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REPORT
117–1

ACTIVITIES OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

AND ITS

SUBCOMMITTEES

FOR THE

ONE HUNDRED SIXTEENTH CONGRESS



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Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, submitted the following

REPORT

This report reviews the legislative and oversight activities of the Committee on Homeland Security and Governmental Affairs and its Subcommittees during the 116th Congress. These activities were conducted pursuant to the Legislative Reorganization Act of 1946, as amended; by Rule XXV(k) of the Standing Rules of the Senate; and by additional authorizing resolutions of the Senate. See Section II, "Committee Jurisdiction," for details.

Senator Ron Johnson was Chairman of the Committee during the 116th Congress; Senator Gary C. Peters was the Ranking Member.

Major activities of the Committee during the 116th Congress included oversight and legislation involving border and immigration security; cybersecurity; protecting critical infrastructure; combatting terrorism; efficient functioning of the Department of Homeland Security, including oversight of COVID–19 pandemic preparedness and response; the Committee's oversight of Federal programs; regulatory reform; and reducing waste, fraud and abuse in Federal spending. Discussion of these major activities appears in Section I below; additional information on these and other measures appears in Section VII, "Legislative Actions."

Extensive information about the Committee's history, hearings, legislation, documents, Subcommittees, and other matters is available at the Web site, http://hsgac.senate.gov/.

I. HIGHLIGHTS OF ACTIVITIES

In the 116th Congress, the Committee carried out its mission statement "to enhance the economic and national security of America and promote more efficient, effective, and accountable government." The Committee approved 104 bills, not including bills to name United States Post Offices, 51 of which were passed by the United States Senate, and 37 of which were ultimately signed into

law. The Committee also held 50 hearings and roundtables and confirmed 30 nominees. Priority areas for the Committee's work are discussed below.

A. BORDER AND IMMIGRATION SECURITY

Legal loopholes continue to create an incentive for people to make the dangerous journey to the United States. This Congress, the Committee continued to lay out the reality of the challenges the nation faces securing the southwest border, and worked with Members of the Committee and the Department of Homeland Security (DHS, or the Department) to find bipartisan solutions to address the humanitarian crisis occurring along the southwest border. Continuing the Committee's emphasis on border security, the Committee held more than 35 bipartisan staff briefings; took staff delegation trips to various locations across the southwest border, Mexico, El Salvador, and Guatemala; convened seven hearings focused on border security; and used what we learned to inform proposals to improve border security including Operation Safe Return. Below are highlights from some of the hearings.

At *Unprecedented Migration at the U.S. Southern Border: By the Numbers,* the Committee heard directly from border security experts.[1] The hearing highlighted the border security and humanitarian crisis at the southwest border. Witnesses spoke about the changing trends in illegal border crossings and how the exploitation of legal loopholes overwhelmed the personnel and resources at the border.

At *Unprecedented Migration at the U.S. Southern Border: Perspectives from the Frontline,* Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Drug Enforcement Agency, and Health and Human Services (HHS) frontline employees told the Committee about the migration crisis at the southwest border and compared apprehension data to prior trends.[2] CBP and ICE employees testified about the components' need for additional resources to keep up with the surge in unaccompanied alien children and family unit apprehensions.

At *Unprecedented Migration at the U.S. Southern Border: The Exploitation of Migrants through Smuggling, Trafficking, and Involuntary Servitude,* the Committee heard testimony from ICE, U.S. Border Patrol, and Office of Field Operations about the different aspects and phases of exploitation, including the current trends, and costs associated with human smuggling and trafficking across the southwest border. The Committee heard directly from the agencies that encountered cases of smuggling, trafficking, and involuntary servitude, including the case of a three-year-old boy who was abandoned in a cornfield between Mexico and Texas, with just his name and phone number written on his shoes.[3] The hearing highlighted how illegal immigrants, including MS13 gang mem-

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[1] *Unprecedented Migration at the U.S. Southern Border: By the Numbers: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019).

[2] *Unprecedented Migration at the U.S. Southern Border: Perspectives from the Frontline: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019).

[3] *Unprecedented Migration at the U.S. Southern Border: The Exploitation of Migrants through Smuggling, Trafficking, and Involuntary Servitude: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,*116th Cong. (2019).

bers, fraudulently use unrelated children to gain entry into the United States.

On July 17, 2019, the Committee held a roundtable titled, *Unprecedented Migration at the U.S. Southern Border: Bipartisan Policy Recommendations from the Homeland Security Advisory Council.* The roundtable was an important discussion about the Homeland Security Advisory Council's bipartisan assessment of the migration crisis and policy recommendations for mitigating the flow and preventing similar crises in the future.[4]

At *Unprecedented Migration at the U.S. Southern Border: What is required to Improve Conditions,* Acting Commissioner Mark Morgan explained the need for additional aid for transportation, temporary facilities, and additional beds to address the border crisis. Then-DHS Acting Inspector General Jennifer Costello explained the findings of a Management Alert issued on July 2, 2019.[5] The Committee discussed how CBP was forced to hold crowds of migrants in temporary facilities while migrants waited to be transferred to a more long-term ICE facility, resulting in prolonged wait times and overcrowding.

At *Unprecedented Migration at the U.S. Southern Border: The Year in Review,* the Committee highlighted the shift in migrant demographics from single males from Mexico to families and children from Central America. Witnesses provided testimony on the Trump administration's actions over the past year to curb illegal immigration, including the Migrant Protection Protocol, the *Flores* Settlement Agreement Rule, the Third Country Asylum Rule, regional cooperation from Mexico, and Agreements with Guatemala, Honduras, and El Salvador. The hearing noted how in Fiscal Year 2019, 977,509 individuals were apprehended or found to be inadmissible by CBP at the southwest border.[6]

At *CBP Oversight: Examining the Evolving Challenges Facing the Agency,* Acting Commissioner Mark Morgan testified about how CBP is using the Title 42 public health authorities to prohibit the entry of migrants crossing the border in response to the COVID–19 pandemic. The hearing examined how CBP has adjusted its processes and enforcement actions while continuing to enable lawful trade, travel, and migration. The Acting Commissioner indicated that the tactics of illegal crossing has changed and smugglers are now using concealment techniques, such as dangerously confining migrants in tractor-trailers, to enter illegally through ports of entry.[7]

Chairman Johnson released a majority staff report, titled *Judicial Rulings Ending the Obama Administration's Family Detention Policy: Implications for Illegal Immigration and Border Security.* The report highlighted the staggering increase of family unit illegal border crossings since the 2015 court reinterpretation of the *Flores* Settlement Agreement and how the ruling entices migrant families

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[4] *Unprecedented Migration at the U.S. Southern Border: Bipartisan Policy Recommendations from the Homeland Security Advisory Council: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019).

[5] *Unprecedented Migration at the U.S. Southern Border: What Is Required to Improve Conditions?: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019).

[6] *Unprecedented Migration at the U.S. Southern Border: The Year in Review: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019).

[7] *CBP Oversight: Examining the Evolving Challenges Facing the Agency: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020).

to make the dangerous journey to the United States because they know they will be released. The report noted how the *Flores* reinterpretation, combined with limited detention facilities, has forced ICE to release families. In fiscal year 2015, when the courts reinterpreted the *Flores* Settlement Agreement, CBP apprehended 39,838 family units. At the end of fiscal year 2018, CBP apprehended a total of 107,212 family units.[8]

The Chairman released a majority staff report, titled *How the U.S. Immigration System Encourages Child Marriages.* Chairman Johnson drew attention to loopholes in Federal immigration law that can be used to force children to marry for the purpose of receiving an immigration benefit. The report presented findings from a yearlong bipartisan inquiry with then- Ranking Member Claire McCaskill. The report noted that the United States Citizenship and Immigration Services (USCIS) approved immigration petitions for 8,686 spouses and fiancés in marriages involving minors from FY2007 to FY2017.[9] In 95 percent of the cases, the younger person was a girl.[10] Additionally, the report highlighted that USCIS approved 149 petitions involving a minor with an adult spouse or fiancé who was more than 40 years old.[11]

The Committee approved eight bills related to securing our borders. Those bills included the *Securing America's Ports of Entry Act of 2019,* requiring CBP to hire 600 additional Office of Field Operations officers per year until CBP's staffing needs are met. To ensure the borders are secure between the ports, the Committee also approved the *Securing America's Borders Act of 2019,* to require CBP to hire at least 600 Border Patrol agents above attrition levels each year. Two other bills approved by the Committee strengthen CBP strategy and policies regarding opioid exposure and detection at Ports of Entry.[12] The Committee considered and approved two additional bipartisan bills that would encourage technological advancements and planning, including by requiring DHS to perform a thorough analysis of border security gaps and needs along the southwest border.[13]

During the height of the crisis at the southwest border, Chairman Johnson worked with executive agencies to develop a streamlined process aimed at quickly and fairly processing family units with asylum claims. Chairman Johnson and colleagues detailed this process in a letter sent to President Trump requesting the implementation of their Operation Safe Return proposal as a pilot program.[14] Operation Safe Return became the basis for two expedited processing programs, Prompt Asylum Claim Review (known as PACR) and Humanitarian Asylum Review Process (known as HARP). CBP Acting Commissioner Mark Morgan testified before the Committee that these programs bring a "whole-of-Government

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[8] Majority Staff Rpt., S. Comm. on Homeland Sec. & Governmental Affairs, *Judicial Rulings Ending the Obama Admin.'s Family Det. Policy: Implications for Illegal Immigration and Border Security,* 116th Cong. (2019).

[9] Majority Staff Rpt., S. Comm. on Homeland Sec. & Governmental Affairs, How the U.S. Immigration Sys. Encourages Child Marriages, 116th Cong., (2019).

[10] *Id.*

[11] *Id.*

[12] DHS Opioid Detection Resilience Act, H.R. 4761, 116th Cong. (2019); Synthetic Opioid Exposure Prevention and Training Act, H.R. 4739, 116th Cong. (2019).

[13] Securing America's Ports Act, H.R. 5273, 116th Cong. (2019); Southwest Border Security Technology Improvement Act, S. 4224, 116th Cong. (2020).

[14] Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, to President Donald J. Trump (July 17, 2019) (on file with author).

approach to the border" and allow processing to be more effective and efficient.[15]

B. CYBERSECURITY

The United States continues to face an evolving cyber threat landscape. According to IBM Security, the average total cost of a data breach in the United States, which has the current highest country average, is $8.64 million.[16] DHS, notably the newly established Cybersecurity and Infrastructure Security Agency (CISA), provides capabilities and resources to support and secure Federal civilian government networks and critical networks within the private sector.[17]

Last Congress, the Committee moved legislation to establish CISA through restructuring and renaming the Department's former National Protection and Programs Directorate.[18] The Committee continued its oversight of CISA during the 116th Congress, sending a bipartisan request to the U.S. Government Accountability Office (GAO) to review and ensure CISA's organizational structure can effectively carry out its statutory responsibilities.[19] In addition, Committee staff received multiple bipartisan briefings from CISA on its reorganization efforts.[20]

The Committee held a number of cybersecurity roundtables and hearings. On May 15, 2019, the Committee held a member meeting with private sector critical infrastructure providers and cybersecurity companies to explore Federal agency challenges in providing effective support and resources to the private sector.[21] The Committee learned that to effectively assist the private sector, the Federal Government needs to find new methods of imposing cost to deter adversaries from using cyber means to achieve their goals.[22]

On October 31, 2019, the Committee held a hearing, *Supply Chain Security, Global Competitiveness, and 5G,* to examine the national security and economic challenges in competing with Chinese-supported telecommunications companies in the race towards 5G (5th generation) wireless networks in the U.S. and globally.[23] According to Committee testimony, Chinese companies own 36 percent of all 5G wireless standard-essential patents, compared to only 14 percent held in the United States.[24] Additionally, the U.S. has no domestic manufacturer of key 5G equipment.[25] Candid testi-

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[15] *CBP Oversight: Examining the Evolving Challenges Facing the Agency: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020).

[16] IBM Security, *2020 Cost of a Data Breach Report,* https://www.ibm.com/security/digital-assets/cost-data-breach-report/#/.

[17] Dep't of Homeland Security, Cybersecurity and Infrastructure Security Agency, Cybersecurity Division Mission and Vision, https://www.cisa.gov/cybersecurity-division.

[18] Cybersecurity and Infrastructure Security Agency Act of 2018, Pub. L. No. 115–278 (115th Cong.).

[19] Letter from S. Comm. on Homeland Sec. & Governmental Affairs to U.S. Government Accountability Office (May 29, 2019) (CISA Review) (on file with Comm. staff).

[20] *See, e.g.*, Comm. Majority and Minority Staff Briefing (CISA Reorg) (Sept. 3, 2019); Comm. Majority and Minority Staff Briefing (CISA 2020) (Dec. 12, 2019); Comm. Majority and Minority Staff Briefing (CISA Central) (June 10, 2020).

[21] HSGAC Member Meeting, *Cybersecurity Roles and Responsibilities: Private Sector Perspectives* (May 15, 2019).

[22] *Id.*

[23] *Supply Chain Security, Global Competitiveness, and 5G: Hearing before the S. Comm. on Homeland Security and Governmental Affairs,* 116th Cong. (2019), https://www.hsgac.senate.gov/supply-chain-security-global-competitiveness-and-5g.

[24] *Id.* (Testimony of Jessica Rosenworcel).

[25] *Id.*

mony from four Federal agencies raised concerns about the nation's ability to compete with China on the deployment of 5G and in global Information Communications Technology marketplaces.[26]

On February 11, 2020, the Committee held a hearing, *What States, Locals, and the Business Community Should Know and Do: A Roadmap for EffectiveCybersecurity.*[27] The purpose of this hearing was to examine how state, local, tribal, and territorial (SLTT) governments and critical infrastructure owners and operators can mitigate and protect against persistent cybersecurity threats.[28] This hearing also examined the current threat environment, including ransomware.[29] During the hearing, CISA's then-director, Christopher Krebs, discussed the voluntary services provided to SLTTs, such as vulnerability scanning, malware analysis, and technical expertise.[30] He also discussed the rise in ransomware attacks, which in 2019, "impacted at least 966 government agencies, educational establishments and healthcare providers at a potential cost of $7.5 billion."[31] State officials from Texas and Michigan also discussed responding to cyber events, including ransomware attacks, and how CISA can better collaborate and assist SLTT governments.[32]

On May 13, 2020, the Committee held another hearing, *Evolving the U.S. Cybersecurity Strategy and Posture: Reviewing the Cyberspace Solarium Commission Report.*[33] The purpose of this hearing was to discuss the findings and recommendations of the Commission's report, and build consensus around a possible path forward to enact its key recommendations.[34] One chief finding reviewed by the Committee was that the Federal Government has a unique understanding of threat actors and vulnerabilities in the nation's critical infrastructure, but there are limits to systemically identify, warn, and assist those that are vulnerable.[35] As a result, the Commission recommended granting CISA the authority to issue administrative subpoenas to support threat and vulnerability mitigation activities.[36]

Throughout the Congress, the Committee worked to understand legal constraints around information sharing and the dissemination of information technology vulnerabilities to at risk entities. CISA briefed the Committee on the need to identify and warn the nation's critical infrastructure owners and operators of potentially

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[26] *Supply Chain Security, Global Competitiveness, and 5G: Hearing before the S. Comm. on Homeland Security and Governmental Affairs,* 116th Cong. (2019), https://www.hsgac.senate.gov/supply-chain-security-global-competitiveness-and-5g.

[27] *What States, Locals, and the Business Community Should Know and Do: A Roadmap for Effective Cybersecurity, Hearing Before the S. Comm. On Homeland Sec. & Governmental Affairs,* 116th Cong. (2020).

[28] *Id.*

[29] *Id.*

[30] *Id.* Testimony of Christopher Krebs.

[31] *Id.* Testimony of Christopher Krebs.

[32] *What States, Locals, and the Business Community Should Know and Do: A Roadmap for Effective Cybersecurity, Hearing Before the S. Comm. On Homeland Sec. & Governmental Affairs,* 116th Cong. (2020) (testimony of Amanda Crawford, Executive Director, Department of Information Resources, State of Texas); see also Testimony of Christopher DeRusha, Chief Security Officer, Cybersecurity and Infrastructure Protection Office, State of Michigan.

[33] *Evolving the U.S. Cybersecurity Strategy and Posture: Reviewing the Cyberspace Solarium Commission Report: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/evolving-the-us-cybersecurity-strategy-and-posture-reviewing-the-cyberspace-solarium-commission-report.

[34] *Id.*

[35] U.S. Cyberspace Solarium Commission Report, 100 (March 2020), https://www.solarium.gov/report.

[36] *Id.*

vulnerable technologies.[37] The Committee then worked with stakeholders to find consensus, and approved legislation authorizing CISA to issue administrative subpoenas to alert U.S. critical infrastructure owners and operators about potential cybersecurity vulnerabilities identified by the agency.[38] The legislation was enacted in the FY2021 NDAA.[39]

The Committee considered and passed approximately 15 additional cybersecurity bills during the 116th Congress. The Committee views these pieces of legislation as important efforts to generate efficient use of Federal resources to improve the security of Federal and non-Federal networks. This includes legislation to better coordinate Federal resources and information to assist State and local cybersecurity efforts;[40] legislation to establish a Cybersecurity Advisory Committee within CISA;[41] legislation to facilitate use of the .gov domain by State and local governments;[42] legislation to authorize DHS' hunt and incident response teams;[43] and legislation to create a security acquisitions cycle for Internet of Things devices procured by Federal agencies.[44]

C. CRITICAL INFRASTRUCTURE

Our nation's critical infrastructure has been deemed "so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."[45] These vital sectors are primarily owned and operated by the private sector.[46] CISA assists a variety of stakeholders, including Federal departments and agencies, businesses, and State, local, tribal and territorial governments, in strengthening the nation's critical infrastructure against cyber and physical threats.[47]

Electromagnetic pulses (EMPs) and geomagnetic disturbances (GMDs) are both classified as low probability/high impact events.[48] If an EMP or substantial GMD were to occur, they could inflict significant damage on the nation's critical infrastructure. Through the Committee's oversight last Congress, the Committee found that Federal mitigation efforts to address these threats has been inadequate. As a result, one of the first hearings the Committee held during the 116th Congress, *Perspectives on Protecting the Electric Grid from an Electromagnetic Pulse or Geomagnetic Disturbance,*

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[37] Comm. Majority and Minority Classified Staff Briefing (CISA Legislative Proposal) (June 13, 2019).

[38] S. 3045, Cybersecurity Vulnerability Identification and Notification Act of 2020 (116th. Cong).

[39] FY2021 National Defense Authorization Act, Pub. L. No. 116–283 (116th Cong.) (2021).

[40] S. 3207, Cybersecurity State Coordinator Act of 2020 (116th Cong). *See also* S.1846, State and Local Government Cybersecurity Act of 2019 (116th Cong.).

[41] S. 4024, Cybersecurity Advisory Committee Authorization Act of 2020 (116th Cong.).

[42] S. 2749, DOTGOV Act of 2019 (116th Cong.) (enacted in larger legislation in January 2021).

[43] S. 315, DHS Cyber Hunt and Incident Response Teams Act of 2019 (116th Cong.).

[44] S. 734, Internet of Things Cybersecurity Improvement Act of 2019 (116th Cong.) (enacted in larger legislation in January 2021).

[45] Press Release, The White House, Office of the Press Secretary, Presidential Policy Directive—Critical Infrastructure Security and Resilience (Feb. 12, 2013), *available at* https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil.

[46] Dep't of Homeland Security, Cybersecurity and Infrastructure Security Agency, Critical Infrastructure Sector Partnerships. https://www.cisa.gov/critical-infrastructure-sector-partnerships.

[47] Dep't of Homeland Security, Cybersecurity and Infrastructure Security Agency, Infrastructure Security. https://www.cisa.gov/infrastructure-security.

[48] Comm. staff briefing by the U.S. Dep't of Energy (Feb. 7, 2019).

examined different viewpoints from eleven representatives from the public, private, and nonprofit sectors on potential EMP and GMD mitigation solutions to protect the U.S. electric grid.[49] During the hearing, witnesses were asked about actionable and achievable goals to mitigate against EMPs and GMDs.[50]

On March 26, 2019, the Trump Administration took effective action to start moving the Federal Government toward EMP and GMD mitigation efforts through issuing Executive Order 13865, *Coordinating National Resilience to Electromagnetic Pulses.*[51] Through recommendations from the Committee's hearing, and working with witnesses on potential action items, Chairman Johnson determined that Congress should codify portions of the Executive Order to ensure agencies comply with its requirements and provide congressional stakeholders valuable information to oversee and support the development of appropriate mitigation solutions.

Toward that end, he sponsored a bipartisan amendment to the FY 2020 National Defense Authorization Act that was adopted by unanimous consent in the Senate-passed bill[52] and ultimately enacted.[53] The language requires the administration to coordinate and evaluate relevant vulnerabilities; assess mitigation solutions and harden approaches; and develop, update and implement specific benchmarks and plans.[54] Codifying these requirements will not only help protect our nation's critical infrastructure from the potentially catastrophic effects of EMPs and GMDs, but also from other national security threats, such as cyberattacks and natural disasters.

The Committee continued its oversight of the Department's Chemical Facility Anti-Terrorism Standards (CFATS) program. The *Department of Homeland Security Appropriations Act of 2007* authorized DHS to regulate high-risk chemical facilities to prevent terrorists from acquiring or utilizing certain chemicals for an attack.[55] DHS manages the CFATS program under CISA's Infrastructure Security Division.[56] Through CFATS, DHS sets standards and regulates security for approximately 3,299 chemical facilities nationwide.[57]

CISA focuses "around raising awareness among the broader community on the need for critical infrastructure security and resilience and enhancing their current efforts. Public-private partnerships are vital to this effort as everyone has a role in securing the nation's critical infrastructure."[58] These types of public-private

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[49] *Roundtable: Perspectives on Protecting the Electric Grid from an Electromagnetic Pulse or Geomagnetic Disturbance: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019), https://www.hsgac.senate.gov/hearings/perspectives-on-protecting-the-electric-grid-from-an-electromagnetic-pulse-or-geomagnetic-disturbance.

[50] *Id.*

[51] Exec. Order No. 13865, 84 Fed. Reg. 12041 (March 26, 2019).

[52] S. 1790, National Defense Authorization Act for Fiscal Year 2020, Section 6006 (116th Congress).

[53] *Id.* at Section 1740 (116th Congress) (Pub. Law 116–92).

[54] *Id.*

[55] Department of Homeland Security Appropriations Act, Pub. L. No. 109–295, § 550, 120 Stat. 1355, 1388–1389 (2006). *See also* Frank Gottron, Cong. Research Serv., IF10853, Chemical Facility Anti-Terrorism Standards (2020), *available* at http://www.crs.gov/Reports/IF10853.

[56] *CISA Chemical Security*, Dep't of Homeland Sec., Cybersecurity & Infrastructure Security Agency, https://www.cisa.gov/cisa-chemical-security (last visited Dec. 3, 2020).

[57] *CFATS Monthly Statistics,* Dep't of Homeland Sec., Cybersecurity & Infrastructure Security Agency, https://www.cisa.gov/cfats-monthly-statistics (last visited Dec. 3, 2020).

