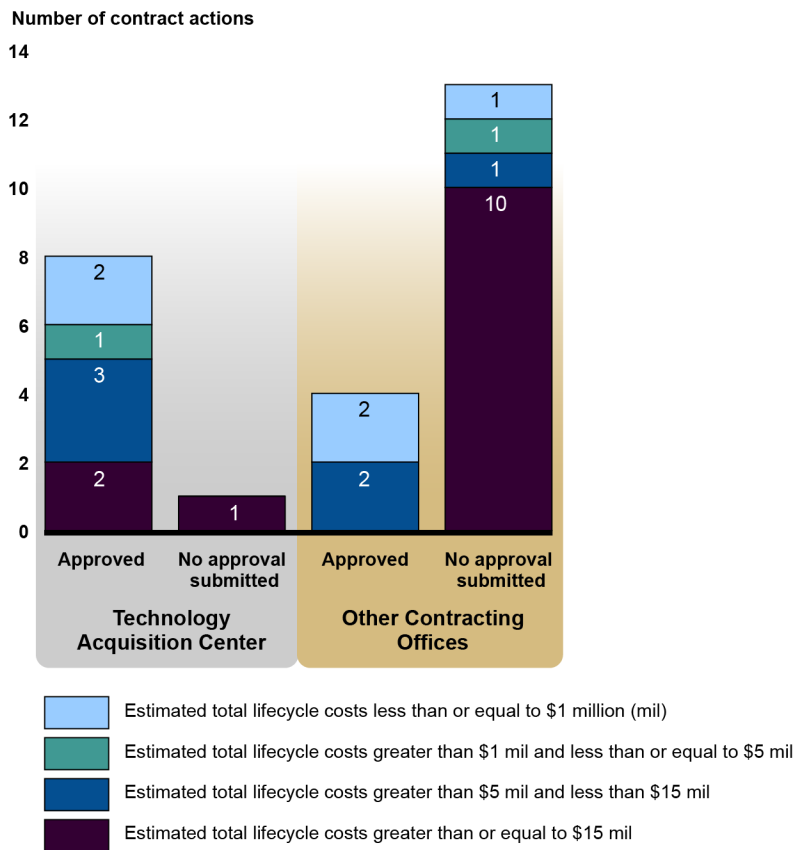
<sup>24</sup>For purposes of our report, "competition rate" was the percentage of total obligations associated with contracts awarded competitively. We calculated competition rates as the percentages of obligations on competitive contracts and orders over all obligations on contracts and orders. Competitive contracts included (1) contracts and orders coded in the Federal Procurement Data System as "full and open competition," "full and open after exclusion of sources," and "competed under simplified acquisition procedures"; and (2) orders coded as "subject to fair opportunity," "fair opportunity provided," and "competitive set aside."

<sup>25</sup>We compared VA IT obligations with those of the 20 other federal agencies with more than \$1 billion in total IT contract obligations from fiscal years 2017 through 2021.

<sup>26</sup>[GAO-23-105719](#).

contracting offices without an IT focus. Figure 2 illustrates the results of our review of selected contract actions by type of contracting office.

**Figure 2: Selected Fiscal Year 2021 IT Contract Actions Approved through the Department of Veterans Affairs' Federal Information Technology Acquisition Reform Act (FITARA) Approval Process, by Type of Contracting Office**



Source: GAO analysis of Department of Veterans Affairs contract data. | GAO-23-106845

According to VA officials, their contracting systems lack an automated control that would remind contracting officers of CIO review and approval requirements. Without an automated check or control to ensure contracting officer compliance, it is likely that there will continue to be IT procurements that will not be routed for CIO review, particularly for the contracting offices that are not IT-focused. The lack of visibility into the procurement of much of VA's IT assets and activities constrained the CIO's opportunity to provide input on current and planned IT acquisitions.

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This, in turn, could result in awarding contracts that are duplicative or poorly conceived.

Accordingly, we made a recommendation to the Secretary of VA to direct the CIO and Chief Acquisition Officer to implement automated controls into relevant contracting systems to help ensure that IT and IT-related assets and activities are appropriately identified for VA's FITARA approval process. The department agreed with our recommendation. VA's comments included a list of proposed activities that it is considering as part of an action plan to implement our recommendation. If this proposed approach is carried out effectively, VA should be able to address the issue.

In summary, VA has taken important actions to establish a process for reviewing IT and IT-related assets and activities. However, gaps remain that continue to obscure the complete view of IT investments throughout the department. Consequently, while many IT acquisitions have been appropriately examined in the last 4 years according to VA's FITARA approval process, the department falls short of demonstrating that the CIO has reviewed all IT assets and activities. As VA IT obligations continue to increase, full visibility into the procurement of VA's IT assets and activities will help to ensure that the CIO is able to provide input on current and planned IT acquisitions. We will continue to track VA's progress in response to our related recommendation.

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Chairman Rosendale, Ranking Member Cherfilus-McCormick, and Members of the Subcommittee, this concludes my prepared statement. I would be happy to answer any questions that you may have.

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## GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Shelby S. Oakley at (202) 512-4841 or [OakleyS@gao.gov](mailto:OakleyS@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony include Robert Bullock (Assistant Director), Jennifer Stavros-Turner (Assistant Director), Nicolaus Heun (Analyst-in-Charge), Pete Anderson, Christopher Businsky, Matthew T. Crosby, Rebecca Eyler, Suellen Foth, Tonya Humiston, Ahsan Nasar, Meredith Raymond, and Adam Vodraska.

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