[58] Dep't of Homeland Security, Cybersecurity and Infrastructure Security Agency, Infrastructure Security. https://www.cisa.gov/infrastructure-security.

partnerships are naturally intended to be non-regulatory.[59] However, the CFATS program is one of three regulatory programs at DHS and the only one under CISA.[60] The Committee examined a number of regulatory reforms to evolve the CFATS program, including opportunities to streamline and harmonize the program's regulatory requirements[61] and determine whether CFATS effectively reduces risk.[62]

Chairman Johnson and Senator Mike Enzi sent letters to DHS and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) requesting information regarding the CFATS program's regulation of explosive materials.[63] DHS documents confirmed that ATF was opposed to the inclusion of 18 U.S.C Chapter 40 regulated explosives being included in the CFATS program.[64] Moreover, GAO is in the final stages of a report started at the request of the Committee to examine potential fragmentation, overlap and duplication with CFATS and other regulatory regimes.[65] Although the report is not yet complete, GAO has confirmed during staff briefings that there is duplication between regulations and elements of the CFATS program and other Federal regulatory regimes, including ATF.[66]

On June 4, 2019, the Committee held a roundtable, *Sensibly Reforming the Chemical Facility Anti-Terrorism Standards Program,* to examine the effectiveness of the CFATS program and identify areas for improvement.[67] A number of industry witnesses discussed the challenges of being regulated by multiple Federal and state agencies, and explained how their regulatory regimes overlap with CFATS in various capacities.[68] In addition, GAO testified that the

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[59] U.S. Congressional Research Service. Critical Infrastructure: Emerging Trends and Policy Considerations for Congress (R45809; July 8, 2019).

[60] *Id.* ("The Homeland Security Act created an organization—DHS—with wide-ranging responsibilities, but relatively narrow regulatory mandates. The Transportation Security Administration has (but does not exercise) regulatory oversight over oil and gas pipeline security. The Coast Guard regulates certain aspects of port security—a mission that long predates the transfer of the service to DHS under the Homeland Security Act. Finally, CISA directly regulates certain chemical facilities under the Chemical Facilities Anti-Terrorism Standards program to prevent terrorist exploitation of the chemical industry.")

[61] *See, e.g., Roundtable: Sensibly Reforming the Chemical Facility Anti-Terrorism Standards Program: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019); Letter from Chairman Sen. Ron Johnson and Sen. Mike Enzi to Sec'y Kirstjen Nielsen (Mar. 29, 2019) (CFATS overlap with ATF regulations) (on file with HSGAC staff); Letter from Chairman Sen. Ron Johnson and Sen. Mike Enzi to Thomas Brandon, Dir., Bureau of Alcohol, Tobacco, Firearms, and Explosives (Mar. 29, 2019) (CFATS overlap with ATF regulations) (on file with HSGAC staff); Letter from Chairman Sen. Ron Johnson and Ranking Member Sen. Gary Peters to Sec'y Kirstjen Nielsen (Mar. 22, 2019) (Status of DHS's CFATS program audit) (on file with HSGAC staff).

[62] *Roundtable: Sensibly Reforming the Chemical Facility Anti-Terrorism Standards Program: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs* (statement of Nathan Anderson, Acting Director, Homeland Sec. & Justice Team, U.S. Gov't Accountability Office), 116th Cong. (2019). See also U.S. Gov't Accountability Office, GAO–18–538, Critical Infrastructure Protection (2018), available at https://www.gao.gov/assets/700/693817.pdf.

[63] Letter from Chairman Sen. Ron Johnson and Sen. Mike Enzi to Sec'y Kirstjen Nielsen (Mar. 29, 2019) (on file with HSGAC staff). *See also* Letter from Chairman Sen. Ron Johnson and Sen. Mike Enzi to Thomas Brandon, Dir., Bureau of Alcohol, Tobacco, Firearms, and Explosives (Mar. 29, 2019) (on file with HSGAC staff).

[64] *Id.*

[65] Letter from S. Comm. on Homeland Sec. & Governmental Affairs to U.S. Government Accountability Office (Aug. 20, 2019) (on file with Comm. staff).

[66] Comm. staff briefing U.S. Gov't Accountability Office (Sept. 3, 2020).

[67] *Roundtable: Sensibly Reforming the Chemical Facility Anti-Terrorism Standards Program: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019), https://www.hsgac.senate.gov/sensibly-reforming-the-chemical-facility-anti-terrorism-standards-program.

[68] *Id.*

CFATS program still does not evaluate or measure vulnerability reduction.[69]

On March 5, 2020, Chairman Johnson introduced S.3416, *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2020.*[70] This legislation had a number of proposed reforms to provide regulatory relief to industry, including exempting duplicative explosive materials regulated by ATF, and additional metrics to help the program evaluate and measure risk reduction.[71] However, the Committee could not reach bipartisan consensus to reform CFATS. As a result, the CFATS program was reauthorized without changes for three years and is set to expire on July 27, 2023.[72]

The Committee also conducted oversight of the Department's National Infrastructure Simulation and Analysis Center's (NISAC) COVID–19 response. The NISAC is housed in CISA's National Risk Management Center, and responsible for conducting simulation, modeling, and analysis of cyber and physical risks to the nation's sixteen critical infrastructure sectors.[73] This includes a number of pandemic analyses, such as the 2007 H5N1 bird flu, 2009 H1N1 influenza, 2014 Ebola virus disease, and 2016 Zika virus disease.[74] In March 2020, news reports circulated that the NISAC ceased its pandemic work in 2017.[75] This was confirmed during a bipartisan Committee staff phone call with department officials on April 15, 2020.[76] As a result, Department officials had issues locating these prior pandemic analyses at the start of the COVID–19 pandemic.[77] If readily available when needed, the past pandemic modeling, simulation, and analyses conducted by the NISAC could have assisted the Federal Government's response. To that end, Chairman Johnson introduced S. 4157, *National Infrastructure Simulation and Analysis Center Pandemic Modeling Act of 2020,* to clarify the NISAC's authority and capabilities, and ensure the proper entities receive information on current projects and priorities, prior work,

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[69] *Id.* (Statement of Nathan Anderson, Acting Director, Homeland Sec. & Justice Team, U.S. Gov't Accountability Office).

[70] S. 3416, Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2020 (116th Cong.).

[71] *Id.*

[72] S. 4148, A bill to extend the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes, Pub. L. No. 116–150 (116th Cong.).

[73] James Platt, U.S. Cybersecurity and Infrastructure Security Agency, National Risk Management Center (June 2019), https://www.gps.gov/governance/advisory/meetings/2019-06/platt.pdf (referring to NISAC slide). *See also* About the National Infrastructure Simulation and Analysis Center, U.S. Dep't of Homeland Security, https://www.dhs.gov/about-national-infrastructure-simulation-and-analysis-center (last published June 27, 2016).

[74] Call from Majority and Minority Staff, U.S. Senate Committee on Homeland Security and Governmental Affairs, to Bob Kolasky, Director, National Risk Management Center, and supporting staff, National Risk Management Center and National Infrastructure Simulation and Analysis Center (April 15, 2020, 11:00 AM) (notes on file with Committee Majority staff).

[75] Daniel Lippman, *DHS Wound Down Pandemic Models Before Coronavirus Struck,* POLITICO (Mar. 24, 2020, 8:47 PM), https://www.politico.com/news/2020/03/24/dhs-pandemic-coronavirus-146884; *see also* Kayla Epstein, *A Bureaucratic Fight Halted a Vital Department of Homeland Security Program that Helped Model Pandemics in 2017,* Bus. Insider (Mar. 25, 2020, 11:44 AM), https://www.businessinsider.com/coronavirus-dhs-reportedly-shut-down-pandemic-modeling-program-in-2017-2020-3.

[76] Call from Majority and Minority Staff, U.S. Senate Committee on Homeland Security and Governmental Affairs, to Bob Kolasky, Director, National Risk Management Center, and supporting staff, National Risk Management Center and National Infrastructure Simulation and Analysis Center (April 15, 2020, 11:00 AM) (notes on file with Committee Majority staff).

[77] Daniel Lippman, *DHS Wound Down Pandemic Models Before Coronavirus Struck,* POLITICO (Mar. 24, 2020, 8:47 PM), https://www.politico.com/news/2020/03/24/dhs-pandemic-coronavirus-146884; *see also* Kayla Epstein, *A Bureaucratic Fight Halted a Vital Department of Homeland Security Program that Helped Model Pandemics in 2017,* Bus. Insider (Mar. 25, 2020, 11:44 AM), https://www.businessinsider.com/coronavirus-dhs-reportedly-shut-down-pandemic-modeling-program-in-2017-2020-3.

and specific pandemic information.[78] The legislation was cosponsored by Ranking Member Peters and Senator Margaret Wood Hassan, and was reported favorably by the Committee at the July 22, 2020 business meeting.[79]

Finally, throughout the 116th Congress, the Committee conducted oversight of CISA's efforts to provide voluntary election security assistance to State and local government officials. This includes more than 50 staff and member meetings, briefings, and document reviews on various election security topics.[80] The Committee also held a February 2020 hearing, *What States, Locals and the Business Community Should Know and Do: A Roadmap for Effective Cybersecurity,* in which election security was discussed.[81] Christopher Krebs, then-Director of CISA, discussed how the agency assists State and local governments to address concerns and resources provided to protect election infrastructure in preparation for the 2020 election.[82] Director Krebs also discussed the current risks in elections, including vulnerabilities within voter files and voter registration databases.[83]

D. TERRORISM

In recent years, the United States has seen a shifting terrorist threat landscape. Although the threat of international terrorism and homegrown violent extremism continues, there has been a rise in domestic terrorism. To combat the threats facing the United States, the Federal Government has had to adapt its counterterrorism efforts to address emerging and evolving trends. It has been increasingly evident that the counterterrorism practices of years' past may not address the full scope of threats facing the United States. The threat of domestic terrorism requires dedicated attention and proper resource allocation. In recognition of this, the Committee engaged in bipartisan oversight aimed at evaluating how the Federal Government addresses, prioritizes and allocates for the full spectrum of terrorist threats. Specifically, the Committee examined the Federal Government's efforts to counter domestic terrorism while balancing the broad range of threats to the homeland.

On May 8, 2019, Chairman Johnson and Ranking Member Peters sent letters to DHS, the Federal Bureau of Investigation (FBI), and the Department of Justice (DOJ), requesting documents and information on their respective efforts.[84] The Committee found that there was no consistent or unified system for understanding, tracking, and reporting on domestic terrorism across agencies. The Committee also found that the agencies have been engaged in inter-

[78] S. 4157, National Infrastructure Simulation and Analysis Center Pandemic Modeling Act of 2020 (116th Cong.).

[79] *Id.*

[80] Summary of election meetings attended by Chairman Ron Johnson, 116th Congress. On file with Committee Majority staff.

[81] What States, Locals and the Business Community Should Know and Do: A Roadmap for Effective Cybersecurity: *Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/what-states-locals-and-the-business-community-should-know-and-do-a-roadmap-for-effective-cybersecurity.

[82] *Id.* Statement of Christopher Krebs, Director, Cybersecurity and Infrastructure Security Agency, U.S. Dep't of Homeland Sec.).

[83] *Id.*

[84] Letter from Senator Ron Johnson, Chairman of Homeland Sec. and Governmental Affairs Senate Comm. and Senator Gary C. Peters, Ranking Member of Homeland Sec. and Governmental Affairs Senate Comm., to Hon. William Barr, Attorney Gen., U.S. Dep't of Justice (May 8, 2019) (on file with author).

agency communication and conduct ongoing outreach to SLTT law enforcement agencies.

The Committee held three hearings and one roundtable to examine the shifting terrorist threat landscape and heard testimony from both terrorism subject matter experts from various research institutions and Federal Government officials from DHS, the FBI, and the National Counterterrorism Center (NCTC).[85] The Committee's first hearing on terrorism threats in the 116th Congress was the first hearing in the Committee's history to focus solely on domestic terrorism.

Based on the findings of the May 8, 2019 letter and the multiple hearings, Chairman Johnson and Ranking Member Peters introduced the Terrorism Reporting and Classifying Act of 2019 (TRAC Act), which would establish a unified database and reporting requirements for DHS, the FBI, and NCTC to better track and understand domestic terrorism in the broader terrorism threat landscape.[86] Chairman Johnson and Ranking Member Peters were successful in getting much of the language from the TRAC Act into the 2019 National Defense Authorization Act, enacted in December 2019. The law now requires DHS, the FBI and NCTC to establish joint definitions and interpretations of terrorism-related terminology, establish unified tracking systems for incidents of domestic terrorism, submit joint, annual reports to Congress, and make the reports public.

Foreign fighters continue to pose a threat to the homeland, as they travel overseas to train and participate in terrorist activities. In 2019, the Committee approved and Congress enacted the *Terrorist and Foreign Fighter Travel Exercise Act of 2019.*[87] The Act requires DHS to conduct exercises to improve detection of terrorist and foreign fighter travel. By building on DHS' national exercise framework, this legislation will improve collaboration among key partners and stakeholders in counterterrorism and travel.

The Committee approved six other bills to help the U.S. improve its ability to counter terrorist attacks and harden soft targets. Those bills include the *DHS Intelligence Rotational Assignment Program Act of 2019,* to codify the DHS Office of Intelligence and Analysis' intelligence rotational assignment program which improves coordination and communication with intra-agency partners;[88] the *Luke and Alex School Safety Act of 2019,* to establish a Federal Clearinghouse on School Safety Best Practices for use by State and local educational and law enforcement agencies, institutions of higher education, health professionals, and the public;[89] the *Protecting Faith-Based and Nonprofit Organizations From Terrorism Act of 2019,* which requires the Federal Emergency Management Agency (FEMA) to extend its Nonprofit Grant Program to eligible nonprofits at risk of terrorist attacks to improve target hardening and other security measures;[90] the *Counter Threats Advisory*

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[85] *Countering Domestic Terrorism: Examining the Evolving Threat: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affairs,* 116th Cong. (2019), *Threats to the Homeland: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affairs,* 116th Cong. (2019), *Threats to the Homeland: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affairs,* 116th Cong. (2020).

[86] S. 3118, (116th Cong.).

[87] H.R. 1590 (116th Cong.).

[88] H.R. 2066 (116th Cong.).

[89] S. 2779 (116th Cong.).

[90] H.R. 1539 (116th Cong.).

Board Act of 2019, which authorizes DHS to establish an advisory board tasked with evaluating the current threat environment and DHS' ability to counter such threats;[91] the *DHS Overseas Personnel Enhancement Act of 2019,* which requires DHS to annually brief congressional homeland security committees on the work of DHS personnel serving overseas, including challenges to counterterrorism missions;[92] and the *Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2019,* which requires Federal agencies to submit a report to Congress in the year following an investigation of an act of terrorism.[93]

E. DHS REFORMS AND COVID–19 RESPONSE

The Committee has primary responsibility for overseeing and authorizing DHS. This Congress, the Committee built on the significant actions it took in the 115th Congress to improve the Department's management and operations. Specifically, the Committee exercised its oversight authority through hearings, legislation, and briefings in an effort to improve the execution of DHS's management functions and operational capabilities. Since its establishment more than 17 years ago, DHS faced arguably some of its greatest challenges in 2020 with the onset of the COVID–19 pandemic and the rise of civil unrest throughout the United States.

1. COVID–19 OVERSIGHT

On December 31, 2019, the World Health Organization was informed that there was a cluster of atypical pneumonia cases in Wuhan, China.[94] This abnormal activity was later determined to be the spread of a novel coronavirus known as SARS–CoV–2, the severe acute respiratory syndrome that causes the COVID–19 disease. By January 21, 2020, the first-known case of COVID–19 in the United States was confirmed in Seattle, Washington. As the worldwide transmission of the virus accelerated, the Secretary of HHS, Alex Azar, declared a Public Health Emergency.[95]

On February 12, 2020, the Committee held a roundtable to discuss our nation's state of preparedness for a global pandemic.[96] One of the participants, Dr. Scott Gottlieb, discussed the insecurity of the U.S. medical supply chain and how the overreliance on a foreign nation, such as China, can leave our nation in a vulnerable position while trying to acquire critical drugs and personal protective equipment (PPE) during a global health crisis.[97] This was particularly concerning to the Committee given previous studies indicating that 72 percent of the U.S. active pharmaceutical ingredient supply that is necessary to finish critical drugs was manufactured outside of the U.S., with China accounting for 13 percent of that

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[91] S. 411 (116th Cong.).
[92] H.R. 2590 (116th Cong.).
[93] S. 2513 (116th Cong.).
[94] 1AWorld Health Organization, Coronavirus disease (COVID–19) outbreak, https://www.who.int/westernpacific/emergencies/novel-coronavirus.
[95] Secretary Azar Declares Public Health Emergency for United States for 2019 Novel Coronavirus (Jan. 31, 2020) https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html.
[96] *Are We Prepared? Protecting the U.S. from Global Pandemics, Roundtable Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/are-we-prepared-protecting-the-us-from-global-pandemics.
[97] *Id.* (statement of Dr. Scott Gottlieb).

capacity.[98] Following the roundtable, the Chairman and Ranking Member of the Committee requested that the Secretaries of DHS and HHS inform the American public about our existing vulnerabilities, actions that have been taken to address the potential shortages, and how DHS and FEMA are protecting their workforce and the American people should COVID–19 become a health crisis in the U.S.[99]

The Committee held a hearing with the HHS Assistant Secretary for Preparedness and Response (ASPR) and the Senior Official Performing the Duties of Deputy Secretary at DHS.[100] In that hearing, the HHS ASPR told the Committee that the Strategic National Stockpile (SNS), the Federal resource to "supplement State and local supplies during public health emergencies", held 35 million N95 respirators.[101] Given the concerns that a pandemic was materializing, these levels seemed insufficient to address a nationwide public health emergency, with one Committee member stating, "[i]t strikes me that we should have substantially more."[102]

On March 13, 2020, President Trump invoked section 501(b) of the Stafford Act to extend Federal assistance to all States, tribes, territories, and the District of Columbia.[103] Given the anticipation of a shortage of critical drugs and PPE, the Committee focused on examining the Federal Government's procurement and distribution strategies to understand what authorities and practices they were exercising to meet the demand of States across the country.[104] During this hearing, FEMA Administrator Peter Gaynor and Rear Admiral John Polowczyk described the Federal Government's ingenuities, such as Project Airbridge, which expedited the shipping of critical supplies to our nation's "hotspot" areas to address supply shortages.[105] Members of the Committee recommended the Senate, "reexamine what our domestic manufacturing (is) for those supplies that we were in such a desperate moment that we had to be able to move via an air bridge from Asia? Why aren't we producing those domestically and what can we do to create more domestic supply?"[106]

To understand the concern of domestic manufacturing and supply, but also examine what the Federal Government could improve

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[98] Janet Woodcock, M.D., Director—Center for Drug Evaluations and Research, U.S. Food and Drug Administration, Testimony before the U.S. House of Representatives, Committee Energy and Commerce, Subcommittee on Health (October 30, 2019), https://www.fda.gov/news-events/congressional-testimony/safeguarding-pharmaceutical-supply-chains-global-economy-10302019

[99] S. Comm. on Homeland Sec. & Governmental Affairs, Letter to HHS & DHS (Feb. 27, 2020), https://www.hsgac.senate.gov/imo/media/doc/200228—Letter—HHS—DHS—Coronavirus.pdf.

[100] *The Federal Interagency Response to the Coronavirus and Preparing for Future Global Pandemics, Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/the-federal-interagency-response-to-the-coronavirus-and-preparing-for-future-global-pandemics.

[101] *Strategic National Stockpile,* Off. of the Assistant Secretary for Preparedness & Response, https://www.phe.gov/about/sns/Pages/default.aspx (last updated Jan. 7, 2021); *The Federal Interagency Response to the Coronavirus and Preparing for Future Global Pandemics, Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020) (Statement of Dr. Robert Kadlec), https://www.hsgac.senate.gov/the-federal-interagency-response-to-the-coronavirus-and-preparing-for-future-global-pandemics.

[102] *Id.* (Statement of Sen. Mitt Romney).

[103] Federal Emergency Management Agency, *COVID–19 Emergency Declaration,* Mar. 13, 2020, https://www.fema.gov/press-release/20210121/covid-19-emergency-declaration.

[104] *Evaluating the Federal Government's Procurement and Distribution Strategies in Response to the COVID–19 Pandemic, Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/evaluating-the-federal-governments-procurement-and-distribution-strategies-in-response-to-the-covid-19-pandemic.

[105] *Id.* (Statement of Peter T. Gaynor and John Polowcyzk).

[106] *Id.* (Statement of Sen. James Lankford).

upon, the Committee held a hearing on the SNS.[107] During the hearing, Chairman Ron Johnson asserted that supply and demand challenges precipitated from "a lack of clarity and understanding of exactly what the SNS's role is, and what it should be."[108] The Chairman further stated that, "[w]e are paying the price for this lack of articulation and clarity during the current pandemic."[109] To address these challenges, the Chairman introduced S. 4204, the *Federal Emergency Pandemic Response Act* (FEPRA), and S. 4210, the *Securing Healthcare and Response Equipment* (SHARE) Act. FEPRA requires the Office of Management and Budget to convene an interagency task force to evaluate the components of the SNS. As part of that evaluation, it requires the interagency taskforce to identify the current inventory levels of the SNS, what the levels should be so they are sufficient to address the needs of a pandemic, where the stockpiles should be located, and whether or not the current SNS name aligns with the mission determined by the task force. SHARE gives DHS the authority to share critical supplies with HHS to distribute out of the SNS if the Secretary of DHS has determined that their supplies exceed what is necessary to protect their own workforce. The Committee considered FEPRA and SHARE during their July 22, 2020 business meeting and reported the bills out of Committee favorably.[110]

To better prepare DHS for any future pandemic, the Committee passed the *National Response Framework Improvement Act of 2020.*[111] This legislation would require the Administrator of the Federal Emergency Management Agency (FEMA) to assess the effectiveness of the National Response Framework during the COVID–19 pandemic and develop a report that includes its findings and recommendations for improvement.[112] Incorporating the recommendations into the National Response Framework could bring much needed reforms to the way DHS and its partner agencies respond to pandemics going forward.

On July 28, 2020, at the *Oversight of COVID–19 Financial Relief Packages* hearing, several private sector witnesses testified about how the various financial relief packages enacted by Congress had been used. The witnesses also discussed reforms and oversight still needed, as well as unintended consequences from certain provisions in the enacted financial relief packages.[113]

In response to concerns from medical doctors throughout the country treating COVID–19 patients, Chairman Johnson also focused attention on the unfortunate lack of Federal efforts to develop early treatment options for COVID–19, and social media's actions to keep information about potential early treatments from the public. On August 18, 2020, Senators Johnson, Lee and Cruz sent a letter to the U.S. Food and Drug Administration (FDA) requesting information regarding the FDA's Emergency Use Authorization

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[107] *The Role of the Strategic National Stockpile in Pandemic Response, Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/the-role-of-the-strategic-national-stockpile-in-pandemic-response.

[108] *Id.* (Statement of Chairman Ron Johnson).

[109] *Id.*

[110] *Business Meeting Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong.(2020) https://www.hsgac.senate.gov/07/15/2020/business-meeting-.

[111] S. 4153 (116th Cong.).

[112] *Id.*

[113] *Oversight of COVID–19 Financial Relief Packages: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/oversight-of-covid-19-financial-relief-packages.

(EUA) decisions. The letter stressed the importance of allowing physicians to "make the best medical and treatment decisions for their patients, use their "off-label' prescription rights, and have full access to FDA approved drugs."[114]

On November 19 and December 8, 2020, the Committee held a two-part hearing on these concerns, titled *Early Outpatient Treatment—An Essential Part of a COVID–19 Solution.* These hearings asked medical practitioners to address how they provided early outpatient treatment for COVID–19 patients in the absence of guidance from the Food and Drug Administration (FDA) and treatment protocols they had developed. The physicians discussed their experiences using widely available, low-cost drugs to prevent disease progression and hospitalization.[115]

On November 23, 2020, Senators Johnson, Lee and Cruz sent a follow up letter to the FDA to reiterate the requests in the August 18, 2020 letter that had gone unanswered and to stress the importance of early outpatient treatment for COVID–19.[116]

Following the December 8th hearing, Senators Johnson and Paul sent a letter to the National Institute of Health (NIH) highlighting a promising early treatment—ivermectin—that was discussed in the hearing. The letter asked NIH to examine recent studies of ivermectin and provide an update on early outpatient treatments that are currently under NIH review.[117] On February 11, 2021, the NIH updated its COVID–19 Treatment Guidelines to a neutral position while further studies gather additional data on its effectiveness as a treatment for COVID–19.[118]

2. OTHER DHS OVERSIGHT

To enhance and reform DHS's relationship with its SLTT partners, the Committee passed legislation providing DHS with the authority to collaborate and share information. The *DHS Field Engagement Accountability Act,* approved by the Committee and enacted in 2020, enables DHS' Office of Intelligence and Analysis to work with fusion centers, which play an important role in counterintelligence and counterterrorism efforts.[119] This legislation refines DHS's information sharing apparatus and improves its ability to mitigate and prevent threats to the homeland.[120] Additionally, the Committee held a hearing on August 6, 2020, to examine DHS' efforts to protect Federal property and personnel during protests

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[114] Letter from Sens. Johnson, Lee, Cruz to Stephen Hahn, FDA Commissioner (Aug. 18, 2020), *available at* https://www.hsgac.senate.gov/media/majority-media/johnson-lee-cruz-call-for-explanation-into-fdas-emergency-use-authorization-decisions-.

[115] *Early Outpatient Treatment—An Essential Part of a COVID–19 Solution, Part I: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/hearings/early-outpatient-treatment-an-essential-part-of-a-covid-19-solution; *Early Outpatient Treatment—An Essential Part of a COVID–19 Solution, Part II: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020), https://www.hsgac.senate.gov/early-outpatient-treatment-an-essential-part-of-a-covid-19-solution-part-ii.

[116] Letter from Sens. Johnson, Lee, Cruz to Stephen Hahn, FDA Commissioner (Nov. 23, 2020) (on file with Comm. staff).

[117] Letter from Sens. Johnson, Paul to Francis S. Collins, NIH Director (Dec. 10, 2020), https://www.hsgac.senate.gov/imo/media/doc/40-317—Comm.%20Homeland%20Security%20%20Gov.%20Affairs%2012-10-2020.pdf.

[118] NIH, *COVID–19 Treatment Guidelines, Ivermectin,* https://www.covid19treatmentguidelines.nih.gov/antiviral-therapy/ivermectin/ (last updated Feb. 11, 2021).

[119] Pub. L. No. 116–116 (116th Cong.).

[120] *Id.*

across the country, and particularly in Portland, Oregon.[121] Acting Secretary Wolf testified and described the events surrounding the deployment of DHS law enforcement and personnel as well as the authorities DHS used to carry out its protective mission and coordinate with state and local officials in these efforts.

In July 2020, the Committee passed The *Department of Homeland Security Mentor-Protégé Program Act of 2019.*[122] This legislation provides statutory authority to the DHS Mentor-Protégé program, which has been in place since2003.[123] The program allows small businesses (referred to as "protégé" firms) to seek guidance from large businesses (referred to as "mentor" firms) who traditional obtain contracts from the Department on best to compete for prime contracts with DHS.

Finally, during this Congress, HSGAC worked tirelessly to ensure DHS obtained adequate funding to continue to carry out its mission. The Committee held hearings entitled *Resources and Authorities Needed to Protect and Secure the Homeland*

[124] in March 2020, and *Resources Needed to Protect and Secure the Homeland*[125] in May 2019 to examine the needs of the DHS workforce and affirm Chairman Johnson's continued support of providing DHS with the resources and authorities required to protect the homeland. On September 9, 2019, the Committee held a field hearing at the National September 11 Memorial & Museum in New York City. The hearing, titled *18 Years Later: The State of Homeland Security after 9/11,* brought together three former Secretaries of Homeland Security for a wide-ranging discussion of the Departments history, current and future challenges, and

F. OVERSIGHT OF THE FEDERAL GOVERNMENT

The Committee is also responsible for investigating "the efficiency and economy of operations of all branches of the Government[.]"[126] In the 116th Congress, the Committee continued to carry out its oversight responsibilities over the Federal bureaucracy to help foster a professional, nonpartisan, and accountable government. The Committee's oversight jurisdiction stretches across all facets of the executive branch. Pursuant to this expansive authority, the Committee conducted oversight of numerous Federal departments and agencies, ranging from DHS, the FBI, and the Department of State. The Committee maintains a whistleblower hotline for Federal employees to disclose waste, fraud, abuse, and misconduct. This section includes a summary of some of the most consequential oversight projects this Congress, but is not a complete list of all the work conducted.

In March 2019, the Committee learned that an employee at a West Virginia facility of the Bureau of Alcohol, Tobacco, Firearms, and Explosives Agency (ATF) stole firearms and firearm parts that

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[121] *Oversight of DHS Personnel Deployments to Recent Protests: Hearing before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020).

[122] H.R. 4727 (116th. Cong.).

[123] Page 24, *Small Business Mentor-Protégé Programs,* CRS Report, *available at* https://fas.org/sgp/crs/misc/R41722.pdf.

[124] *Resources and Authorities Needed to Protect and Secure the Homeland: Hearing before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020).

[125] *Resources Needed to Protect and Secure the Homeland: Hearing before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2019).

[126] S. Res. 70, Sec. 12(e)(1)(A).

were slated for destruction, including service weapons for Federal agents. The Committee also learned that these stolen firearms were not only sold illegally, but also that at least one of those firearms was found at a crime scene. The Committee pursued this issue as the responsible individuals were prosecuted and as ATF began take corrective action to prevent similar misconduct from occurring in the future.[127]

The Committee also continued oversight of the consequences of different immigration policies. In May 2019, Chairman Johnson wrote to the DHS, the Attorney General of Maryland, and the Executive for Prince George's County, about the decision to instruct local law enforcement not to comply with detainer requests by ICE agents for illegal aliens who were arrested. Earlier that month, local authorities in Prince George's county ignored an ICE detainer request and released two MS–13 gang members, who soon after brutally murdered a 14-year old girl.[128]

In January 2020, Chairman Johnson, joined by 14 other senators, wrote to the Internal Revenue Service (IRS) about an inspector general report that taxpayers improperly claimed $72 million in tax credits for electric vehicles.[129] The report also found that the IRS did not have an effective process to identify and prevent these erroneous claims. Notably, the inspector general first identified this issue in 2011—and $33 million in improperly claimed credits—yet the problem only worsened. The Committee highlighted this information as Congress was considering a potential $16 billion expansion to this tax credit program.

The Committee continued to conduct oversight of the FBI and reports that senior FBI officials exhibited political bias while assigned to high-profile, politically-oriented cases. Together with Chairman Chuck Grassley of the Finance Committee, Chairman Johnson sent numerous requests for information to the FBI, the DOJ, the Department of State, the Director of National Intelligence, and the Central Intelligence Agency, among others, as part of their continued oversight of the FBI's investigation of alleged collusion between the Trump campaign and Russia.[130] On December

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[127] Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to Thomas Brandon, Deputy Dir., Bureau of Alcohol, Tobacco, Firearms and Explosives (Mar. 12, 2019).

[128] Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to Brian Frosh, Attorney General, State of Maryland (May 28, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to Kevin McAleenan, Acting Secretary, Dep't of Homeland Security (May 28, 2019).

[129] Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, et al., to Charles P. Rettig, Commissioner, Internal Revenue Service (Jan. 27, 2020).

[130] *E.g.,* Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice (April 25, 2019); Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Atkinson, Inspector General of the Intelligence Community (May 6, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Pompeo, Secretary of State, Dep't of State (May 9, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Christopher Wray, Dir., Federal Bureau of Investigation (May 9, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Steve Linick, Inspector General, Dep't of State (Sept. 12, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice (Sept. 17, 2019); Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Atkinson, Inspector General of the Intelligence Community (Oct. 2, 2019); Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Chris-

18, 2019, the committee convened a hearing, titled *DOJ OIG FISA Report: Methodology, Scope, and Findings,* during which the DOJ Inspector General presented the findings from his review of the FBI's Crossfire Hurricane investigation of Trump campaign officials. At that hearing, the Inspector General testified that he identified evidence of political bias by certain FBI officials and that he

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topher Wray, Dir., Federal Bureau of Investigation (Oct. 16, 2019); Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Atkinson, Inspector General of the Intelligence Community (Oct. 23, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice (Oct. 29, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to David S. Ferriero, Archivist, National Archives and Records Admin. (Oct. 31, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice, & Christopher Wray, Dir., Federal Bureau of Investigation (Dec. 13, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice (Jan. 28, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Richard Grenell, Acting Dir. Of Nat'l Intelligence (Apr. 2, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Christopher Wray, Dir., Federal Bureau of Investigation (Apr. 16, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Richard Grenell, Acting Dir. Of Nat'l Intelligence & William Barr, Attorney General, Dep't of Justice (May 12, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice (May 18, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Richard Grenell, Acting Dir. Of Nat'l Intelligence (May 19, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Richard Grenell, Acting Dir. Of Nat'l Intelligence (May 22, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Pompeo, Secretary, Dep't of State (June 11, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Steve Mnuchin, Secretary, Dep't of Treasury (June 11, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Pompeo, Secretary, Dep't of State (July 2, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Pompeo, Secretary, Dep't of State (July 7, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Gina Haspel, Dir., Central Intelligence Agency (July 28, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to John Ratcliffe, Dir. of Nat'l Intelligence (Jul. 28, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice, & Christopher Wray, Dir., Federal Bureau of Investigation (Jul. 28, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Pompeo, Secretary, Dep't of State (Jul. 28, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Christopher Wray, Dir., Federal Bureau of Investigation (Aug. 21, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to Christopher Wray, Dir., Federal Bureau of Investigation (Sept. 9, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to Michael Horowitz, Inspector General, Dep't of Justice (Sept. 11, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to John Ratcliffe, Dir. of Nat'l Intelligence (Sept.. 11, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Christopher Wray, Dir., Federal Bureau of Investigation (Oct. 2, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Gina Haspel, Dir., Central Intelligence Agency (Oct. 7, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Christopher Wray, Dir., Federal Bureau of Investigation (Oct. 12, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Mark Esper, Secretary, Dep't of Defense (Oct. 14, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to John Ratcliffe, Dir. of Nat'l Intelligence, & Christopher Wray, Dir., Federal Bureau of Investigation (Oct. 14, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice, & Christopher Wray, Dir., Federal Bureau of Investigation (Oct. 30, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to William Barr, Attorney General, Dep't of Justice (Nov. 2, 2020).

could not find a satisfactory explanation for 17 significant errors and omissions by the FBI officials conducting the investigation.[131]

In 2020, Chairman Johnson received and publicly released declassified records related to the FBI's Crossfire Hurricane investigation, including intelligence reporting the FBI received that certain parts of the Steele dossier were the product of a Russian disinformation campaign.[132] On June 4, 2020, the Committee authorized Chairman Johnson to issue several subpoenas for records and testimony related to this investigation; Chairman Johnson issued a subpoena for records to the FBI, and subpoenas for records and testimony to former State Department official Jonathan Winer and Stefan Halper. On October 23, 2020, along with the Finance Committee, Chairman Johnson issued a majority staff report, titled *Don't Brief the Trump Team: How the GSA and the FBI Secretly Shared Trump Transition Team Records,* which described how the GSA violated the terms of its memorandum of understanding with the Trump transition team to secretly preserve and share transition records with the FBI and Office of the Special Counsel.[133]

On December 3, 2020, Chairman Johnson held a capstone hearing, titled *Congressional Oversight in the Face of Executive Branch and Media Suppression: The Case Study of Crossfire Hurricane.*[134] The hearing focused largely on the misconduct of the FBI during its investigation of the Trump campaign and it addressed the difficulty Chairman Johnson experienced throughout his tenure attempting to receive meaningful compliance from executive agencies and former government officials. Chairman Johnson released two timelines in conjunction with this hearing highlighting key events during the Crossfire Hurricane investigation and relevant findings from the Chairman's oversight work.[135]

In November 2019, the Committee initiated a joint investigation with the Finance Committee into actual or apparent conflicts of interest between then-Vice President Biden and U.S. foreign policy toward Ukraine in light of Hunter Biden's position on the board of directors of a Ukrainian natural gas firm that was under investigation for corruption. This conduct was placed at issue during the 2019 impeachment proceedings in the House against President Trump. As part of the investigation, Chairman Johnson sent nu-

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[131] *DOJ OIG FISA Report: Methodology, Scope, and Findings,* S. Comm. on Homeland Security & Governmental Affairs (Dec. 18, 2019).

[132] Letter from Richard Grenell, Acting Dir. of Nat'l Intelligence, to Ron Johnson, Chairman (Apr. 15, 2020), https://www.hsgac.senate.gov/media/majority-media/ig-footnotes-serious-problems-with-dossier-sources-didnt-stop-fbis-page-surveillance; Letter from Richard Grenell, Acting Dir. of Nat'l Intelligence, to Ron Johnson, Chairman (May 13, 2020), https://www.hsgac.senate.gov/imo/media/doc/2020-05-13%20ODNI%20to%20CEG%20RHJ%20(Unmasking).pdf; Press Release, Johnson, Grassley release FBI, DOJ, State Department records related to the FBI's Crossfire Hurricane Investigation (Dec. 3, 2020), https://www.hsgac.senate.gov/media/majority-media/johnson-grassley-release-fbi-doj-state-department-records-related-to-the-fbis-crossfire-hurricane-investigation

[133] *Don't Brief the Trump Team: How the GSA and FBI Secretly Shared Trump Transition Team Records,* S. Comm. on Homeland Security and Governmental Affairs, and S. Comm. on Finance (Oct. 23, 2020), https://www.finance.senate.gov/imo/media/doc/2020-10-23%20Committee%20Report%20-%20GSA%20&%20Trump%20Transition.pdf.

[134] *Congressional Oversight in the Face of Executive Branch and Media Suppression: The Case Study of Crossfire Hurricane,* S. Comm. on Homeland Security & Governmental Affairs (Dec. 3, 2020).

[135] *Timeline: Congressional Oversight in the Face of Executive Branch and Media Suppression: The Case Study of Crossfire Hurricane,* S. Comm. on Homeland Security and Governmental Affairs (Dec. 3, 2020); Timeline of Key Events Related to Crossfire Hurricane Investigation, S. Comm. on Homeland Security and Governmental Affairs, and S. Comm. on Finance (Dec. 3, 2020).

merous requests for information to the Department of State and the National Archives, among other agencies,[136] and conducted several transcribed interviews of relevant witnesses.[137] Chairman Johnson also served a subpoena for records on Blue Star Strategies, a consulting firm representing Burisma, which the Committee authorized. On September 23, 2020, the majority issued a staff report, titled *Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns,* summarizing its findings.[138] On November 18, 2020, the majority issued a supplemental report based on additional information that came to light on this topic.[139]

On April 16, 2020, Chairman Johnson initiated an investigation of the DHS Office of Intelligence and Analysis (I&A). Specifically, this inquiry focused on I&A's overt human intelligence collection program and its counter-intelligence program. On August 6, 2020, the Committee held an oversight hearing, titled *Oversight of DHS*

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[136] *E.g.,* Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice (Sept. 27, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Atkinson, Inspector General of the Intelligence Community (Sept. 30, 2019); Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, Charles Grassley, Chairman, S. Comm. on Finance, & Mike Lee, U.S. Senator, to Michael Atkinson, Inspector General of the Intelligence Community (Oct. 2, 2019); Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, Charles Grassley, Chairman, S. Comm. on Finance, & Mike Lee, U.S. Senator, to Michael Atkinson, Inspector General of the Intelligence Community (Oct. 16, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Pompeo, Secretary, Dep't of State (Nov. 6, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to David S. Ferriero, Archivist, National Archives and Records Administration (Nov. 21, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to William Barr, Attorney General, Dep't of Justice & Christopher Wray, Dir., Federal Bureau of Investigation (Nov. 22, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Karen Tramontano, CEO, Blue Star Strategies (Dec. 3, 2019); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to James M. Murray, Dir., U.S. Secret Service (Feb. 5, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Pompeo, Secretary, Dep't of State (Apr. 30, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Christopher Wray, Dir., Federal Bureau of Investigation (Sept. 15, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Peter Kadzik, Vedable (Oct. 17, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, to Christopher Wray, Dir., Federal Bureau of Investigation (Oct. 17, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to James M. Murray, Dir., U.S. Secret Service (Oct. 20, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Tony Bobulinski (Oct. 21, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to James Gilliar (Oct. 21, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to James Biden (Oct. 21, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Benjamin Klubs, et al, (Oct. 21, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Rob Walker (Oct. 21, 2020); Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs, & Charles Grassley, Chairman, S. Comm. on Finance, to Michael Horowitz, Inspector General, Dep't of Justice (Oct. 21, 2020).

[137] *See* Interview transcripts, *available at* https://www.hsgac.senate.gov/hearings/hunter-biden-burisma-and-corruption-the-impact-on-us-government-policy-and-related-concerns?peek=H8DPK9jMv5%2FLz%2F2Jz1eN6dDBxADb117R%2Fnn5y%2B5qKcnHqg29.

[138] *Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns,* S. Comm. on Homeland Security and Governmental Affairs, and S. Comm. on Finance (Sept. 23, 2020), HTTPS://WWW.HSGAC.senate.gov/imo/media/doc/HSGAC—Finance—Report—FINAL.pdf.

[139] *Majority Staff Report Supplemental,* S. Comm. on Homeland Security and Governmental Affairs, and S. Comm. on Finance (Nov. 18, 2020), https://www.hsgac.senate.gov/imo/media/doc/2020–11–18%20HSGAC%20-%20Finance%20Joint%20Report%20Supplemental.pdf.

Personnel Deployments at Recent Protests, which included the deployment of I&A personnel.

Chairman Johnson also continued his oversight of the Trump Administration's tariffs, which created financial burdens for many businesses across the country. Chairman Johnson requested updated information and data from the Commerce Department about the effects of tariffs on U.S. businesses.[140] Chairman Johnson also sought to understand how the Commerce Department determined which applicants qualified for exclusions from the tariffs. In addition, Chairman Johnson requested material from major domestic steel and aluminum producers to better understand how the tariffs were affecting producers and consumers.[141]

Chairman Johnson also examined allegations of irregularities in the 2020 election, including holding a hearing on December 16, 2020, in an effort to "restore confidence in the integrity of our voting system" and "resolve suspicions with full transparency and public awareness."[142]

G. REDUCING WASTE, FRAUD AND ABUSE

The Committee passed nearly 50 pieces of legislation that aim to reduce waste, fraud and abuse in the Federal Government. The following is a brief summary of some of those highlights.

The 116th Congress saw unprecedented packages of Federal spending in response to the COVID–19 pandemic and the associated stay-at-home orders and business closings. The $2 trillion Coronavirus Aid, Relief, and Economic Security Act (CARES Act) contained a provision negotiated by Chairman Johnson and Ranking Member Peters to provide oversight of this massive influx of Federal spending.[143] The CARES Act established the Pandemic Response Accountability Committee (PRAC) within the Council of Inspectors General on Integrity and Efficiency in order to provide needed oversight to the pandemic spending programs to ensure tax dollars are not wasted.[144]

The COVID–19 pandemic also presented unique challenges and opportunities for the Unites States Postal Service (USPS). In the initial weeks of the pandemic, USPS saw drastic reductions in mail volume and revenue.[145] Based on these weeks of crisis, USPS projected it would run out of liquidity in just a few months.[146] In re-

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[140] Letter from Ron Johnson, Chairman, & Claire McCaskill, Ranking Member, S. Comm. on Homeland Security & Governmental Affairs, to Wilbur R. Ross, Secretary, Dep't of Commerce (Aug. 30, 2018).

[141] Letter from Ron Johnson, Chairman, & Claire McCaskill, Ranking Member, S. Comm. on Homeland Security & Governmental Affs., to Roger Newport, Chief Executive Officer, AK Steel Holding Corp. (Aug. 27, 2018); Letter from Ron Johnson, Chairman, & Claire McCaskill, Ranking Member, S. Comm. on Homeland Security & Governmental Affs., to Michael Bless, President, Chief Executive Officer, and Director, Century Aluminum Co. (Aug. 27, 2018); Letter from Ron Johnson, Chairman, & Claire McCaskill, Ranking Member, S. Comm. on Homeland Security & Governmental Affairs, to John Ferriola, Chairman, Chief Executive Officer, and President, Nucor Corp. (Aug. 27, 2018); Letter from Ron Johnson, Chairman, & Claire McCaskill, Ranking Member, S. Comm. on Homeland Security & Governmental Affairs, to David Burritt, President and Chief Executive Officer, United States Steel Corp. (Aug. 27, 2018).

[142] *Examining Irregularities in the 2020 Election,* S. Comm. on Homeland Sec. & Governmental Affairs (Dec. 16, 2020) (statement of Chairman Johnson).

[143] Pub. L. No. 116–136 (116th Cong.).

[144] *Id.*

[145] Letter from Senator Ron Johnson, Chairman of Homeland Sec. and Governmental Affairs Senate Comm., Congressman Jim Jordan, Ranking Member of Oversight House Comm., and Congressman Jody Hice, Ranking member of Government Operations, House Comm., to the Honorable Megan Brennan, Postmaster General., U.S. Postal Service (June 8, 2020).

[146] *Id.*

sponse to the initial USPS projections, the Committee negotiated another provision in the CARES Act—one that would allow USPS to borrow up to $10 billion from the U.S. Treasury to cover COVID–19 related costs.[147] However, USPS's financial situation improved quickly thereafter due to an unprecedented increase in package volume.[148] While USPS did have some increased costs due to overtime, sick leave, and transportation costs, its overall revenue was $4.4 billion higher from March 2020 through December 2020 compared to the same weeks in 2019.[149] As such, USPS did not access the loan during the 116th Congress.

The Committee held a hearing on USPS' finances and operations during the COVID–19 pandemic and the then-upcoming 2020 elections.[150] The hearing addressed the better-than-expected financial condition of USPS and examined changes made by the Postmaster General shortly after he was sworn in.[151] The hearing debunked conspiracy theories regarding the removal of blue drop boxes and the removal of sorting equipment at some postal facilities.[152]

The Committee also worked in the 116th Congress to address the growth in annual improper payments—sums paid out by the Federal Government to the wrong person, in the wrong amount, for the wrong reason, or without sufficient documentation. From 2017 to 2019, the annual improper payment total increased from $141 billion to $175 billion.[153] The Committee passed and the President signed the Payment Integrity Information Act of 2019, which reorganizes and streamlines Federal improper payments laws, improving transparency and agency compliance.[154] It takes several improper payments laws from the last decade and consolidates them into one section of the U.S. Code and clarifies inconsistencies within those laws.[155] The Committee also approved legislation requiring Federal agencies to make budget justification material readily available to the public, improving Federal transparency.[156]

The first hearing the Committee held in the 116th Congress was a field hearing at St. Thomas More Catholic School, to examine the success of the D.C. Opportunity Scholarship program, the only federally-funded school voucher program.[157] Witnesses included the Hon. Tim Scott, Senator from North Carolina, school administrators, and a recent alumnus of the program.[158] The Committee also secured a reauthorization of the program through 2023 and extended the requirement that schools become accredited, due to com-

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[147] Pub. L. No. 116–136 (116th Cong.).

[148] Letter from Senator Ron Johnson, Chairman of Homeland Sec. and Governmental Affairs Senate Comm., Congressman Jim Jordan, Ranking Member of Oversight House Comm., and Congressman Jody Hice, Ranking member of Government Operations, House Comm., to the Honorable Megan Brennan, Postmaster General., U.S. Postal Service (June 8, 2020).

[149] Data from USPS on file with the Comm. staff.

[150] *Examining the Finances and Operations of the United States Postal Service During COVID–19 and Upcoming Elections: Hearing before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020).

[151] *Id.*

[152] *Id.*

[153] Gov't Accountability Office, GAO–18–377, Improper Payments: Actions and Guidance Could Help Address Issues and Inconsistencies in Estimation Processes (May 31, 2018); Gov't Accountability Office, GAO–20–344, Payment Integrity: Federal Agencies' Estimates of FY 2019 Improper Payments (Mar. 2, 2020).

[154] Pub. L. No. 116–117 (116th Cong.).

[155] *Id.*

[156] S. 2560 (116th Cong.).

[157] *Opportunity to SOAR: 15 years of School Choice in D.C.: Hearing before the S. Comm. on Homeland Sec. & Governmental Affairs,* 116th Cong. (2020).

[158] *Id.*

plications arising from the closure of schools due to the COVID–19 pandemic.[159]

The Committee also passed the Fair Chance to Compete for Jobs Act for the third time. The legislation requires that Federal agencies and contractors wait until making a conditional offer to a potential employee before asking them about their criminal history. The legislation was included as a part of the 2021 National Defense Authorization Act, signed into law by the President.[160]

With the potential for a Presidential transition in 2021, the Committee reviewed the 2016 Presidential transition and found that there were certain issues related to the roles and responsibilities of the General Services Administration (GSA) and presidential transition teams.[161] The Committee passed, and the President signed, the Presidential Transition Enhancement Act, which clarified these roles and responsibilities.[162]

Also of note, the Committee spent considerable time and bipartisan effort on two major pieces of legislation that, although approved by HSGAC with overwhelming support, were not enacted this Congress. The first, S. 1877, the Prevent Government Shutdowns Act of 2019, seeks to end costly and disruptive government shutdowns during a lapse in appropriations by providing for an automatic appropriation at current levels and incentives for Congress to pass regular appropriations while automatic appropriations are in place. The legislation limits official travel of Members of Congress and senior Executive Branch officials and holds Members' pay in escrow during a period of automatic appropriations. It also requires daily quorum calls and prohibits business from being in order on the Senate and House floor other than appropriations bills.[163] The bill was approved by the Committee on June 19, 2019 by a vote of 10–2[164], and later modified slightly in the form of a new bipartisan bill placed on the Senate Legislative Calendar in August 2020.[165]

The second, S. 764, ARTICLE ONE Act, seeks to reclaim certain emergency authorities that Congress has ceded to the President over time. The bill would invert the process for congressional review of a national emergency declared by the President, with the exception of emergencies declared pursuant to the International Emergency Economic Powers Act, to ensure that Congress approves of the emergency if a President wants it to continue for more than 30 days.[166] The bill was approved by the Committee on July 24, 2019, by voice vote.[167] The Chairman hopes that work on both of these important pieces of legislation will continue in the next Congress.

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[159] Pub. L. No. 116–94 (116th Cong.).
[160] Pub. L. No. 116–283 (116th Cong.).
[161] S. Rept. 116–13.
[162] Pub. L. No. 116–121 (116th Cong.).
[163] S. 1877, Prevent Government Shutdowns Act of 2019 (116th Cong.); S. Rept. 116–158 (116th Cong.).
[164] S. Rept. 116–158.
[165] S. 4461, Prevent Government Shutdowns Act of 2020 (116th Cong.).
[166] S. 764, ARTICLE ONE Act (116th Cong.); S. Rept. 116–159 (116th Cong.).
[167] S. Rept. 116–159.

II. COMMITTEE JURISDICTION

The jurisdiction of the Committee (which was renamed the Committee on Homeland Security and Governmental Affairs when the 109th Congress convened) derives from the Rules of the Senate and Senate Resolutions:

RULE XXV

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(k)(1) Committee on Governmental Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Archives of the United States.
2. Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.
3. Census and collection of statistics, including economic and social statistics.
4. Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.
5. Federal Civil Service.
6. Government information.
7. Intergovernmental relations.
8. Municipal affairs of the District of Columbia, except appropriations therefor.
9. Organization and management of United States nuclear export policy.
10. Organization and reorganization of the executive branch of the Government.
11. Postal Service.
12. Status of officers and employees of the United States, including their classification, compensation, and benefits.

(2) Such committee shall have the duty of——

(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(B) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(D) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

SENATE RESOLUTION 70, 116TH CONGRESS

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Sec. 12. (a) * * *

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(d) INVESTIGATIONS——

(1) IN GENERAL—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate——

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and, activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the government with particular reference to——

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the government involved in the control and management of energy shortages including, but not limited to, their performance with respect to——

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his or her, or their discretion——

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn Statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon

it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 62, agreed to February 28, 2017 (115th Congress) are authorized to continue.

III. BILLS AND RESOLUTIONS REFERRED AND CONSIDERED

During the 116th Congress, 409 Senate bills and 136 House bills were referred to the Committee for consideration. In addition, 10 Senate Resolutions and 2 Senate Concurrent Resolutions were referred to the Committee.

The Committee reported 138 bills; an additional 44 measures were discharged.

Of the legislation received by the Committee, 79 measures became public laws, including 64 postal naming bills.

IV. HEARINGS

During the 116th Congress, the Committee held 50 hearings on legislation, oversight issues, and nominations. Hearing titles and dates follow.

The Committee also held 16 scheduled business meetings.

Lists of hearings with copies of Statements by Members and witnesses, with archives going back to 1997, are online at the Committee's Website, *https://www.hsgac.senate.gov/*.

The Opportunity to SOAR: 15 Years of School Choice in D.C. February 26, 2019. (S. Hearing. 116–27)

The purpose of this two-panel field hearing was to mark the 15th year anniversary of the D.C. Opportunity Scholarship Program and discuss its future with the SOAR Reauthorization Act of 2019. The witnesses addressed how the D.C. Opportunity Scholarship Program benefits students and parents educationally, financially, and socially as it prepared them for the future. The witnesses also addressed past obstacles the program had to overcome, highlighting times administrators, parents, and advocates of the program supported the students' education.

Witnesses: Hon. Tim Scott, U.S. Senate; K. Marguerite Conley, Former Executive Director, Consortium of Catholic Academies; Yisehak Abraham, Alumnus, D.C. Opportunity Scholarship Program; Gerald Smith, Principal, St. Thomas More Catholic School.

Perspectives on Protecting the Electric Grid from an Electromagnetic Pulse or Geomagnetic Disturbance. February 27, 2019. (S. Hearing. 116–78)

The purpose of this roundtable is to hear differing perspectives from key stakeholders on electromagnetic pulse (EMP) and geomagnetic disturbance (GMD) risks and mitigation solutions. The witnesses discussed current activities to predict and prepare for the consequences of an EMP or GMD and how the United States can improve its efforts. Witnesses also discussed the Department of Homeland Security's EMP strategy that was submitted to Congress last year, and how government agencies and private sector organizations are working together to secure our nation's electrical grid

from an EMP or GMD. Finally, the witnesses discussed the potential costs associated with hardening the nation's electrical grid and possible technical solutions, and recommendations on authorities needed to prepare and protect the United States for an EMP or GMD event.

Witnesses: Hon. Karen Evans, Assistant Secretary for Cybersecurity, Energy Security, & Emergency Response, U.S. Department of Energy; Brian Harrell, Assistant Director, Infrastructure Security Division, U.S. Department of Homeland Security; Nathan Anderson, Acting Director, Homeland Security & Justice Team, U.S. Government Accountability Office; Joseph McClelland, Director, Office of Energy Infrastructure Security, Federal Energy Regulatory Commission; Scott Aaronson, Vice President for Security and Preparedness, Edison Electric Institute; Randy Horton, PH.D., Senior Program Manager, Grid Operations and Planning, Electric Power, Research Institute; David Roop, Director, Electric, Transmission Operations & Reliability, Dominion Energy; James Vespalec, Director, Asset Planning and Engineering, American Transmission Company; George Baker, PH.D., Professor Emeritus, James Madison University; Justin Kasper, PH.D., Associate Professor of Space Science and Engineering, University of Michigan; Caitlin Durkovich, Director, Toffler Associates

Nomination of Joseph V. Cuffari to be Inspector General, U.S. Department of Homeland Security. March 5, 2019. (S. Hearing 116–28)

This one-panel hearing considered the nomination of Joseph V. Cuffari, to be Inspector General, U.S. Department of Homeland Security. Mr. Cuffari was introduced by Senator Martha McSally.

High Risk List 2019: Recommendations to Reduce Risk of Waste, Fraud, and Mismanagement in Federal Programs. March 6, 2019. (S. Hearing 116–43)

The purpose of this hearing was to examine the Government Accountability Office's 2019 update of the High Risk List. The witness discussed agencies that required significant congressional attention, particularly in the legislative jurisdiction of the Homeland Security and Governmental Affairs Committee.

Witnesses: Hon. Eugene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office, accompanied by Cathleen Berrick, Managing Director, Defense Capabilities and Management Team, U.S. Government Accountability Office; Nikki Clowers, Managing Director, Health Care Team, U.S. Government Accountability Office; Elizabeth Curda, Director, Education, Workforce, & Income Security Team, U.S. Government Accountability Office; Mark Gaffigan, Managing Director, Natural Resources and Environment Team, U.S. Government Accountability Office; Nick Marinos, Director, Information Technology and Cybersecurity Team, U.S. Government Accountability Office; Chris Mihm, Managing Director, Strategic Issues Team, U.S. Government Accountability Office.

A Path to Sustainability: Recommendations From The President's Task Force on the United States Postal Service. March 12, 2019. (S. Hearing 116–97)

The purpose of this hearing was to address the unsustainable financial path of the Postal Service and to provide recommendations to promote the Nation's commerce and communication without shifting additional cost to taxpayers. The witnesses addressed the findings of the President's Task Force and summarized recommendations to improve the relationship between the Postal Service and the Federal Government, the Postal Service's Universal Service Obligation, its obligations to employees and retirees, and the workforce needs of the Postal Service.

Witnesses: Gary Grippo, Deputy Assistant Secretary for Public Finance, U.S. Department of the Treasury; Hon. Robert G. Taub, Chairman, Postal Regulatory Commission; Hon. David C. Williams, Vice Chairman, Board of Governors, U.S. Postal Service; Hon. Margaret Weichert, Deputy Director for Management, Office of Management and Budget, Acting Director, Office of Personnel Management.

Nominations of Ron A. Bloom and Roman Martinez IV to be Governors, U.S. Postal Service, James A. Crowell IV and Jason Park to be Associate Judges, Superior Court of the District of Columbia. April 2, 2019. (S. Hearing 116–60)

This one-panel hearing considered the nominations of Ron A. Bloom and Roman Martinez IV to be Governors, U.S. Postal Service & James A. Crowell IV and Jason Park to be Associate Judges, Superior Court of the District of Columbia.

Unprecedented Migration at the U.S. Southern Border: By The Numbers. April 4, 2019.

The purpose of this hearing was to examine U.S. southern border migration, apprehension, and drug flow data, and to compare recent data to historical trends. The witnesses discussed their experiences and expertise in immigration, migration, and border security policy. The witnesses also addressed challenges facing the Southern Border, Mexico, and the Northern Triangle and suggested potential solutions to fix our broken immigration system.

Witnesses: Mark Morgan, Former Chief of the U.S. Border Patrol (2016–2017), U.S. Customs and Border Protection, U.S. Department of Homeland Security; John Daniel Davidson, Senior Correspondent, The Federalist; Andrew Selee, Ph.D., President, Migration Policy Institute.

Unprecedented Migration at the U.S. Southern Border: Perspectives from the Frontline. April 9, 2019.

The purpose of this hearing was to examine U.S. southern border migration, apprehension, and drug flow data, and to compare recent data to historical trends. The witnesses discussed their frontline experiences serving in U.S. Customs and Border Protection, Homeland Security Investigations, Health and Human Services, and the Drug Enforcement Agency. Witnesses addressed the changing nature of migration, the flow of drugs, and human smuggling and trafficking operations across the southwest border.

Witnesses: Rodolfo Karisch, Rio Grande Valley Sector Chief Patrol Agent, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Randy Howe, Executive Director for Operations, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Timothy Tubbs, Deputy Special Agent in Charge- Laredo, Texas, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; Greg Cherundolo, Chief of Operations, Drug Enforcement Agency, U.S. Department of Justice; and Commander Jonathan White, Ph.D., USPHS, Senior Advisor, Office of Emergency Management and Medical Operations, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services.

Nominations of Hon. Dale Cabaniss to be Director, Office of Personal Management, and Michael E. Wooten, ED.D., to be Administrator, Office of Federal Procurement Policy, Office of Management and Budget. May 7, 2019. (S. Hearing 116–61)

This one-panel hearing considered the nominations of Hon. Dale Cabaniss to be Director, Office of Personal Management; and Michael E. Wooten, Ed.D., to be Administrator, Office of Federal Procurement Policy, Office of Management and Budget. Ms. Cabaniss was introduced by Senator John Boozman. Dr. Wooten was introduced by former Representative Tom Davis.

Resources Needed to Protect and Secure the Homeland. May 23, 2019. (S. Hearing 116–189)

The purpose of this hearing was to discuss the Department of Homeland Security's budget request and legislative priorities for Fiscal Year 2020. The witness addressed the need for additional resources and authorities to secure and protect the homeland, and also how the Department's budget request meets the current and future homeland security needs of the nation.

Witness: Hon. Kevin K. McAleenan, Acting Secretary, U.S. Department of Homeland Security.

Sensibly Reforming the Chemical Facility Anti-Terrorism Standards Program. June 4, 2019. (S. Hearing 116–79)

The purpose of this hearing was to examine potential reforms to improve the efficiency and effectiveness of the Chemical Facility Anti-Terrorism Standards (CFATS) program as the Committee worked toward a reauthorization. The witnesses discussed their experiences with the program, including recommendations for overall program improvement, maturation of the program, and opportunities to streamline and harmonize CFATS program regulatory requirements.

Witnesses: Brian Harrell, Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security; Nathan Anderson, Acting Director, Homeland Security & Justice Team, U.S. Government Accountability Office; Matthew Fridley, Safety, Regulatory and Security Manager, Brenntag North America, Timothy O'Brien, President, Detotec North America; William Erny, Senior Director, American Chemistry Council; Andrew Wright, Vice President, Legislative Af-

fairs, International Liquid Terminals Association; John Morawetz, Health and Safety Representative, International Chemical Workers Union Council, United Food & Commercial Workers International Union.

Nominations of Chad F. Wolf to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; Jeffrey C. Byard to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; Troy D. Edgar to be Chief Financial Officer, U.S. Department of Homeland Security; John M. Barger to be a Governor, U.S. Postal Service; and B. Chad Bungard to be a Member, Merit Systems Protection Board. June 12, 2019. (S. Hearing 116–63)

This one-panel hearing considered the nominations of Chad F. Wolf to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; Jeffrey C. Byard to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security, Mr. Byard was introduced by Senator Richard C. Shelby; Troy D. Edgar to be Chief Financial Officer, U.S. Department of Homeland Security; John M. Barger to be a Governor, U.S. Postal Service; and B. Chad Bungard to be a Member, Merit Systems Protection Board.

Unprecedented Migration at the U.S. Southern Border: The Exploitation of Migrants through Smuggling, Trafficking, and Involuntary Servitude. June 26, 2019.

The purpose of this hearing, the third in a series addressing the ongoing humanitarian and national security crisis at the U.S. southern border, was to examine different ways in which individuals or organizations seek to exploit migrants attempting to enter the United States. The witnesses discussed different aspects and phases of this exploitation, including the current trends, tactics, and costs associated with human smuggling and trafficking across the southwest border. Witnesses also discussed how human smuggling can become human trafficking or involuntary servitude when migrants are forced to pay off debts related to their unlawful entry into the U.S and explained concrete examples of these different forms of exploitation. Including how this exploitation benefits transnational criminal organizations, human trafficking and human smuggling operations, and their work to thwart them.

Witnesses: Brian S. Hastings, Chief, Law Enforcement Operations Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Randy Howe, Executive Director for Operations, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Gregory Nevano, Assistant Director for Investigative Programs, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security.

Nominations of Ann C. Fisher and Ashley E. Poling to be Commissioners, Postal Regulatory Commission; Catherine Bird to be General Counsel, Federal Labor Relations Authority; and Rainey R. Brandt and Shana Frost Matini to be Associate Judges, Superior Court of the District of Columbia. July 16, 2019. (S. Hearing 116–69)

The purpose of this hearing considered the nominations of Ann C. Fisher and Ashley E. Poling to be Commissioners, Postal Regulatory Commission; Catherine Bird to be General Counsel, Federal Labor Relations Authority; and Rainey R. Brandt and Shana Frost Matini to be Associate Judges, Superior Court of the District of Columbia.

2020 Census: Conducting a Secure and Accurate Count. July 16, 2019. (S. Hearing 116–136)

The purpose of this hearing was to examine the U.S. Census Bureau's work towards the 2020 Census. The witnesses discussed how the Bureau is working to mitigate key risks to the 2020 Census, upholding strong privacy protections for individual responses, and deploying strong cybersecurity measures for the unprecedented digital census environment.

Witnesses: Hon. Steven Dillingham, PH.D., Director, U.S. Census Bureau, U.S. Department of Commerce; Robert Goldenkoff, Director of Strategic Issues, U.S. Government Accountability Office; Nicholas Marinos, Director of Information Technology & Cybersecurity, U.S. Government Accountability Office.

Unprecedented Migration at the U.S. Southern Border: Bipartisan Policy Recommendations from the Homeland Security Advisory Council. July 17, 2019.

The purpose of this hearing was to examine the current migration crisis at the southern border and recommendations by the Homeland Security Advisory Council to address it. The witnesses discussed the Emergency Interim Report the Council issued on April 16, 2019.

Witnesses: Hon. Karen Tandy, Chair, Customs and Border Protection Families and Children Care Panel, Homeland Security Advisory Council; Jayson Ahern, Vice Chair, Customs and Border Protection Families and Children Care Panel, Homeland Security Advisory Council; Sharon W. Cooper, MD FAAP, Member, Customs and Border Protection Families and Children Care Panel, Homeland Security Advisory Council; Leon Fresco, Member, Customs and Border Protection Families and Children Care Panel, Homeland Security Advisory Council.

Examining State and Federal Recommendations for Enhancing School Safety Against Targeted Violence. July 24, 2019. (S. Hearing 116–117)

The purpose of this hearing was to provide the public with an understanding of the current state of school security, mitigation, and prevention best practices, as well as state and Federal recommendations. The witnesses discussed their advocacy on behalf of school hardening and research on school safety measures and school-based prevention. The witnesses also suggested ways to ef-

fect non-political, efficacious, and proven measures for enhancing safe environments at American schools.

Witnesses: Max Schachter, Founder & Chief Executive Officer, Safe Schools for Alex; Tom Hoyer, Treasurer, Stand with Parkland—The National Association of Families for Safe Schools; Hon. Bob Gualtieri, Chair, Marjory Stoneman Douglas High School Public Safety Commission and Sheriff of Pinellas County, Florida; Deborah Temkin, Ph.D., Senior Program Area Director, Education Child Trends.

Unprecedented Migration at the U.S. Southern Border: What Is Required to Improve Conditions? July 30, 2019.

The purpose of this hearing was to examine the conditions at Customs and Border Protection detention centers along the southern border, CBP's efforts to ensure the safety and care of all individuals in its custody, and what actions Congress and the Executive Branch needed to take to help address the unprecedented flow of families and unaccompanied alien children that have led to overcrowding at CBP facilities. The witnesses discussed the findings following the Department of Homeland Security Office of the Inspector General's visits to CBP detention centers and the provided recommendations to address the various challenges.

Witnesses: Mark Morgan, Acting Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Jennifer L. Costello, Deputy Inspector General, U.S. Department of Homeland Security.

18 Years Later: The State of Homeland Security after 9/11. September 9, 2019. (S. Hearing 116–397)

The purpose of this field hearing, held at the National September 11th Memorial & Museum in New York City, New York, was to evaluate how the U.S. Department of Homeland Security has evolved to address an ever-changing threat landscape in the years since the tragic events of September 11, 2001. The witnesses provided frank assessments of the greatest threats to our homeland security, how well they believe the Department is handling these challenges, and recommendations for how DHS can improve. The witnesses' recommendations included both how DHS can better leverage its existing relationships with public and private sector partners to anticipate, adapt, and respond to persistent and emerging threats, and how Congress can better position the Department to address these threats.

Witnesses: Hon. Michael Chertoff, Former Secretary (2005–2009), U.S. Department of Homeland Security; Hon. Janet A. Napolitano, Former Secretary (2009–2013), U.S. Department of Homeland Security; Hon. Jeh C. Johnson, Former Secretary (2013–2017), U.S. Department of Homeland Security.

Countering Domestic Terrorism: Examining the Evolving Threat. September 25, 2019. (S. Hearing 116–154)

The purpose of this hearing was to examine the evolving threat posed by domestic terrorism and how the Federal Government is combatting that threat. The hearing addressed current trends across the domestic terrorism threat landscape, the available data used to make threat assessments and resource allocation decisions,

the posture of the relevant government agencies for addressing the threat, and the identification of possible challenges the government faces. The witness discussed their various experiences assessing domestic terrorism threats, the status of data collection and threat tracking, and evaluated the ability and efforts of the Federal Government to combat domestic terrorism.

Witnesses: William Braniff, Director, National Consortium for the Study of Terrorism and Responses to Terrorism and Professor of the Practice, University of Maryland; Clinton Watts, Distinguished Research Fellow, Foreign Policy Research Institute; Robert M. Chesney, James A. Baker III Chair in the Rule of Law and World Affairs and Director, Robert Strauss Center for International Security and Law, University of Texas Law School; George Selim, Senior Vice President for National Programs, Anti-Defamation League.

Nominations of Joshua A. Deahl to be an Associate Judge, District of Columbia Court of Appeals; Deborah J. Israel to be an Associate Judge, Superior Court of the District of Columbia; Andrea L. Hertzfeld to be an Associate Judge, Superior Court of the District of Columbia; and Robert A. Dixon to be United States Marshal for the Superior Court of the District of Columbia. October 22, 2019. (S. Hearing 116–156)

The purpose of this hearing considered the nominations of Joshua A. Deahl to be an Associate Judge, District of Columbia Court of Appeals; Deborah J. Israel to be an Associate Judge, Superior Court of the District of Columbia; Andrea L. Hertzfeld to be an Associate Judge, Superior Court of the District of Columbia; and Robert A. Dixon to be United States Marshal for the Superior Court of the District of Columbia.

Supply Chain Security, Global Competitiveness, and 5G. October 31, 2019. (S. Hearing 116185)

The purpose of this hearing was to better understand the Administration's ongoing work managing risks and threats to the nation's information telecommunications technology (ICT) supply chain as the nation transitions to the 5th generation mobile network (5G). The witnesses highlighted the nature and severity of the threats posed by foreign-owned and operated ICT across the nation's 5G infrastructure, as well as the importance of 5G to U.S. innovation and global economic competitiveness. Additionally, witnesses described the structure of the interagency group working on 5G issues, including who is in charge of the interagency effort.

Witnesses: Hon. Christopher C. Krebs, Director, Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security; Diane Rinaldo, Acting Assistant Secretary, National Telecommunications and Information Administration, U.S. Department of Commerce; Robert L. Strayer, Deputy Assistant Secretary for Cyber and International Communications and Information Policy, U.S. Department of State; Hon. Jessica Rosenworcel, Commissioner, Federal Communications Commission.

Threats to the Homeland. November 5, 2019.

The purpose of this hearing was to update the public understanding of prevailing threats to the security of the United States

of America. Witnesses highlighted the most pressing domestic and foreign threats faced by the United States determined by their respective organizations, and also discussed what efforts they are taking to counter these major threats to the homeland.

Witnesses: Hon. David J. Glawe, Under Secretary for Intelligence and Analysis, U.S. Department of Homeland Security; Hon. Christopher A. Wray, Director, Federal Bureau of Investigation; Russell Travers, Acting Director, National Counterterrorism Center.

Unprecedented Migration at the U.S. Southern Border: The Year in Review. November 13, 2019.

The purpose of this hearing was to examine the unprecedented migration flow at our southern border during fiscal year 2019. Witnesses discussed the administrations efforts to curb the unprecedented number of individuals attempting to illegally enter the country. The discussion highlighted data regarding migration patterns, apprehensions, asylum claims, detention facilities, and drug flows in an attempt to find potential solutions to fix our broken immigration system.

Witnesses: Mark A. Morgan, Acting Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Kenneth T. Cuccinelli, Acting Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security; Derek N. Benner, Acting Deputy Director, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security, James McHenry, Director, Executive Office for Immigration Review, U.S. Department of Justice.

Nomination of Hon. Peter T. Gaynor to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security. November 14, 2019. (S. Hearing 116–188)

The purpose of this hearing was to consider the nomination of Hon. Peter T. Gaynor to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security. The nominee was introduced by Senator Jack Reed.

Nomination of Paul J. Ray to be Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget. December 4, 2019. (S. Hearing 116–187)

The purpose of this hearing was to consider the nomination of Paul J. Ray to be Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget. The nominee was introduced by Senator Marsha Blackburn.

DOJ OIG FISA Report: Methodology, Scope, and Findings. December 18, 2019. (S. Hearing 116396)

The purpose of this hearing was to examine the Department of Justice Office of the Inspector General's report titled, "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation," released on December 9, 2019. The witness explained the contours of his work, the findings regarding the FBI's basis for seeking warrants, and other relevant examinations conducted during the investigation.

Witness: Hon. Michael E. Horowitz, Inspector General, U.S. Department of Justice.

Examining the Root Causes of America's Unsustainable Fiscal Path. January 28, 2020. (S. Hearing 116–186)

The purpose of this hearing was to lay out the reality of America's long-term financial situation, including the root causes of the current fiscal challenges of Federal trust funds. Witnesses discussed these long-term issues related to government spending including Senator Mitt Romney's bill, S. 2733, The TRUST Act.

Witnesses: Douglas Holtz-Eakin, PH.D., President, American Action Form; Charles P. Blahous III, PH.D., J. Fish and Lillian F. Smith Chair and Senior Research Strategist, Mercatus Center, George Mason University; Brian Riedl, Senior Fellow, Manhattan Institute for Policy Research; Henry J. Aaron, PH.D., Bruce and Virginia MacLaury Senior Fellow, The Brookings Institution.

What States, Locals and the Business Community Should Know and Do: A Roadmap for Effective Cybersecurity. February 11, 2020.

The purpose of this hearing was to examine how State, local, tribal, and territorial governments and critical infrastructure owners/operators can mitigate and protect against persistent cybersecurity threats. This hearing also examined the current threat environment, including ransomware attacks, and threats from state actors like Iran, China, and Russia. In addition, the witnesses addressed Federal and State responses, and recommendations for improvement.

Witnesses: Hon. Christopher C. Krebs, Director, Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security; Amanda Crawford, Executive Director, Department of Information Resources, State of Texas; Christopher DeRusha, Chief Security Officer, Cybersecurity and Infrastructure Protection Office, State of Michigan.

Are We Prepared? Protecting the U.S. from Global Pandemics. February 12, 2020.

The purpose of this roundtable hearing, the first in a series of committee hearings on the Coronavirus, was to examine the nation's level of preparedness against pandemic threats, particularly in the context of the Coronavirus outbreak that originated in Wuhan, China. Witnesses discussed their views on the actions taken by the U.S. government to combat the spread of the Coronavirus, and if additional resources were needed. Witnesses also discussed how the U.S. government coordinates with both relevant Federal agencies and State, local, and tribal entities to prepare for, respond to, and limit the spread of infectious diseases.

Witnesses: Nikki Clowers, Managing Director, Health Care Team, U.S. Government Accountability Office; Julie L. Gerberding, MD, Former Director (2002–2009) of the Centers for Disease Control and Prevention at the U.S. Department of Health and Human Services; Hon. Scott Gottlieb, MD, Former Commissioner (2017–2019) of the Food and Drug Administration at the U.S. Department of Health and Human Services; Luciana Borio, MDFormer Director for Medical and Biodefense Preparedness (2017–2019) at the National Security Council; Asha M. George, Dr.PH, Executive Director, Bipartisan Commission on Biodefense.

Resources and Authorities Needed to Protect and Secure the Homeland. March 4, 2020.

The purpose of this hearing was to discuss the Department of Homeland Security's budget request and legislative priorities for Fiscal Year 2021. The witness addressed the need for additional resources and authorities to protect and secure the homeland, and also how the Department's budget request meets the current and future homeland security needs for the nation.

Witness: Hon. Chad F. Wolf, Acting Secretary, U.S. Department of Homeland Security.

The Federal Interagency Response to the Coronavirus and Preparing for Future Global Pandemics. March 5, 2020.

The purpose of this hearing was to examine the interagency response to global pandemic outbreaks, such as the Coronavirus Disease 2019 (COVID–19), that posed public health threats to the U.S. homeland. Witnesses provided updates on the COVID–19 outbreak, and the actions taken by their departments to combat the spread of the virus. The witnesses also discussed coordination efforts with other relevant Federal agencies and relevant international partners to detect, contain, and mitigate the spread of pandemic diseases. Finally, witnesses discussed lessons learned from previous infectious disease outbreaks, such as the 2014 West African Ebola outbreak and severe acute respiratory syndrome (SARS) outbreak of 2003, and included new structures put in place to respond to pandemics affecting the nation.

Witnesses: Hon. Kenneth T. Cuccinelli, Senior Official Performing the Duties of the Deputy Secretary, U.S. Department of Homeland Security; The Honorable Robert Kadlec, M.D., Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services.

Roundtable—COVID–19: How New Information Should Drive Policy. May 6, 2020.

The purpose of this remote roundtable was to examine new data pertaining to the Coronavirus (COVID–19) Pandemic of 2020. The witnesses discussed the development of testing methods and treatment for coronavirus cases, the effectiveness of current precautions such as state lockdowns and social distancing, how to mitigate the spread of and hospitalizations due to the coronavirus, and plans to reopen the American economy.

Witnesses: Scott W. Atlas, M.D., David and Joan Traitel Senior Fellow, Hoover Institution, Stanford University; David L. Katz, M.D., M.P.H., President, True Health Initiative; Pierre Kory, M.D., M.P.A., Critical Care Service Chief, Associate Professor of Medicine, University of Wisconsin School of Medicine and Public Health; John P.A. Ioannidis, M.D., C.F. Rehnborg Professor in Disease Prevention, School of Medicine, Stanford University; Avik Roy, President, Foundation for Research on Equal Opportunity; Tom Inglesby, M.D., Director, Center for Health Security, Bloomberg School of Public Health, John Hopkins University.

Evolving the U.S. Cybersecurity Strategy and Posture: Reviewing the Cyberspace Solarium Commission Report. May 13, 2020.

The purpose of this hearing was to discuss and evaluate the findings and recommendations of the Cyberspace Solarium Commission's March 2020 report. The witnesses highlighted the Commission's recommendations aimed at improving the resilience of the homeland from cybersecurity threats, particularly those recommendations that strengthen the Department of Homeland Security's ability to mitigate such threats. Additionally, the witnesses described the details of the need for government reforms, namely the need to improve the role of Sector Specific Agencies and to establish the Office of the National Cyber Director.

Witnesses: Hon. Angus S. King, JR., Co-Chair, Cyberspace Solarium Commission; Hon. Mike Gallagher, Co-Chair, Cyberspace Solarium Commission; Hon. Suzanne E. Spaulding, Commissioner, Cyberspace Solarium Commission; Thomas A. Fanning, Commissioner, Cyberspace Solarium Commission.

Nominations of Hon. Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management. June 2, 2020.

The purpose of this hearing was to consider the nominations of Hon. Russell Vought to be Director, Office of Management and Budget, and Craig E. Leen to be Inspector General, Office of Personnel Management.

Nominations of Donald L. Moak and William Zollars to be Governors, United States Postal Service, and The Honorable Mark A. Robbins, Carl E. Ross, and Elizabeth J. Shapiro to be Associate Judges, Superior Court of the District of Columbia. June 3, 2020.

The purpose of this hearing was to consider the nominations of Donald L. Moak and William Zollars to be Governors, United States Postal Service, and The Honorable Mark A. Robbins, Carl E. Ross, and Elizabeth J. Shapiro to be Associate Judges, Superior Court of the District of Columbia.

Evaluating the Federal Government's Procurement and Distribution Strategies in Response to the COVID–19 Pandemic. June 9, 2020.

The purpose of this hearing was to examine how the Federal Government developed and executed procurement and distribution strategies in order to provide our nation the requisite diagnostic testing, personal protective equipment (PPE), drug supplies, other medically-necessary equipment, and resources in response to the COVID–19 pandemic. The witnesses addressed their agency's roles in the evaluation of the nation's need for and current supply of diagnostics testing, PPE, and other medically-necessary equipment and how that data informs their distribution strategies. The witnesses also discussed data and analyses used to determine the current and future need for these critical resources, activities established to expedite procurement, and distribution of these resources to state, local, tribal, and territorial governments in response to the pandemic.

Witnesses: Hon. Peter T. Gaynor, Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; Rear Admiral John Polowczyk, Vice Director of Logistics, Joint Chiefs of Staff, U.S. Department of Defense; Hon. Brett Giroir, M.D., Assistant Secretary for Health, U.S. Department of Health and Human Services.

The Role of the Strategic National Stockpile in Pandemic Response. June 24, 2020.

The purpose of this hearing was to discuss the mission of the Strategic National Stockpile (SNS) and the role it played in the Federal Government's response to the coronavirus pandemic. Witnesses discussed how the Federal Government makes decisions affecting the SNS's inventory, and the challenges of balancing its multiple preparedness missions with available resources. Witnesses also discussed how the Federal Government could improve its approach to restocking the SNS following disasters and crises. Finally, witnesses addressed the role state, local, tribal, and territorial (SLTT) governments play in responding to pandemics, and provided recommendations for how the Federal and SLTT governments can better enhance their stockpiling capabilities in response to future pandemics.

Witnesses: Julie L. Gerberding, M.D., Former Director (2002–2009) of the Centers for Disease Control and Prevention at the U.S. Department of Health and Human Services; Daniel M. Gerstein, PH.D., Senior Policy Researcher, RAND Corporation; W. Gregory Burel, Former Director (2007–2020) of the Strategic National Stockpile at the U.S. Department of Health and Human Services, Andrew Phelps, Director, Oregon Office of Emergency Management on behalf of the National Emergency Management Association.

CBP Oversight: Examining the Evolving Challenges Facing the Agency. June 25, 2020.

This hearing highlighted the top concerns and challenges U.S. Customs and Border Protection (CBP) faces during a public health emergency, as well as the adaptations it has made to safeguard the nation while enabling lawful and essential trade, travel, and migration. The witness discussed the effectiveness of the specific actions CBP has taken to confront COVID–19, including CBP's mass migration strategies and the effects on CBP's front-line workforce. The witness also addressed specific programs including processing under Title 42 health authorities; the Migrant Protection Protocols; Prompt Asylum Claim Review; Humanitarian Asylum Review Process; Asylum Cooperative Agreements; and Electronic Nationality Verification.

Witness: Mark Morgan, Chief Operating Officer and Senior Official Performing the Duties of the Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security

Nomination of Hon. Derek T. Kan to be Deputy Director, Office of Management and Budget. June 30, 2020.

The purpose of this hearing was to consider the nomination of Hon. Derek T. Kan to be Deputy Director, Office of Management and Budget.

Oversight of COVID–19 Financial Relief Packages. July 28, 2020.

The purpose of this hearing was to discuss the COVID–19 financial relief packages. The witnesses provided evaluations on the effectiveness of the packages programs and highlighted any programs that required additional oversight. The witnesses also addressed oversight and other controls they believed Congress should consider as it debated the authorization of additional programs and the appropriation of additional funding.

Witnesses: Hon. Phil Gramm, Former Senator from the State of Texas, and Visiting Scholar, American Enterprise Institute; Danielle Brian, Executive Director, Project on Government Oversight; Maya MacGuineas, President, Committee for a Responsible Federal Budget; Veronique De Rugy, Ph.D., Senior Research Fellow, Mercatus Center, George Mason University; Hon. Neil Barofsky, Partner, Jenner & Block, LLP, Former Special Inspector General (2008–2011) Troubled Asset Relief Program.

Oversight of DHS Personnel Deployments to Recent Protests. August 6, 2020.

The purpose of this hearing was to examine the Department of Homeland Security's (DHS) actions to protect Federal property and personnel during the protests in cities across the country, and in particular in Portland, Oregon. The witness described the events leading to the Department's deployment of law enforcement officers, the number and component agencies from which these officers were deployed, the authorities that DHS relied on to conduct its operations, coordination with state and local officials, and any relevant data the Department collected during the protests. Additionally, the witness discussed the role DHS's law enforcement officers will play in Operation Legend, announced by the President on July 8, 2020.

Witness: Hon. Chad F. Wolf, Acting Secretary, U.S. Department of Homeland Security.

Examining the Finances and Operations of the United States Postal Service During COVID–19 and Upcoming Elections. August 21, 2020.

The purpose of this hearing was to examine the finances and operations of the United States Postal Service (USPS), particularly in light of the unprecedented COVID–19 pandemic; recent operational changes at USPS; and the upcoming elections.

Witness: Louis DeJoy, Postmaster General, United States Postal Service.

Nominations of John Gibbs to be Director, Office of Personnel Management, and Hon. John M. Barger, Hon. Christopher B. Burnham, and Frank Dunlevy to be Members, Federal Retirement Thrift Investment Board. September 9, 2020.

The purpose of this hearing was to consider the nominations of John Gibbs to be Director, Office of Personnel Management, and Hon. John M. Barger, Hon. Christopher B. Burnham, and Frank Dunlevy to be Members, Federal Retirement Thrift Investment Board.

Nomination of Hon. Chad F. Wolf to be Secretary, U.S. Department of Homeland Security. September 23, 2020.

The purpose of this hearing was to consider the nomination of Hon. Chad F. Wolf to be Secretary, U.S. Department of Homeland Security.

Threats to the Homeland. September 24, 2020.

The purpose of this hearing was to update the public understanding of prevailing threats to the security of the United States of America. The witnesses discussed the most pressing domestic and foreign threats faced by the United States and what efforts were taken to counter them.

Witnesses: Hon. Christopher A. Wray, Director, Federal Bureau of Investigation, U.S. Department of Justice; Hon. Christopher Miller, Director, National Counterterrorism Center, Office of the Director of National Intelligence; Kenneth Cuccinelli, Senior Official Performing the Duties of the Deputy Secretary, U.S. Department of Homeland Security.

Early Outpatient Treatment: An Essential Part of a COVID–19 Solution. November 19, 2020.

The purpose of this hearing was to assess the current state of the COVID–19 pandemic and examine efforts to develop early therapeutic treatments for COVID–19 outpatients. The witnesses discussed the research and development of early outpatient medical treatments for COVID–19, as well as the review and approval of such treatments by the Food and Drug Administration under its Emergency Use Authorization program. Witnesses also provided recommendations on what is most effective in treating COVID–19 outpatients.

Witnesses: Peter A. McCullough, M.D., M.P.H., Vice Chief of Internal Medicine, Baylor University Medical Center; Harvey Risch, M.D., PH.D., Professor of Epidemiology, Yale School of Medicine; George C. Fareed, M.D., Medical Director and Family Medicine Specialist, Pioneers Medical Center; Ashish K. Jha, M.D., M.P.H., Dean of the School of Public Health, Brown University.

Congressional Oversight in the Face of Executive Branch and Media Suppression: The Case Study of Crossfire Hurricane. December 3rd, 2020.

The purpose of this hearing was to examine misconduct by the Federal Bureau of Investigation(FBI), Department of Justice, and other Federal agencies; the executive branch's responsiveness to congressional oversight of that misconduct; and the media's coverage of that misconduct, with a particular focus on the FBI's Crossfire Hurricane investigation. The witnesses offered any unique insight into those matters based on their previous work.

Witnesses: Sharyl Attkisson, Investigative Journalist; Kevin R. Brock, Former Assistant Director for Intelligence, Federal Bureau of Investigation; Lee Smith, Investigative Journalist & Author.

Early Outpatient Treatment: An Essential Part of a COVID–19 Solution, Part II. December 8, 2020.

The purpose of this hearing was to assess the state of the COVID–19 pandemic and efforts to develop early therapeutic treat-

ments for COVID–19 patients for whom hospitalization is not required. The witnesses discussed the research and development of early outpatient medical treatments for COVID–19, as well as the review and approval of such treatments by the Food and Drug Administration under its Emergency Use Authorization program. Witnesses shared lessons learned and provided recommendations for how to provide more effective outpatient treatment to COVID–19 patients.

Witnesses: Ramin Oskoui, M.D., Vice President of Medical Staff, Sibley Memorial Hospital and Chief Executive Officer, Foxhall Cardiology; Jean-Jacques Rajter, M.D., Pulmonologist, Broward Health Medical Center; Pierre Kory, M.D., Associate Professor of Medicine, St. Luke's Aurora Medical Center; Armand Balboni, M.D., PH.D., Chief Executive Director, Appili Therapeutics Inc.; Jane M. Orient, M.D., Executive Director, Association of American Physicians and Surgeons; Jayanta Bhattacharya, M.D., PH.D., Professor of Medicine, Stanford University, and Senior Fellow Stanford Institute for Economic Policy Research, Stanford University.

Examining Irregularities in the 2020 Election. December 16, 2020.

The purpose of this hearing was to examine perceived irregularities in the 2020 election. The witnesses shared their insight on the 2020 Presidential Election, and its outcome.

Witnesses: Hon. Kenneth W. Starr, Testifying in Personal Capacity; Hon. Donald Palmer, Commissioner, U.S. Election Assistance Commission; James R. Troupis, Attorney, Troupis Law Firm; Hon. Francis X. Ryan, State Representative, Commonwealth of Pennsylvania; Jesse R. Binnall, Partner, Harvey & Binnall, PLLC; Hon. Christopher C. Krebs, Former Director (2018–2020) Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security.

V. REPORTS, PRINTS, AND GAO REPORTS

During the 116th Congress, the Committee prepared and issued 103 reports and 2 Committee Prints on the following topics. Reports issued by Subcommittees are listed in their respective sections of this document.

COMMITTEE REPORTS

Activities of the Committee on Homeland Security and Governmental Affairs and its Subcommittees for the One Hundred Sixteenth Congress.

To authorize the Secretary of Homeland Security to work with Cybersecurity Consortia for training, and for other purposes. S. Rept. 116–5, re. S. 333.

To increase access to agency guidance documents. S. 116–12, re. S. 380.

To amend the Presidential Transition Act of 1963 to improve the orderly transfer of the executive power during presidential transitions. S. Rept. 116–13, re. S. 394.

To require each agency, in providing notice of a rule making, to include a link to a 100 word plain language summary of the proposed rule. S. Rept. 116 14, re. S. 395

To establish a Federal rotational cyber workforce program for the Federal cyber workforce. S. Rept. 116–15, re. S. 406

To amend the Homeland Security Act of 2002 to require the Department of Homeland Security to develop an engagement strategy with fusion centers, and for other purposes. S. Rept. 116–16, re. H.R. 504.

Activities of the Committee on Homeland Security and Governmental Affairs. Report of the Committee on Homeland Security and Governmental Affairs United States Senate and its Subcommittees for the One Hundred and Fifteenth Congress. S. Rept. 116–17.

To authorize Cyber Hunt and incident response teams at the Department of Homeland Security, and for other purposes. S. Rept. 116–27, re. S. 315.

To require the Director of the Government Publishing Office to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes. S. Rept. 116–31, re. S. 195.

To save taxpayer money and improve the efficiency and speed of intragovernmental correspondence, and for other purposes. S. Rept. 116–32, re. S. 196.

To prohibit Federal agencies and Federal contractors from requesting that an applicant for employment disclose criminal history record information before the applicant has received a conditional offer, and for other purposes. S. Rept. 116–33, re. S. 387.

To improve efforts to identify and reduce government-wide improper payments, and for other purposes. S. Rept. 116–35, re. S. 375.

To accompany S. Con. Res. 15. S. Rept. 116–43, re. S. Con. Res. 15.

To require an exercise related to terrorist and foreign fighter travel, and for other purposes. S. Rept. 116–44, re. H.R. 1590.

To require the collection of voluntary feedback on services provided by agencies, and for other purposes. S. Rept. 116–46, re. S. 1275.

To amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes. S. Rept. 116–49, re. S. 1333.

To require the Director of the Office of Management and Budget to issue guidance on electronic consent forms, and for other purposes. S. Rept. 116–50, re. H.R. 1079.

To amend the Act of August 25, 1958, commonly known as the "Former Presidents Act of 1958," with respect to the monetary allowance payable to a former President, and for other purposes. S. Rept. 116–53, re. S. 580.

To amend Title 5, United States code, to improve the effectiveness of major rules accomplishing their regulatory objectives by promoting retrospective review, and for other purposes. S. Rept. 116–55, re. S. 1420.

To amend Title 5, United States code, to prevent fraud by representative payees. S. Rept. 116–56, re. S. 1430.

To amend Title 44, United States code, to modernize the Federal Register, and for other purposes. S. Rept. 116–57, re. H.R. 1654.

To establish a counterterrorism advisory board, and for other purposes. S. Rept. 116–59, re. S. 411.

To amend Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that national urban search and rescue response system task forces may include Federal employees. S. Rept. 116–60, re. S. 1521.

To amend the Post-Katrina Emergency Management Reform Act of 2006 to incorporate the recommendations made by the Government Accountability Office relating to advance contracts, and for other purposes. S. Rept. 116–84, re. S. 979.

To prohibit contracting with persons that have business operations with the Maduro regime and other purposes. S. Rept. 116–85, re. S. 1151.

To repeal the Multi-State Plan Program. S. Rept. 116–86, re. S. 1378.

To manage supply chain risk through counterintelligence training, and for other purposes. S. Rept. 116–87, re. S. 1388.

To require agencies to publish an advance notice of proposed rulemaking for major rules. S. Rept. 116–88, re. S. 1419.

To amend the Homeland Security Act of 2002 to provide funding to secure nonprofit facilities from terrorist attacks, and for other purposes. S. Rept. 116–89, re. S. 1539.

To amend the Homeland Security Act of 2002 to provide for engagements with state, local, tribal, and territorial governments, and for other purposes. S. Rept. 116–90, re. S. 1846.

To amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security an unmanned aircraft systems coordinator, and for other purposes. S. Rept. 116–91, re. S. 1867.

To require the disclosure of ownership of high-security space leased to accommodate a Federal agency, and for other purposes. S. Rept. 116–92, re. S. 1869.

To require the Secretary of Homeland Security to publish an annual report on the use of deepfake technology, and for other purposes. S. Rept. 116–93, re. S. 2065.

To increase the number of Customs and Border Protection agriculture specialists and support staff in the Office of Field Operations of U.S. Customs and Border Protection, and for other purposes. S. Rept. 116–94, re. S. 2107.

To require the Administrator of General Services to issue guidance to clarify that Federal agencies may pay by charge card for the charging of Federal electric motor vehicles, and for other purposes. S. Rept. 116–95, re. S. 2193.

To modernize Federal grant reporting, and for other purposes. S. Rept. 116–96, re. H.R. 150.

To require a Department of Homeland Security Overseas Personnel Enhancement Plan, and for other purposes. S. Rept. 116–97, re. H.R. 2590.

To amend the Anti-Border Corruption Act of 2010 to authorize certain polygraph waiver authority, and for other purposes. S. Rept. 116–99, re. S. 731.

To prohibit the use of reverse auctions for design and construction services procurements, and for other purposes. S. Rept 116–100, re. S. 1434.

To leverage Federal Government procurement power to encourage increased cybersecurity for internet of things devices, and for other purposes. S. Rept. 116–112, re. S. 734.

To require the Comptroller General of the United States to analyze certain legislation in order to prevent duplication of an overlap with existing Federal programs, and initiatives. S. Rept. 116–113, re. S. 2183.

To amend Section 3116 of Title 5 United States Code, to clarify the applicability of the appointment limitations for students appointed under the expedited hiring authority for post-secondary students. S. Rept. 116–129, re. S. 2169.

To amend Title 5, United States Code, to appropriately limit the authority to award bonuses to Federal employees. S. Rept.116–152, re. S. 2119.

To allow members of Congress to opt out of the Federal Employees Retirement System, and allow members who opt out of the Federal Employees Retirement System to continue to participate in the Thrift Savings Plan. S. Rept. 116–153, re. S. 439.

To provide taxpayers with an improved understanding of government programs through the disclosure of cost, performance, and areas of duplication among them, leverage existing data to achieve a functional Federal program inventory, and for other purposes. S. Rept. 116–154, re. S. 2177.

To amend Title 40, United States Code, to require the Administrator of General Services to procure the most life-cycle cost effective and energy efficient lighting products and to issue guidance on the efficiency, effectiveness, and economy of those products, and for other purposes. S. Rept. 116–157, re. S. 1874.

To establish procedures ad consequences in the event of a failure to complete regular appropriations. S. Rept. 116–158, re. S. 1877.

To provide for congressional approval of national emergency declarations, and for other purposes. S. Rept. 116–159, re. S. 764.

To provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes. S. Rept. 116–175, re. S. 2513.

To amend the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 to strengthen Federal antidiscrimination laws enforced by the Equal Employment Opportunity Commission and expand accountability within the Federal Government, and for other purposes. S. Rept. 116–176, re. H.R. 135.

To provide requirements for the .gov domain, and for other purposes. S. Rept. 116–192, re. S. 2749.

To establish the Federal clearinghouse on school safety best practices and for other purposes. S. Rept. 116–193, re. S. 2779.

To direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes. S. Rept. 116–211, re. S. 2353.

To amend the Homeland Security Act of 2002 to authorize the Operation Stonegarden Grant Program, and for other purposes. S. Rept. 116–212, re. S. 2750.

To amend the Homeland Security Act of 2002 to require an annual report on the Office for State and Local Law Enforcement. S. Rept. 116–213, re. H.R. 495.

To require the Director of the Office of Management and Budget to submit to Congress an annual report on projects that are over budget and behind schedule, and for other purposes. S. Rept. 116–220, re. S. 565.

To amend the Federal Funding Accountability and Transparency Act of 2006, to require the budget justifications and appropriation requests of agencies be made publicly available. S. Rept. 116–221, re. S. 2560.

To amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to Homeland Security, and for other purposes. S. 116–222, re. H.R. 1589.

To authorize an Artificial Intelligence Center of Excellence within the General Services Administration, and for other purposes. S. Rept. 116–225, re. S. 1363.

To eliminate or modify certain Federal agency reporting requirements, and for other purposes. S. Rept. 116–226, re. S. 2769.

To require the Director of the Cybersecurity and Infrastructure Security Agency to establish a cybersecurity state coordinator in each state, and for other purposes. S. Rept. 116–227, re. S. 3207.

To amend the Homeland Security Act of 2002 to establish the Intelligence Rotational Assignment Program in the Department of Homeland Security, and for other purposes. S. Rept. 116–228, re. H.R. 2066.

To amend the Homeland Security Act of 2002 to protect U.S. Customs and Border Protection officers, agents, and other personnel, and canines against potential synthetic opioid exposure, and for other purposes. S. Rept. 116–229, re. H.R. 4739.

To strengthen employee cost savings suggestions programs within the Federal Government. S. Rept. 116–231, re. S. 2618.

To require a review of Department of Homeland Security Trusted Traveler Programs, and for other purposes. S. Rept. 116–237, re. H.R. 3675.

To amend the Fast Act to improve the Federal permitting process, and for other purposes. S. Rept. 116–241, re. S. 1976.

To amend the Homeland Security Act of 2012 to protect United States critical infrastructure by ensuring that the Cybersecurity and Infrastructure Security Agency has the legal tools it needs to notify private and public sector entities put at risk by cybersecurity vulnerabilities in the networks and systems that control critical assets of the United States. S. Rept. 116–242, re. S. 3045.

To amend Title 5, United States code, to provide for the halt in pension payments for members of Congress sentenced for certain offenses and for other purposes. S. Rept. 116–243, re. S. 3332.

To ensure U.S. Customs and Border Protection officers, agents, and other personnel have adequate synthetic opioid detection equipment, that the Department of Homeland Security has a process to update synthetic opioid detection capability, and for other purposes. S. Rept. 116–244, re. H.R. 4761.

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to states to establish revolving funds to provide hazard mitigation assistance to reduce risks from disasters and natural hazards, and other related environmental harm. S. Rept. 116–249, re. S. 3418.

To prohibit certain individuals from downloading or using Tiktok on any device issued by the United States or a government corporation. S. Rept. 116–250, re. S. 3455.

To increase the number of U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry. S. Rept. 116–264, re. S. 1004.

To establish in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security a cybersecurity advisory committee. S. Rept. 116–265, re. S. 4024.

To amend the Homeland Security Act of 2002 to expand the authority of the National Infrastructure Simulation and Analysis Center, and for other purposes. S. Rept. 116–266, re. S. 4157.

To require the Secretary of Homeland Security to develop a plan to increase to 100 percent the rates of scanning of commercial and passenger vehicles entering the United States at land ports of entry along the border using large-scale non-intrusive inspection systems to enhance border security, and for other purposes. S. Rept. 116–267, re. H.R. 5273.

To ban the Federal procurement of certain drones and other unmanned aircraft systems, and for other purposes. S. Rept. 116–268, re. S. 2502.

To amend Title 5, United States code, to make permanent the authority of the United States Patent and Trademark Office to conduct a Telework Travel Expenses Program. S. Rept. 116–276, re. S. 4138.

To establish a program to facilitate the adoption of modern technology by executive agencies, and for other purposes. S. Rept. 116–277, re. S. 4200.

To modify the government wide Financial Management Plan, and for other purposes. S. Rept. 116–278, S. 3287.

To establish an interagency task force to analyze preparedness for national pandemics, and for other purposes. S. Rept. 116–279, re. S. 4204.

To amend the Homeland Security Act of 2002 to make certain improvements in the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, and for other purposes. S. Rept. 116–280, re. H.R. 4713.

To amend the Homeland Security Act of 2002 to establish National Urban Security Technology, and for other purposes. S. Rept. 116–285, re. H.R. 542.

To amend the Homeland Security Act of 2002 to establish a Homeland Intelligence Doctrine for the Department of Homeland Security, and for other purposes. S. Rept. 116–286, re. H.R. 2589.

To amend he Homeland Security Act of 2002 to establish a mentor-protégé program, and for other purposes. S. Rept. 116–287, re. H.R. 4727.

To require a guidance clarity statement on certain agency guidance, and for other purposes. S. Rept. 116–297, re. S. 3412.

To amend Chapter 8 of Title 5 United States code, to require Federal agencies to submit to the Comptroller General of the United States a report on rules that are revoked, suspended, replaced, amended, or otherwise made ineffective. S. Rept. 116–298, re. S. 4222.

To amend Title 5, United States code, to require the Director of the Office of Personnel Management to establish and maintain a public directory of the individuals occupying government policy and supporting positions, and for other purposes. S. Rept. 116–302, re. S. 3896.

To modernize the Real ID Act of 2005, and for other purposes. S. Rept. 116–303, re. S. 4133.

To amend Chapter 8 of Title 5, United States code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law. S. Rept. 116–311, re. S. 92.

To require the Commissioner of U.S. Customs and Border Protection to annually hire at least 600 new Border Patrol agents, to report quarterly to Congress on the status of the Border Patrol workforce, and to conduct a comprehensive staffing analysis. S. Rept. 116–312, re. S. 2162.

To prohibit agencies from using Federal funds for publicity or propaganda purposes, and for other purposes. S. Rept. 116–313, re. S. 2722.

To establish the Commission on Intergovernmental Relations of the United States to facilitate the fullest cooperation, coordination, and mutual accountability among all levels of government, and for other purposes. S. Rept. 116–314, re. S. 2967.

To promote innovative acquisition techniques and procurement strategies, and for other purposes. S. Rept. 116–315, re. S. 3038.

To establish an Office of Equal Rights and Community Inclusion at the Federal Emergency Management Agency, and for other purposes. S. Rept. 116–316, re. S. 3658.

To strengthen the security and integrity of the United States scientific and research enterprise. S. Rept. 116–317, re. S. 3997.

To require the Federal Emergency Management Agency to evaluate the national response framework based on lessons learned from the COVID–19 pandemic, and for other purposes. S. Rept. 116–318, re. S. 4153.

To examine the extent of the reliance of the United States on foreign producers for personal protective equipment during the COVID–19 pandemic and produce recommendations to secure the supply chain of personal protective equipment. S. Rept. 116–319, re. S. 4158.

To repeal Section 692 of the Post-Katrina Emergency Management Reform Act of 2020. S. Rept. 116–320, re. S. 4165.

To amend the Homeland Security Act of 2002 to authorize the transfer of certain equipment during a public health emergency, and for other purposes. S. Rept. 116–321, re. S. 4210.

To require the Secretary of Homeland Security to assess technology needs along the southern border and develop a strategy for bridging such gaps. S. Rept. 116–322, re. S. 4224.

To amend the implementing recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish peri-

ods of performance for such grants, and other purposes. S. Rept. 116–323, re. H.R. 1313.

To waive the imposition of a civil fine for certain first-time paperwork violations by small business concerns. S. Rept. 116–326, re. S. 2757.

To amend the Unfunded Mandates Reform Act of 1995, to provide for regulatory impact analyses for certain rules, and for other purposes. S. Rept. 116–333, re. S. 4077.

COMMITTEE PRINTS

The Committee issued the following Committee Prints during the 116th Congress:

Rules of Procedure. Committee on Homeland Security and Governmental Affairs. (Printed. 40 pp. S. Prt. 116–10)

Rules of Procedure. Senate Permanent Subcommittee on Investigations on Homeland Security and Governmental Affairs. (Printed. 23 pp. S. Prt. 116–11)

GAO REPORTS

Also during the 116th Congress, the Government Accountability Office (GAO) issued 205 reports at the request of the Committee. GAO reports requested by the Subcommittees appear in their respective sections. Reports are listed here by title, GAO number, and release date.

Federal Protective Service: DHS Should Take Additional Steps To Evaluate Organizational Placement. GAO–19–122. January 8, 2019.

Aviation Security: TSA Improved Covert Testing But Needs To Conduct More Risk-Informed Tests And Address Vulnerabilities. GAO–19–154C. January 10, 2019.

Improper Payments: Selected Agencies Need Improvements In Their Assessments To Better Determine And Document Risk Susceptibility. GAO–19–112. January 10, 2019.

K–12 Education: Challenges To Assessing Program Performance And Recent Efforts To Address Them. GAO–19–266R. January 31, 2019.

U.S. Virgin Islands Recovery: Status Of FEMA Public Assistance Funding And Implementation. GAO–19–253. February 25, 2019.

Department Of Energy: Performance Evaluations Could Better Assess Management And Operating Contractor Costs. GAO–19–5. February 26, 2019.

Oral Presentation On Electromagnetic Events. February 27, 2019. High-Risk Series: Substantial Efforts Needed To Achieve Greater Progress On High-Risk Areas. GAO–19–393T. March 6, 2019.

Department Of Energy Contracting: Actions Needed To Strengthen Subcontract Oversight. GAO–19–107. March 12, 2019.

Foot-And-Mouth Disease: USDA's Efforts To Prepare For A Potential Outbreak Could Be Strengthened. GAO–19–103. March 12, 2019.

Cybersecurity Workforce: Agencies Need To Accurately Categorize Positions To Effectively Identify Critical Staffing Needs. GAO–19–144. March 12, 2019.

Federal Ethics Programs: Government-Wide Political Appointee Data And Some Ethics Oversight Procedures At Interior And SBA Could Be Improved. GAO–19–249. March 14, 2019.

Grants Management: Agency Action Required To Ensure Grantees Identify Federal Contribution Amounts. GAO–19–282. March 14, 2019.

U.S. Ports Of Entry: Update On CBP Public-Private Partnership Programs. GAO–19–263R. March 14, 2019.

Puerto Rico Hurricanes: Status Of FEMA Funding, Oversight, And Recovery Challenges. GAO–19–256. March 14, 2019.

Huracanes De Puerto Rico: Estado De Financiamiento De Fema, Supervision Y Desafios De Recuperacion (Spanish Highlights). GAO–19–331. March 14, 2019.

Border Security: DHS Should Improve The Quality Of Unlawful Border Entry Information And Other Metric Reporting. GAO–19–305. March 21, 2019

Data Act: OMB Needs To Formalize Data Governance For Reporting Federal Spending. GAO–19–284. March 22, 2019.

Disaster Recovery: Better Monitoring Of Block Grant Funds Is Needed. GAO–19–232. March 25, 2019.

Management Report: Improvements Needed In The Bureau Of The Fiscal Service's Information System Controls. GAO–19–301RSU. March 26, 2019.

Management Report: Improvements Needed In The Bureau Of The Fiscal Service's Information System Controls. GAO–19–302R. March 26, 2019.

Management Report: Areas For Improvement In The Federal Reserve Banks' Information System Controls. GAO–19–303RSU. March 26, 2019.

Management Report: Areas For Improvement In The Federal Reserve Banks' Information System Controls. GAO–19–304R. March 26, 2019.

Federal Workforce: Key Talent Management Strategies For Agencies To Better Meet Their Missions. GAO–19–181. March 28, 2019.

Northern Border Security: CBP Identified Resource Challenges But Needs Performance Measures To Assess Security Between Ports Of Entry. GAO–19–194SU. March 28, 2019.

Department Of Defense Consolidated Financial Statements FY 2018 Audit Oversight. March 28, 2019.

Financial Audit: Fiscal Years 2018 And 2017 Consolidated Financial Statements Of The U.S. Government. GAO–19–294R. March 28, 2019.

Financial Audit: Processes Used To Prepare The U.S. Government's FY 2018 Financial Statements. March 28, 2019.

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VI. OFFICIAL COMMUNICATIONS

During the 116th Congress, 774 official communications were referred to the Committee. Of these, 760 were Executive Communications, and 14 were Petitions or Memorials. Of the official communications, 316 dealt with the District of Columbia.

VII. LEGISLATIVE ACTIONS

During the 116th Congress, the Committee reported significant legislation that was approved by Congress and signed by the President.

The following are brief legislative histories of measures to the Committee and, in some cases, drafted by the Committee, which (1) became public law or (2) were favorable reported from the Committee and passed by the Senate, but did not become law. In addition to the measures listed below, the Committee received during the 116th Congress numerous legislative proposals that were not considered or reported, or that were reported but not passed by the Senate. Additional information on these measures appears in the Committee's Legislative Calendar for the 116th Congress.

A. MEASURES ENACTED INTO LAW

The following measures considered by the Committee were enacted into Public Law. The descriptions following the signing date of each measure note selected provisions of the text, and are not intended to serve as section-by-section summaries.

H.R. 639.—To amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees. (Public Law 116–48). August 22, 2019.

This bill amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to specify that National Urban Search and Rescue Response System task forces may include Federal employees.

H.R.1079.—Creating Advanced Streamlined Electronic Services for Constituents Act of 2019. (Public Law 116–50). August 22, 2019.

This bill directs the Office of Management and Budget (OMB) to require each Federal agency to accept electronic identity proofing and authentication processes that allow an individual, under the Privacy Act, to access the individual's records or to provide prior written consent for the disclosure of the individual's records. The OMB must (1) create a template for electronic consent and access forms, and (2) require each agency to accept such forms from any individual properly identity proofed and authenticated.

H.R.1590.—Terrorist and Foreign Fighter Travel Exercise Act of 2019. (Public Law 116–64). October 9, 2019.

This bill requires the Department of Homeland Security to develop and conduct an exercise related to the detection and prevention of terrorist and foreign fighter travel. The bill requires the national exercise program (a program to test and evaluate the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies) to include emerging threats.

H.R.150.—Grant Reporting Efficiency and Agreements Transparency Act of 2019. (Public Law 116–103). December 30 2019.

This bill requires the establishment and use of data standards for information reported by recipients of Federal grants. The bill requires the Office of Management and Budget, jointly with the executive department that issues the most Federal grant awards, to (1) establish government-wide data standards for information reported by grant recipients, (2) issue guidance directing Federal agencies to apply those standards, and (3) require the publication of recipient-reported data collected from all agencies on a single public website. Each agency shall ensure its awards use the data standards for future information collection requests.

H.R.2476.—Securing American Nonprofit Organizations Against Terrorism Act of 2019. (Public Law 116–108). January 24, 2020.

This bill establishes in the Department of Homeland Security a Nonprofit Security Grant Program, under which the Federal Emergency Management Agency (FEMA) shall make grants to eligible nonprofit organizations (tax-exempt organizations and those determined to be at risk of a terrorist attack) for target hardening and other security enhancements to protect against terrorist attacks.

H.R.504.—DHS Field Engagement Accountability Act. (Public Law 116–116). March 2, 2020.

This bill requires the Department of Homeland Security (DHS) to develop and update at least once every five years a strategy for DHS engagement with fusion centers. The term "fusion center" means a collaborative effort of two or more government agencies that combines resources, expertise, or information to maximize the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity. The Office of Intelligence and Analysis of DHS shall provide personnel and support to fusion centers, publish performance metrics for DHS field personnel assigned to fusion centers, and develop and implement training for fusion center personnel. DHS intelligence and information components shall develop policies and metrics to ensure effective use of the unclassified Homeland Security Information Sharing Network and shall assess and implement enhancements to improve such network.

S.375.—Payment Integrity Information Act of 2019. (Public Law 116–117). March 2, 2020.

This bill reorganizes and revises several existing improper payments statutes, which establish requirements for Federal agencies to cut down on improper payments made by the Federal Government. The Office of Management and Budget (OMB) may establish one or more pilot programs to test potential accountability mechanisms for compliance with requirements regarding improper payments and the elimination of improper payments. The bill requires the OMB to update its plan for improving the death data maintained by the Social Security Administration and improving Federal agency use of death data. The bill establishes an interagency working group on payment integrity.

S.394.—Presidential Transition Enhancement Act of 2019. (Public Law 116–121). March 3, 2020.

This bill makes changes intended to smooth the transfer of executive power during presidential transitions. The bill provides for the detailing of legislative branch employees on a reimbursable basis to office staffs designated by the President-elect or Vice President-elect with the consent of the supervising Member of Congress. The bill extends support provided by the General Services Administration (GSA) to the President- and Vice President-elect for up to 60 days after the inauguration. By September 1 of a year during which a presidential election occurs, the GSA shall enter into a memorandum of understanding (MOU) with each eligible candidate, which shall include the conditions for administrative support services and facilities. To the maximum extent practicable, an MOU shall be based on MOUs relating to previous presidential transitions. Each MOU shall include an agreement that the eligible candidate will implement and enforce an ethics plan to guide the

conduct of the transition beginning on the date on which such candidate becomes President-elect. The plan shall be published on the GSA website. By September 15 of a year during which a presidential election occurs, each agency shall ensure that a succession plan is in place for each senior non-career position in the agency.

S.2107.—Protecting America's Food and Agriculture Act of 2019. (Public Law 116–122). March 3, 2020.

This bill authorizes U.S. Customs and Border Protection (CBP), every fiscal year, to hire, train, and assign 240 new agricultural specialists until the total number of specialists equals and sustains the requirements identified each year in the Agriculture Resource Allocation Model. The CBP may also hire, train, and assign support staff to assist the specialists and specified levels of agricultural canine teams. In calculating the number of specialists needed at each port of entry through the Agriculture Resource Allocation Model, the Office of Field Operations of the CBP must (1) rely on data collected regarding the inspections and other activities conducted at each such port of entry; and (2) consider volume from seasonal surges, other projected changes in commercial and passenger volumes, the most current commercial forecasts, and other relevant information. The Government Accountability Office (GAO) must conduct a review of the efforts of the Department of Homeland Security, the Department of Agriculture, and other Federal agencies to address risks to the agricultural supply. The GAO must analyze (1) interagency coordination and the distribution of responsibilities among Federal agencies with respect to the inspection of agricultural commodities entering the United States; (2) the effectiveness of such inspection responsibilities among Federal agencies; and (3) the training provided to, and working conditions of, CBP Agriculture Specialists.

S. 2193.—CHARGE Act. (Public Law 116–160). October 1, 2020.

This bill requires the General Services Administration to issue (1) guidance to clarify that Federal agencies may use a charge card to pay to charge Federal electric motor vehicles at commercial charging stations, and (2) a charge card for such payments to each agency for each of the agency's electric motor vehicles.

H.R.4761.—DHS Opioid Detection Resilience Act of 2019. (Public Law 116–254). December 23, 2020.

This bill establishes new requirements related to the detection of illicit narcotics at ports of entry. Specifically, U.S. Customs and Border Protection (CBP) must implement a strategy to ensure chemical screening devices are able to identify narcotics at purity levels equal to or less than 10 percent, or provide an alternate method for identifying narcotics at lower purity levels. The CBP must also test new chemical screening devices at various purity levels before it commits to their acquisition. Additionally, the Department of Homeland Security must implement a plan for the long-term development of a centralized spectral database for chemical screening devices.

S. 979.—Federal Advance Contracts Enhancement Act (FACE) Act. (Public Law 116–272). December 31, 2020.

This bill directs the Federal Emergency Management Agency (FEMA) to report to Congress on advance contracts. Advance contracts are established prior to disasters to provide life-sustaining goods and services in the immediate aftermath of a disaster. The

report must include (1) information required in the initial report on recurring disaster response requirements; and (2) an updated strategy that defines the objectives of advance contracts, how such contracts contribute to FEMA disaster response operations, how to maximize the award of advance contracts to small business concerns, and whether and how such contracts should be prioritized in relation to new post-disaster contract awards. The bill sets forth additional duties of FEMA with respect to advance contracts, including requiring FEMA to (1) update and implement guidance for its program office and acquisition personnel to identify acquisition planning time frames and considerations across the entire acquisition planning process, and (2) communicate the purpose and use of a master acquisition planning schedule.

S.1869.—Secure Federal Leases from Espionage and Suspicious Entanglements (LEASEs) Act. (Public Law 116–276). December 31, 2020

(Sec. 3) This bill instructs the General Services Administration (GSA), the Architect of the Capitol, or any Federal agency (other than the Department of Defense and the intelligence community) that has independent statutory leasing authority (Federal lessee), before entering into a lease agreement or approving a novation agreement with an entity involving a change of ownership under a lease that will be used for high-security leased space, to require the entity to identify the immediate or highest-level owner of the space and disclose whether that owner is a foreign person or entity, including the country associated with the ownership entity. A Federal lessee shall require the entity to (1) provide such identification and disclosure when first submitting a proposal in response to a solicitation for offers issued by the Federal lessee; and (2) update such information annually, including the list of the immediate or highest-level owners of that entity or the information required to be provided related to each such owner. (Sec. 4) The GSA shall develop a government-wide plan for identifying all immediate, highest-level, or beneficial owners of high-security leased spaces before entering into a lease agreement to accommodate a Federal tenant. (Sec. 5) The bill provides a rule for language in a lease agreement (concerning restriction of access to high-security space) between a Federal lessee and an entity to accommodate an agency in a building or improvement used for high-security leased space.

S.3418.—Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act. (Public Law 116–284). January 1, 2021.

This bill authorizes the Federal Emergency Management Agency (FEMA) to enter into agreements with any state or Indian tribal government to make capitalization grants for the establishment of hazard mitigation revolving loan funds. Such funds shall provide funding assistance to local governments to carry out projects to reduce disaster risk in order to decrease the loss of life and property, the cost of insurance claims, and Federal disaster payments. FEMA shall not be liable for any claim based on the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty by FEMA or by a FEMA employee in carrying out this bill.

H.R.5273.—Securing America's Ports Act. (Public Law 116–299). January 5, 2021.

This bill requires the Department of Homeland Security (DHS) to report to Congress a plan to expeditiously scan all commercial and passenger vehicles entering the United States at a land port of entry using large-scale non-intrusive inspection systems, such as X-ray and gamma-ray imaging systems, or similar technology. The plan shall include elements such as (1) an inventory of such systems currently in use, (2) the estimated costs of achieving a 100 percent scanning rate, and (3) the anticipated impact that increasing the scanning rate will have on wait times at land ports of entry. DHS shall periodically report to Congress on the progress in implementing the plan. DHS shall also research and develop technology enhancements to inspection areas at land ports of entry.

B. POSTAL NAMING BILLS

H.R. 540—To designate the facility of the United States Postal Service located at 770 Ayrault Road in Fairport, New York, as the "Louise and Bob Slaughter Post Office". (Public Law 116–42). August 21, 2019.

H.R. 828—To designate the facility of the United States Postal Service located at 25 Route 111 in Smithtown, New York, as the "Congressman Bill Carney Post Office". (Public Law 116–43). August 21 2019.

H.R. 829—To designate the facility of the United States Postal Service located at 1450 Montauk Highway in Mastic, New York, as the "Army Specialist Thomas J. Wilwerth Post Office Building". (Public Law 116–44). August 21, 2019.

H.R. 1198—To designate the facility of the United States Postal Service located at 404 South Boulder Highway in Henderson, Nevada, as the "Henderson Veterans Memorial Post Office Building". (Public Law 116–45). August 21, 2019.

H.R. 1449—To designate the facility of the United States Postal Service located at 3033 203rd Street in Olympia Fields, Illinois, as the "Captain Robert L. Martin Post Office". (Public Law 116–46). August 21, 2019.

H.R. 3305—To designate the facility of the United States Postal Service located at 2509 George Mason Drive in Virginia Beach, Virginia, as the "Ryan Keith Cox Post Office Building". (Public Law 116–47). August 21, 2019.

H.R. 1250—To designate the facility of the United States Postal Service located at 11158 Highway 146 North in Hardin, Texas, as the "Lucas Lowe Memorial Post Office". (Public Law 116–55). August 23, 2019.

S. 1196—A bill to designate the facility of the United States Postal Service located at 1715 Linnerud Drive in Sun Prairie, Wisconsin, as the "Fire Captain Cory Barr Post Office Building". (Public Law 116–66). October 31, 2019.

H.R. 887—To designate the facility of the United States Postal Service located at 877 East 1200 South in Orem, Utah, as the "Jerry C. Washburn Post Office Building". (Public Law 116–79). December 12, 2019.

H.R. 1252—To designate the facility of the United States Postal Service located at 6531 Van Nuys Boulevard in Van Nuys, California, as the "Marilyn Monroe Post Office". (Public Law 116–80). December 12, 2019.

H.R. 1253—To designate the facility of the United States Postal Service located at 13507 Van Nuys Boulevard in Pacoima, California, as the "Ritchie Valens Post Office Building". (Public Law 116–81). December 12, 2019.

H.R. 1526—To designate the facility of the United States Postal Service located at 200 Israel Road Southeast in Tumwater, Washington, as the "Eva G. Hewitt Post Office". (Public Law 116–82). December 12, 2019.

H.R. 1844—To designate the facility of the United States Postal Service located at 66 Grove Court in Elgin, Illinois, as the "Corporal Alex Martinez Memorial Post Office Building". (Public Law 116–83). December 12, 2019.

H.R. 1972—To designate the facility of the United States Postal Service located at 1100 West Kent Avenue in Missoula, Montana, as the "Jeannette Rankin Post Office Building". (Public Law 116–84). December 13, 2019.

H.R. 2151—To designate the facility of the United States Postal Service located at 7722 South Main Street in Pine Plains, New York, as the "Senior Chief Petty Officer Shannon M. Kent Post Office". (Public Law 116–85). December 13, 2019.

H.R. 2325—To designate the facility of the United States Postal Service located at 100 Calle Alondra in San Juan, Puerto Rico, as the "65th Infantry Regiment Post Office Building". (Public Law 116–86). December 13, 2019.

H.R. 3144—To designate the facility of the United States Postal Service located at 8520 Michigan Avenue in Whittier, California, as the "Jose Ramos Post Office Building". (Public Law 116–89). December 13, 2019.

H.R. 3314—To designate the facility of the United States Postal Service located at 1750 McCulloch Boulevard North in Lake Havasu City, Arizona, as the "Lake Havasu City Combat Veterans Memorial Post Office Building". (Public Law 116–90). December 13, 2019.

H.R. 1833—To designate the facility of the United States Postal Service located at 35 Tulip Avenue in Floral Park, New York, as the "Lieutenant Michael R. Davidson Post Office Building". (Public Law 116–196). December 3, 2020.

H.R. 3207—To designate the facility of the United States Postal Service located at 114 Mill Street in Hookstown, Pennsylvania, as the "Staff Sergeant Dylan Elchin Post Office Building". (Public Law 116–197). December 3, 2020.

H.R. 3317—To permit the Scipio A. Jones Post Office in Little Rock, Arkansas, to accept and display a portrait of Scipio A. Jones, and for other purposes. (Public Law 116–198). December 3, 2020.

H.R. 3329—To designate the facility of the United States Postal Service located at 5186 Benito Street in Montclair, California, as the "Paul Eaton Post Office Building". (Public Law 116–199). December 3, 2020.

H.R. 4794—To designate the facility of the United States Postal Service located at 8320 13th Avenue in Brooklyn, New York, as the "Mother Frances Xavier Cabrini Post Office Building". (Public Law 116–201). December 3, 2020.

H.R. 4981—To designate the facility of the United States Postal Service located at 2505 Derita Avenue in Charlotte, North Caro-

lina, as the "Julius L. Chambers Civil Rights Memorial Post Office". (Public Law 116–202). December 3, 2020.

H.R. 5037—To designate the facility of the United States Postal Service located at 3703 North Main Street in Farmville, North Carolina, as the "Walter B. Jones, Jr. Post Office". (Public Law 116–203). December 3, 2020.

H.R. 4975—To designate the facility of the United States Postal Service located at 1201 Sycamore Square Drive in Midlothian, Virginia, as the "Dorothy Braden Bruce Post Office Building". (Public Law 116–218). December 17, 2020.

H.R. 5062—To designate the facility of the United States Postal Service located at 9930 Conroy Windermere Road in Windermere, Florida, as the "Officer Robert German Post Office Building". (Public Law 116–219). December 17, 2020.

H.R. 5307—To designate the facility of the United States Postal Service located at 115 Nicol Avenue in Thomasville, Alabama, as the "Postmaster Robert Ingram Post Office". (Public Law 116–220). December 17, 2020.

H.R. 2246—To designate the facility of the United States Postal Service located at 201 West Cherokee Street in Brookhaven, Mississippi, as the "Deputy Donald William Durr, Corporal Zach Moak, and Patrolman James White Memorial Post Office Building". (Public Law 116–227). December 21, 2020.

H.R. 2454—To designate the facility of the United States Postal Service located at 123 East Sharpfish Street in Rosebud, South Dakota, as the "Ben Reifel Post Office Building". (Public Law 116–228). December 21, 2020.

H.R. 2969—To designate the facility of the United States Postal Service located at 1401 1st Street North in Winter Haven, Florida, as the "Althea Margaret Daily Mills Post Office Building". (Public Law 116–229). December 21, 2020.

H.R. 3005—To designate the facility of the United States Postal Service located at 13308 Midland Road in Poway, California, as the "Ray Chavez Post Office Building". (Public Law 116–230). December 21, 2020.

H.R. 3275—To designate the facility of the United States Postal Service located at 340 Wetmore Avenue in Grand River, Ohio, as the "Lance Corporal Andy 'Ace' Nowacki Post Office". (Public Law 116–231). December 21, 2020.

H.R. 3680—To designate the facility of the United States Postal Service located at 415 North Main Street in Henning, Tennessee, as the "Paula Croom Robinson and Judy Spray Memorial Post Office Building". (Public Law 116–232) December 21, 2020.

H.R. 3847—To designate the facility of the United States Postal Service located at 117 West Poythress Street in Hopewell, Virginia, as the "Reverend Curtis West Harris Post Office Building". (Public Law 116–233). December 21, 2020.

H.R. 3870—To designate the facility of the United States Postal Service located at 511 West 165th Street in New York, New York, as the "Normandia Maldonado Post Office Building". (Public Law 116–234). December 21, 2020.

H.R. 4034—To designate the facility of the United States Postal Service located at 602 Pacific Avenue in Bremerton, Washington, as the "John Henry Turpin Post Office Building". (Public Law 116–235). December 21, 2020.

H.R. 4200—To designate the facility of the United States Postal Service located at 321 South 1st Street in Montrose, Colorado, as the "Sergeant David Kinterknecht Post Office". (Public Law 116–236). December 21 2020.

H.R. 4279—To designate the facility of the United States Postal Service located at 445 Main Street in Laceyville, Pennsylvania, as the "Melinda Gene Piccotti Post Office". (Public Law 116–237). December 21, 2020.

H.R. 4672—To designate the facility of the United States Postal Service located at 21701 Stevens Creek Boulevard in Cupertino, California, as the "Petty Officer 2nd Class (SEAL) Matthew G. Axelson Post Office Building". (Public Law 116–238). December 21, 2020.

H.R. 4725—To designate the facility of the United States Postal Service located at 8585 Criterion Drive in Colorado Springs, Colorado, as the "Chaplain (Capt.) Dale Goetz Memorial Post Office Building". (Public Law 116–239). December 21, 2020.

H.R. 4785—To designate the facility of the United States Postal Service located at 1305 U.S. Highway 90 West in Castroville, Texas, as the "Lance Corporal Rhonald Dain Rairdan Post Office". (Public Law 116–240). December 21, 2020.

H.R. 4875—To designate the facility of the United States Postal Service located at 2201 E. Maple Street in North Canton, Ohio, as the "Lance Cpl. Stacy 'Annie' Dryden Post Office". (Public Law 116–241). December 21, 2020.

H.R. 4971—To designate the facility of the United States Postal Service located at 15 East Market Street in Leesburg, Virginia, as the "Norman Duncan Post Office Building". (Public Law 116–242). December 21, 2020.

H.R. 5317—To designate the facility of the United States Postal Service located at 315 Addicks Howell Road in Houston, Texas, as the "Deputy Sandeep Singh Dhaliwal Post Office Building". (Public Law 116–243). December 21, 2020.

H.R. 5954—To designate the facility of the United States Postal Service located at 108 West Maple Street in Holly, Michigan, as the "Holly Veterans Memorial Post Office". (Public Law 116–244). December 21, 2020.

S. 3257—A bill to designate the facility of the United States Postal Service located at 311 West Wisconsin Avenue in Tomahawk, Wisconsin, as the "Einar 'Sarge' H. Ingman, Jr. Post Office Building". (Public Law 116–264). December 30, 2020.

S. 3461—A bill to designate the facility of the United States Postal Service located at 2600 Wesley Street in Greenville, Texas, as the "Audie Murphy Post Office Building". (Public Law 116–265). December 30, 2020.

S. 3462—A bill to designate the facility of the United States Postal Service located at 909 West Holiday Drive in Fate, Texas, as the "Ralph Hall Post Office". (Public Law 116–266). December 30, 2020.

S. 4126—A bill to designate the facility of the United States Postal Service located at 104 East Main Street in Port Washington, Wisconsin, as the "Joseph G. Demler Post Office". (Public Law 116–267). December 30, 2020.

S. 4684—A bill to designate the facility of the United States Postal Service located at 440 Arapahoe Street in Thermopolis, Wyo-

ming, as the "Robert L. Brown Post Office". (Public Law 116–268). December 30, 2020.

H.R. 3976—To designate the facility of the United States Postal Service located at 12711 East Jefferson Avenue in Detroit, Michigan, as the "Aretha Franklin Post Office Building". (Public Law 116–293). January 5, 2021.

H.R. 4988—To designate the facility of the United States Postal Service located at 14 Walnut Street in Bordentown, New Jersey, as the "Clara Barton Post Office Building". (Public Law 116–296). January 5, 2021.

H.R. 5123—To designate the facility of the United States Postal Service located at 476 East Main Street in Galesburg, Illinois, as the "Senior Airman Daniel Miller Post Office Building". (Public Law 116–298). January 5, 2021.

H.R. 5451—To designate the facility of the United States Postal Service located at 599 East Genesse Street in Fayetteville, New York, as the "George H. Bacel Post Office Building". (Public Law 116–300). January 5, 2021.

H.R. 5597—To designate the facility of the United States Postal Service located at 305 Northwest 5th Street in Oklahoma City, Oklahoma, as the "Clara Luper Post Office Building". (Public Law 116–303). January 5, 2021.

H.R. 5972—Mary Ann Shadd Cary Post Office Dedication Act. (Public Law 116–306). January 5, 2021.

H.R. 5983—To designate the facility of the United States Postal Service located at 4150 Chicago Avenue in Riverside, California, as the "Woodie Rucker-Hughes Post Office Building". (Public Law 116–307). January 5, 2021.

H.R. 6161—To designate the facility of the United States Postal Service located at 1585 Yanceyville Street, Greensboro, North Carolina, as the "J. Howard Coble Post Office Building". (Public Law 116–310). January 5, 2021.

H.R. 6418—To designate the facility of the United States Postal Service located at 509 Fairhope Avenue in Fairhope, Alabama, as the "William 'Jack' Jackson Edwards III Post Office Building". (Public Law 116–312). January 5, 2021.

H.R. 7088—To designate the facility of the United States Postal Service located at 111 James Street in Reidsville, Georgia, as the "Senator Jack Hill Post Office Building". (Public Law 116–314). January 5, 2021.

H.R. 7502—To designate the facility of the United States Postal Service located at 101 South 16th Street in Clarinda, Iowa, as the "Jessie Field Shambaugh Post Office Building". (Public Law 116–319). January 5, 2021.

H.R. 7810—To designate the facility of the United States Postal Service located at 3519 East Walnut Street in Pearland, Texas, as the "Tom Reid Post Office Building". (Public Law 116–320). January 5, 2021.

H.R. 8611—To designate the facility of the United States Postal Service located at 4755 Southeast Dixie Highway in Port Salerno, Florida, as the "Joseph Bullock Post Office Building". (Public Law 116–322). January 5, 2021.

VIII. ACTIVITIES OF THE SUBCOMMITTEES

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

CHAIRMAN: ROBERT PORTMAN

RANKING MINORITY MEMBER: THOMAS R. CARPER

The following is the Activities Report of the Permanent Subcommittee on Investigations for the 116th Congress.

I. HISTORICAL BACKGROUND

A. SUBCOMMITTEE JURISDICTION

The Permanent Subcommittee on Investigations was originally authorized by Senate Resolution 189 on January 28, 1948. At its creation in 1948, the Subcommittee was part of the Committee on Expenditures in the Executive Departments. The Subcommittee's records and broad investigative jurisdiction over government operations and national security issues, however, actually antedate its creation, since it was given custody of the jurisdiction of the former Special Committee to Investigate the National Defense Program (the so-called "War Investigating Committee" or "Truman Committee"), chaired by Senator Harry S. Truman during the Second World War and charged with exposing waste, fraud, and abuse in the war effort and war profiteering. Today, the Subcommittee is part of the Committee on Homeland Security and Governmental Affairs.[1]

The Subcommittee has had eleven chairmen: Senators Homer Ferguson of Michigan (1948), Clyde R. Hoey of North Carolina (1949–1952), Joseph R. McCarthy of Wisconsin (1953–1954), John L. McClellan of Arkansas (1955–1972), Henry M. Jackson of Washington (1973–1978), Sam Nunn of Georgia (1979–1980 and 1987–1994), William V. Roth of Delaware (1981–1986 and 1995–1996), Susan M. Collins of Maine (1997–2001); Norman B. Coleman of Minnesota (2003–2007); Carl Levin of Michigan (2001–2002 and 2007–2014); and Robert J. Portman of Ohio (2015-present).

Until 1957, the Subcommittee's jurisdiction focused principally on waste, inefficiency, impropriety, and illegality in government operations. Its jurisdiction then expanded over time, today encompassing investigations within the broad ambit of the parent committee's responsibility for matters relating to the efficiency and economy of operations of all branches of the government, including matters related to: (a) waste, fraud, abuse, malfeasance, and unethical practices in government contracting and operations; (b) organized criminal activities affecting interstate or international commerce; (c) criminal activity affecting the national health, welfare, or safety, including investment fraud, commodity and securities fraud, computer fraud, and offshore abuses; (d) criminality or improper practices in labor-management relations; (e) the effective-

[1] In 1952, the parent committee's name was changed to the Committee on Government Operations. It was changed again in early 1977, to the Committee on Governmental Affairs, and again in 2005, to the Committee on Homeland Security and Governmental Affairs, its present title.

ness of present national security methods, staffing and procedures, and U.S. relationships with international organizations concerned with national security; (f) energy shortages, energy pricing, management of government-owned or controlled energy supplies; and relationships with oil producing and consuming countries; and (g) the operations and management of Federal regulatory policies and programs. While retaining the status of a subcommittee of a standing committee, the Subcommittee has long exercised its authority on an independent basis, selecting its own staff, issuing its own subpoenas, and determining its own investigatory agenda.

The Subcommittee acquired its sweeping jurisdiction in several successive stages. In 1957—based on information developed by the Subcommittee—the Senate passed a Resolution establishing a Select Committee on Improper Activities in the Labor or Management Field. Chaired by Senator McClellan, who also chaired the Subcommittee at that time, the Select Committee was composed of eight Senators—four of whom were drawn from the Permanent Subcommittee on Investigations and four from the Committee on Labor and Public Welfare. The Select Committee operated for 3 years, sharing office space, personnel, and other facilities with the Permanent Subcommittee. Upon its expiration in early 1960, the Select Committee's jurisdiction and files were transferred to the Permanent Subcommittee, greatly enlarging the latter body's investigative authority in the labor-management area.

The Subcommittee's jurisdiction expanded further during the 1960s and 1970s. In 1961, for example, it received authority to make inquiries into matters pertaining to organized crime and, in 1963, held the famous Valachi hearings examining the inner workings of the Italian Mafia. In 1967, following a summer of riots and other civil disturbances, the Senate approved a Resolution directing the Subcommittee to investigate the causes of this disorder and to recommend corrective action. In January 1973, the Subcommittee acquired its national security mandate when it merged with the National Security Subcommittee. With this merger, the Subcommittee's jurisdiction was broadened to include inquiries concerning the adequacy of national security staffing and procedures, relations with international organizations, technology transfer issues, and related matters. In 1974, in reaction to the gasoline shortages precipitated by the Arab-Israeli war of October 1973, the Subcommittee acquired jurisdiction to investigate the control and management of energy resources and supplies as well as energy pricing issues.

In 1997, the full Committee on Governmental Affairs was charged by the Senate to conduct a special examination into illegal or improper activities in connection with Federal election campaigns during the 1996 election cycle. The Permanent Subcommittee provided substantial resources and assistance to this investigation, contributing to a greater public understanding of what happened, to subsequent criminal and civil legal actions taken against wrongdoers, and to enactment of campaign finance reforms in 2001.

In 1998, the Subcommittee marked the fiftieth anniversary of the Truman Committee's conversion into a permanent subcommittee of the U.S. Senate.[2] Since then, the Subcommittee has developed particular expertise in complex financial matters, examining the collapse of Enron Corporation in 2001, the key causes of the 2008 financial crisis, structured finance abuses, financial fraud, unfair credit practices, money laundering, commodity speculation, and a wide range of offshore and tax haven abuses. It has also focused on issues involving health care fraud, foreign corruption, and waste, fraud and abuse in government programs. In the half-century of its existence, the Subcommittee's many successful investigations have made clear to the Senate the importance of retaining a standing investigatory body devoted to keeping government not only efficient and effective, but also honest and accountable.

B. SUBCOMMITTEE INVESTIGATIONS

Armed with its broad jurisdictional mandate, the Subcommittee has conducted investigations into a wide variety of topics of public concern, ranging from financial misconduct, to commodities speculation, predatory lending, and tax evasion. Over the years, the Subcommittee has also conducted investigations into criminal wrongdoing, including money laundering, the narcotics trade, child pornography, labor racketeering, human trafficking, the opioid crisis, and organized crime activities. In addition, the Subcommittee has investigated a wide range of allegations of waste, fraud, and abuse in government programs and consumer protection issues, addressing problems ranging from unfair credit card practices to health care fraud. In the 116th Congress, the Subcommittee held seven hearings and issued eleven reports on a wide range of issues.

(1) Historical Highlights

The Subcommittee's investigatory record as a permanent Senate body began under the Chairmanship of Republican Senator Homer Ferguson and his Chief Counsel (and future Attorney General and Secretary of State) William P. Rogers, as the Subcommittee inherited the Truman Committee's role in investigating fraud and waste in U.S. Government operations. This investigative work became particularly colorful under the chairmanship of Senator Clyde Hoey, a North Carolina Democrat who took the chair from Senator Ferguson after the 1948 elections. Under Senator Hoey's leadership, the Subcommittee won national attention for its investigation of the so-called "five percenters," notorious Washington lobbyists who charged their clients five percent of the profits from any Federal contracts they obtained on the client's behalf. Given the Subcommittee's jurisdictional inheritance from the Truman Committee, it is perhaps ironic that the "five percenters" investigation raised

[2] This anniversary also marked the first date upon which internal Subcommittee records generally began to become available to the public. Unlike most standing committees of the Senate whose previously unpublished records open after a period of 20 years has elapsed, the Permanent Subcommittee on Investigations, as an investigatory body, may close its records for 50 years to protect personal privacy and the integrity of the investigatory process. With this 50th anniversary, the Subcommittee's earliest records, housed in the Center for Legislative Archives at the National Archives and Records Administration, began to open seriatim. The records of the predecessor committee—the Truman Committee—were opened by Senator Nunn in 1980.

allegations of bribery and influence-peddling that reached right into the White House and implicated members of President Truman's staff. In any event, the fledgling Subcommittee was off to a rapid start.

What began as colorful soon became contentious. When Republicans returned to the Majority in the Senate in 1953, Wisconsin's junior Senator, Joseph R. McCarthy, became the Subcommittee's Chairman. Two years earlier, as Ranking Minority Member, Senator McCarthy had arranged for another Republican Senator, Margaret Chase Smith of Maine, to be removed from the Subcommittee. Senator Smith's offense, in Senator McCarthy's eyes, was her issuance of a "Declaration of Conscience" repudiating those who made unfounded charges and used character assassination against their political opponents. Although Senator Smith had carefully declined to name any specific offender, her remarks were universally recognized as criticism of Senator McCarthy's accusations that communists had infiltrated the State Department and other government agencies. Senator McCarthy retaliated by engineering Senator Smith's removal, replacing her with the newly-elected Senator from California, Richard Nixon.

Upon becoming Subcommittee Chairman, Senator McCarthy staged a series of highly publicized anti-Communist investigations, culminating in an inquiry into Communism within the U.S. Army, which became known as the Army-McCarthy hearings. During the latter portion of those hearings, in which the parent Committee examined the Wisconsin Senator's attacks on the Army, Senator McCarthy recused himself, leaving South Dakota Senator Karl Mundt to serve as Acting Chairman of the Subcommittee. Gavel-to-gavel television coverage of the hearings helped turn the tide against Senator McCarthy by raising public concern about his treatment of witnesses and cavalier use of evidence. In December 1954, the Senate censured Senator McCarthy for unbecoming conduct. In the following year, the Subcommittee adopted new rules of procedure that better protected the rights of witnesses. The Subcommittee also strengthened the rules ensuring the right of both parties on the Subcommittee to appoint staff, initiate and approve investigations, and review all information in the Subcommittee's possession.

In 1955, Senator John McClellan of Arkansas began 18 years of service as Chairman of the Permanent Subcommittee on Investigations. Senator McClellan appointed a young Robert F. Kennedy as the Subcommittee's Chief Counsel. That same year, Members of the Subcommittee were joined by Members of the Senate Labor and Public Welfare Committee on a special committee to investigate labor racketeering. Chaired by Senator McClellan and staffed by Robert Kennedy and other Subcommittee staff members, this special committee directed much of its attention to criminal influence over the Teamsters Union, most famously calling Teamsters' leaders Dave Beck and Jimmy Hoffa to testify. The televised hearings of the special committee also introduced Senators Barry Goldwater and John F. Kennedy to the nation, as well as led to passage of the Landrum-Griffin Labor Act.

After the special committee completed its work, the Permanent Subcommittee on Investigations continued to investigate organized

crime. In 1962, the Subcommittee held hearings during which Joseph Valachi outlined the activities of La Cosa Nostra, or the Mafia. Former Subcommittee staffer Robert Kennedy—who had by then become Attorney General in his brother's Administration—used this information to prosecute prominent mob leaders and their accomplices. The Subcommittee's investigations also led to passage of major legislation against organized crime, most notably the Racketeer Influenced and Corrupt Organizations (RICO) provisions of the Crime Control Act of 1970. Under Chairman McClellan, the Subcommittee also investigated fraud in the purchase of military uniforms, corruption in the Department of Agriculture's grain storage program, securities fraud, and civil disorders and acts of terrorism. In addition, from 1962 to 1970, the Subcommittee conducted an extensive probe of political interference in the awarding of government contracts for the Pentagon's ill-fated TFX ("tactical fighter, experimental") aircraft. In 1968, the Subcommittee also examined charges of corruption in U.S. servicemen's clubs in Vietnam and elsewhere around the world.

In 1973, Senator Henry "Scoop" Jackson, a Democrat from Washington, replaced Senator McClellan as the Subcommittee's Chairman. During his tenure, recalled Chief Clerk Ruth Young Watt—who served in this position from the Subcommittee's founding until her retirement in 1979—Ranking Minority Member Charles Percy, an Illinois Republican, became more active on the Subcommittee than Chairman Jackson, who was often distracted by his Chairmanship of the Interior Committee and his active role on the Armed Services Committee.[3] Senator Percy also worked closely with Georgia Democrat Sam Nunn, a Subcommittee member who subsequently succeeded Senator Jackson as Subcommittee Chairman in 1979. As Chairman, Senator Nunn continued the Subcommittee's investigations into the role of organized crime in labor-management relations and also investigated pension fraud.

Regular reversals of political fortunes in the Senate during the 1980s and 1990s saw Senator Nunn trade the chairmanship three times with Delaware Republican William Roth. Senator Nunn served from 1979 to 1980 and again from 1987 to 1995, while Senator Roth served from 1981 to 1986, and again from 1995 to 1996. These 15 years saw a strengthening of the Subcommittee's bipartisan tradition in which investigations were initiated by either the Majority or Minority and fully supported by the entire Subcommittee. For his part, Senator Roth led a wide range of investigations into commodity investment fraud, offshore banking schemes, money laundering, and child pornography. Senator Nunn led inquiries into Federal drug policy, the global spread of chemical and biological weapons, abuses in Federal student aid programs, computer security, airline safety, and health care fraud. Senator Nunn also appointed the Subcommittee's first female counsel, Eleanore Hill, who served as Chief Counsel to the Minority from 1982 to 1986 and then as Chief Counsel from 1987 to 1995.

[3] It had not been uncommon in the Subcommittee's history for the Chairman and Ranking Minority Member to work together closely despite partisan differences, but Senator Percy was unusually active while in the Minority—a role that included his chairing an investigation of the hearing aid industry.

Strong bipartisan traditions continued in the 105th Congress when, in January 1997, Republican Senator Susan Collins of Maine became the first woman to chair the Permanent Subcommittee on Investigations. Senator John Glenn of Ohio became the Ranking Minority Member, while also serving as Ranking Minority Member of the full Committee. Two years later, in the 106th Congress, after Senator Glenn's retirement, Michigan Democrat Carl Levin succeeded him as the Subcommittee's Ranking Minority Member. During Senator Collins' chairmanship, the Subcommittee conducted investigations into issues affecting Americans in their day-to-day lives, including mortgage fraud, deceptive mailings and sweepstakes promotions, phony credentials obtained through the Internet, day trading of securities, and securities fraud on the Internet. Senator Levin initiated an investigation into money laundering. At his request, in 1999, the Subcommittee held hearings on money laundering issues affecting private banking services provided to wealthy individuals, and, in 2001, on how major U.S. banks providing correspondent accounts to offshore banks were being used to advance money laundering and other criminal schemes.

During the 107th Congress, both Senator Collins and Senator Levin chaired the Subcommittee. Senator Collins served as chairman until June 2001, when the Senate Majority changed hands; at that point, Senator Levin assumed the chairmanship and Senator Collins, in turn, became the Ranking Minority Member. In her first six months chairing the Subcommittee at the start of the 107th Congress, Senator Collins held hearings examining issues related to cross border fraud, the improper operation of tissue banks, and Federal programs designed to fight diabetes. When Senator Levin assumed the chairmanship, as his first major effort, the Subcommittee initiated an 18-month bipartisan investigation into the Enron Corporation, which had collapsed into bankruptcy. As part of that investigation, the Subcommittee reviewed over 2 million pages of documents, conducted more than 100 interviews, held four hearings, and issued three bipartisan reports focusing on the role played by Enron's Board of Directors, Enron's use of tax shelters and structured financial instruments, and how major U.S. financial institutions contributed to Enron's accounting deceptions, corporate abuses, and ultimate collapse. The Subcommittee's investigative work contributed to passage of the Sarbanes-Oxley Act which enacted accounting and corporate reforms in July 2002. In addition, Senator Levin continued the money laundering investigation initiated while he was the Ranking Minority Member, and the Subcommittee's work contributed to enactment of major reforms strengthening U.S. anti-money laundering laws in the 2001 USA PATRIOT Act (Patriot Act). Also during the 107th Congress, the Subcommittee opened new investigations into offshore tax abuses, border security, and abusive practices related to the pricing of gasoline and other fuels.

In January 2003, at the start of the 108th Congress, after the Senate Majority party again changed hands, Senator Collins was elevated to Chairman of the full Committee on Governmental Affairs, and Republican Senator Norman Coleman of Minnesota became Chairman of the Subcommittee. Over the next two years, Senator Coleman held hearings on topics of national and global

concern including illegal file sharing on peer-to-peer networks, abusive practices in the credit counseling industry, the dangers of purchasing pharmaceuticals over the Internet, SARS preparedness, border security, and how former Iraqi President Saddam Hussein had abused the United Nations Oil-for-Food Program. At the request of Senator Levin, then Ranking Minority Member, the Subcommittee examined how some U.S. accounting firms, banks, investment firms, and tax lawyers were designing, promoting, and implementing abusive tax shelters across the country. Also at Senator Levin's request, the Subcommittee investigated how some U.S. financial institutions were failing to comply with anti-money laundering controls mandated by the Patriot Act, using as a case history Riggs Bank accounts involving Augusto Pinochet, the former President of Chile, and Equatorial Guinea, an oil-rich country in Africa.

During the 109th Congress, Senator Coleman held additional hearings on abuses associated with the United Nation's Oil-for-Food Program, and initiated a series of hearings on Federal contractors who were paid with taxpayer dollars but failed to meet their own tax obligations, resulting in billions of dollars in unpaid taxes. He also held hearings on border security issues, securing the global supply chain, Federal travel abuses, abusive tax refund loans, and unfair energy pricing. At Senator Levin's request, the Subcommittee held hearings on offshore tax abuses responsible for $100 billion in unpaid taxes each year, and on U.S. vulnerabilities caused by States forming 2 million companies each year with hidden owners.

During the 110th Congress, in January 2007, after the Senate majority shifted, Senator Levin once again became Subcommittee Chairman, while Senator Coleman became the Ranking Minority Member. Senator Levin chaired the Subcommittee for the next seven years. He focused the Subcommittee on investigations into complex financial and tax matters, including unfair credit card practices, executive stock option abuses, excessive speculation in the natural gas and crude oil markets, and offshore tax abuses involving tax haven banks and non-U.S. persons dodging payment of U.S. taxes on U.S. stock dividends. The Subcommittee's work contributed to enactment of two landmark bills, the Credit Card Accountability Responsibility and Disclosure Act (Credit CARD Act), which reformed credit card practices, and the Foreign Account Tax Compliance Act (FATCA), which tackled the problem of hidden offshore bank accounts used by U.S. persons to dodge U.S. taxes. At the request of Senator Coleman, the Subcommittee also conducted bipartisan investigations into Medicare and Medicaid health care providers who cheat on their taxes, fraudulent Medicare claims involving deceased doctors or inappropriate diagnosis codes, U.S. dirty bomb vulnerabilities, Federal payroll tax abuses, abusive practices involving transit benefits, and problems involving the United Nations Development Program.

During the 111th Congress, Senator Levin continued as Subcommittee Chairman, while Senator Tom Coburn joined the Subcommittee as its Ranking Minority Member. Under their leadership, the Subcommittee dedicated much of its resources to a bipartisan investigation into key causes of the 2008 financial crisis, look-

ing in particular at the role of high-risk home loans, regulatory failures, inflated credit ratings, and high-risk, conflicts-ridden financial products designed and sold by investment banks. The Subcommittee held four hearings and released thousands of documents. The Subcommittee's work contributed to passage of another landmark financial reform bill, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. In addition, the Subcommittee held hearings on excessive speculation in the wheat market, tax haven banks that helped U.S. clients evade U.S. taxes, how to keep foreign corruption out of the United States, and Social Security disability fraud.

During the 112th Congress, Senator Levin and Senator Coburn continued in their respective roles as Chairman and Ranking Minority Member of the Subcommittee. In a series of bipartisan investigations, the Subcommittee examined how a global banking giant, HSBC, exposed the U.S. financial system to an array of money laundering, drug trafficking, and terrorist financing risks due to poor anti-money laundering controls; how two U.S. multinational corporations, Microsoft and Hewlett Packard engaged in offshore tax abuses; and how excessive commodity speculation by mutual funds and others were taking place without Dodd-Frank safeguards such as position limits being put into effect. At the request of Senator Coburn, the Subcommittee also conducted bipartisan investigations into problems with Social Security disability determinations that, due to poor procedures, perfunctory hearings, and poor quality decisions, resulted in over one in five disability cases containing errors or inadequate justifications; how Department of Homeland Security State and local intelligence fusion centers failed to yield significant, useful information to support Federal counterterrorism efforts; and how certain Federal contractors that received taxpayer dollars through stimulus funding failed to pay their Federal taxes.

During the 113th Congress, Senator Levin continued as Chairman, while Senator John McCain joined the Subcommittee as its Ranking Minority Member. They continued to strengthen the Subcommittee's strong bipartisan traditions, conducting all investigations in a bipartisan manner. During the 113th Congress, the Subcommittee held eight hearings and released ten reports on a variety of investigations. The investigations examined high risk credit derivatives trades at JPMorgan; hidden offshore accounts opened for U.S. clients by Credit Suisse in Switzerland; corporate tax avoidance in case studies involving Apple, Caterpillar, and a structured financial product known as basket options; online advertising abuses; conflicts of interest affecting the stock market and high speed trading; IRS processing of 501(c)(4) applications; defense acquisition reforms; and bank involvement with physical commodities. At the end of the 113th Congress, Senator Levin retired from the Senate.

(2) More Recent Investigations

During the 114th Congress, Senator Rob Portman became Subcommittee Chairman with Senator Claire McCaskill serving as Ranking Minority Member. Under the Chairman and Ranking Member's leadership, the Subcommittee held six hearings and

issued eight reports addressing range of public policy concerns. Investigations examined the impact of the U.S. corporate tax code on cross-border mergers acquisitions; online sex trafficking; the Federal Government's efforts to protect unaccompanied migrant children from human trafficking; consumer protection in the cable and satellite television industry; terrorist networks' use of the Internet and social media to radicalize and recruit; the U.S. State Department's oversight of a grantee involved in political activities in Israel; and efforts by Medicare and private health insurance systems to combat the opioid epidemic. The Subcommittee also initiated the first successful civil contempt proceedings to enforce a Senate subpoena in twenty years. The Subcommittee's long-term investigation of online sex trafficking culminated in a final report and hearing on January 10, 2017, at the start of the 115th Congress.

During the 115th Congress Senator Portman continued as Chairman while Senator Tom Carper became the Subcommittee's Ranking Minority Member. Under the Chairman and Ranking Member's leadership, the Subcommittee held six hearings and issued six reports. The Subcommittee examined the opioid crisis, including the price increase of an opioid overdose reversal drug and the cost to Federal healthcare programs and Chinese online drug sellers shipping illicit opioids to the United States through international mail; the Federal Government's efforts to protect unaccompanied alien children; Federal agency compliance with the Digital Accountability and Transparency Act; Federal infrastructure permitting; and Backpage.com's knowing facilitation of online sex trafficking.

II. SUBCOMMITTEE HEARINGS DURING THE 116TH CONGRESS

During the 116th Congress, Senator Rob Portman remained Subcommittee Chairman with Senator Tom Carper serving as Ranking Minority Member.

China's Impact on the U.S. Education System. February 28, 2019. (S. Hrg. 116–30)

The Subcommittee's first hearing and report of the 116th Congress was held in conjunction with the release of the Subcommittee's report titled "China's Impact on the U.S. Education System." The hearing examined the findings and recommendations in the Subcommittee's report.

The hearing featured one panels of witnesses including Jason Bair, Acting Director, International Affairs and Trade, U.S. Government Accountability Office; Walter Douglas, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, U.S. Department of State; Hon. Jennifer Zimdahl Galt, Principal Deputy Assistant Secretary, Bureau of Cultural and Educational Affairs, U.S. Department of State; and Hon. Mitchell M. Zais, Ph.D., Deputy Secretary of Education, U.S. Department of Education.

Examining Private Sector Data Breaches. March 7, 2019. (S. Hrg. 116–40)

The Subcommittee's second hearing was held in conjunction with the release of the Subcommittee's report titled "How Equifax Ne-

glected Cybersecurity and Suffered a Devastating Data Breach" and examined the findings and recommendations of the report. The Subcommittee also received testimony regarding a data breach announced by Marriott in November 2018 that exposed more than 380 million guest records, including passport and credit card numbers.

The hearing featured testimony from two panels of witnesses. The first panel included Mark W. Begor, Chief Executive Officer, Equifax, Inc.; and Arne M. Sorenson, President and Chief Executive Officer, Marriott International, Inc. The second panel was comprised of: Alicia Puente Cackley, Director, Financial Markets and Community Investment, U.S. Government Accountability Office; Andrew Smith, Director, Bureau of Consumer Protection, U.S. Federal Trade Commission; and John M. Gilligan, President and Chief Executive Officer, Center for Internet Security.

Oversight of Federal Infrastructure Permitting and FAST–41. May 2, 2019. (S. Hrg. 116–44)

The Subcommittee's third hearing reviewed activities of the Federal Permitting Improvement Steering Council, which was established to improve coordination between Federal permitting agencies and help large projects navigate the permitting process.

The Subcommittee heard from one panel of witnesses. The panel included Alexander Herrgott, Executive Director, Federal Permitting Improvement Steering Council; Laura Abram, Director, Project Execution and Public Affairs, First Solar; Michael Knisley, Executive Secretary-Treasurer, Ohio State Building and Construction Trades Council; Joseph M. Johnson, Ph.D., Executive Director, Federal Regulatory Process Review and Analysis, Environment, Technology, and Regulatory Affairs, U.S. Chamber of Commerce; and Raul E. Garcia, Senior Legislative Counsel, Policy and Legislation Department, Earthjustice.

Joint Hearing with the Subcommittee on Regulatory Affairs and Federal Management: Review of E–Rulemaking Comment Systems. October 24, 2019. (S. Hrg. 116–114)

The Subcommittee held a joint hearing with the Subcommittee on Regulatory Affairs and Federal Management after reviewing Federal agency systems for receiving, reviewing, and publicizing comments on proposed regulations and found the systems were abused, creating some public distrust in the rulewriting process, as well as additional work for Federal employees. The Subcommittee also released a report in conjunction with the hearing titled "Abuses of the Federal Notice-and-Comment Rulemaking Process."

The Subcommittee heard from one panel of witnesses comprised of Elizabeth Angerman, Principal Deputy Associate Administrator, Office of Government-Wide Policy, U.S. General Services Administration; Dominic Mancini, Acting Director, Office of Information and Regulatory Affairs, Office of Management and Budget; Ashley Boizelle, Deputy General Counsel, Federal Communications Commission; and Seto J. Bagdoyan, Director, Forensic Audits and Investigative Service, U.S. Government Accountability Office.

Securing the U.S. Research Enterprise from China's Talent Recruitment Plans. November 19, 2019. (S. Hrg. 116–286)

The Subcommittee's fifth hearing was held in conjunction with the release of the Subcommittee's report titled "Threats to the U.S Research Enterprise: China's Talent Recruitment Plans." The hearing examined the report's findings and recommendations.

One panel of witnesses testified at the hearing including John Brown, Assistant Director, Counterintelligence Division, Federal Bureau of Investigation, U.S. Department of Justice; Rebecca L. Keiser, Ph.D., Office Head, Office of International Science and Engineering, National Science Foundation; Michael S. Lauer, MD, Deputy Director for Extramural Research, National Institutes of Health, U.S. Department of Health and Human Services; The Honorable Christopher Fall, Ph.D., Director, Office of Science, U.S. Department of Energy; and Edward J. Ramotowski, Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, U.S. Department of State.

Continuity of Senate Operations and Remote Voting in Times of Crisis. April 30, 2020. (S. Hrg. 116–297)

The roundtable considered the Subcommittee's memorandum on the continuity of Senate operations and remove voting in times of crisis.

At the roundtable, the Subcommittee heard from one panel of participants including Martin B. Gold, Partner, Capitol Counsel, LLC; Lorelei Kelly, Director of Congressional Modernization, Beeck Center for Social Impact and Innovation, Georgetown University; and Joshua C. Huder, Ph.D., Senior Fellow, the Government Affairs Institute, Georgetown University.

Combatting the Opioid Crisis: Oversight of the Implementation of the STOP Act. December 10, 2020. (S. Hrg. 116–)

The Subcommittee's seventh hearing examined the implementation of the Synthetics Trafficking & Overdose Prevention (STOP) Act, which became law in 2018. The *STOP Act* requires advance electronic data on all inbound international packages, including packages coming from China. Starting January 1, 2021, the *STOP Act* requires the Postal Service to refuse any inbound international packages without advance electronic data. The deadline was later pushed until March 15, 2021.

One panel of witnesses testified at the hearing including Eric F. Green, Director of Specialized and Technical Agencies, Bureau of International Organizational Affairs, U.S. Department of State; Robert Cintron, Vice President, Logistics, United States Postal Service; and Thomas F. Overacker, Executive Director, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security.

III. LEGISLATIVE ACTIVITIES DURING THE 116TH CONGRESS

The Permanent Subcommittee on Investigations does not have legislative authority, but because its investigations play an important role in bringing issues to the attention of Congress and the

public, the Subcommittee's work contributes to the development of legislative initiatives. The Subcommittee's activity during the 116th Congress was no exception, with Subcommittee hearings and Members playing prominent roles in several legislative initiatives.

A. Safeguarding American Innovation Act (S. 3997)

Senators Portman and Carper introduced the Safeguarding American Innovation Act (SAIA) on June 18, 2020. The legislation was based on two Subcommittee reports: (1) China's Impact on the U.S. Education System and (2) Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans. The legislation included provisions that would:

- Amend Immigration and Nationality Act (INA) §212(3)A to provide State Department the authority to deny visas to certain foreign nationals seeking access to sensitive technologies when providing them a visa is not in the national interest.
- Revise 22 USC §2452 to require certain visa sponsors to disclose to the State Department what sensitive technologies foreign researchers will access and what appropriate safeguards they have to prevent foreign nationals' unauthorized access to sensitive technologies.
- Require Federal grant-making agencies to share information about grantees under investigation; create a U.S. government wide database of Federal grantees; and standardize the grant application process.
- Revise Section 117 of the Higher Education Act of 1965 to require universities to report any foreign gift of $50,000 or more and allow the Department of Education to fine universities that repeatedly fail to disclose these gifts.
- Make grant application fraud a crime under 18 USC.

SAIA was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered SAIA on July 22, 2020 and reported out favorably by unanimous consent. SAIA was also sponsored by Sens. Barrasso, Blackburn, Braun, Coons, Cortex Masto, Hassan, Hawley, Manchin, Risch, Rubio, R. Scott, Shaheen, Tillis, Grassley, Johnson, McSally, Lankford, and Romney.

B. To amend the Foreign Relations Authorizations Act, Fiscal Year 1979, relating to the conduct of knowledge diplomacy (S. 3996)

This legislation was introduced by Senators Portman and Carper on June 18, 2020 based on the Subcommittee's report titled "Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans" The legislation would authorize State Department to negotiate and manage U.S. scientific partnerships that are in the U.S. national interest, assist allies in securing their research enterprises from hostile governments, and report these efforts to Congress.

The legislation was referred to the Committee on Foreign Relations and also cosponsored by Sens. Barrasso, Blackburn, Braun, Coons, Cortez Masto, Hassan, Hawley, Manchin, Risch, Rubio, R. Scott, Shaheen, and Tillis.

IV. REPORTS, PRINTS, AND STUDIES

In connection with its investigations, the Subcommittee often issues lengthy and detailed reports. During the 116th Congress, the Subcommittee released eleven such reports, listed below.

A. *China's Impact on the U.S. Education System,* February 27, 2019 (Report Prepared by the Majority and Minority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on February 28, 2019)

At the start of the 116th Congress, Subcommittee staff released a 93-page bipartisan report culminating its investigation into Confucius Institutes on American colleges and universities. The Subcommittee staff report found that Confucius Institutes are controlled, funded, and often staffed by the Chinese government. The report also detailed China's one-sided treatment of U.S. schools and key State Department programs in China, and documents the lack of oversight by the Departments of State and Education of U.S. Confucius Institutes. Below is a summary of the findings of the staff report.

When China sought to market itself to students around the world, it looked to its past. Confucius, the ancient Chinese philosopher, is synonymous with morality, justice, and honesty. The Chinese government capitalized on this rich legacy and began establishing Confucius Institutes on college campuses around the world in 2004, including the first in the United States at the University of Maryland. Today, there are more than 100 Confucius Institutes in the United States, the most of any country.

The Chinese government funds Confucius Institutes and provides Chinese teachers to teach language classes to students and non-student community members. In addition to Chinese language classes, Confucius Institutes host cultural events, including Chinese New Year celebrations, cooking classes, speakers, and dance and music performances. These selective events depict China as approachable and compassionate; rarely are events critical or controversial. The Chinese government also funds and provides language instructors for Confucius Classrooms, which offer classes for kindergarten through 12th grade students. Confucius Classrooms are currently in 519 elementary, middle, and high schools in the United States. Continued expansion of the program is a priority for China.

Confucius Institute funding comes with strings that can compromise academic freedom. The Chinese government approves all teachers, events, and speakers. Some U.S. schools contractually agree that both Chinese and U.S. laws will apply. The Chinese teachers sign contracts with the Chinese government pledging they will not damage the national interests of China. Such limitations attempt to export China's censorship of political debate and prevent discussion of potentially politically sensitive topics. Indeed, U.S. school officials told the Subcommittee that Confucius Institutes were not the place to discuss controversial topics like the independence of Taiwan or the Tiananmen Square massacre in 1989. As one U.S. school administrator explained to the Sub-

committee, when something is "funded by the Chinese government, you know what you're getting."

Confucius Institutes exist as one part of China's broader, long-term strategy. Through Confucius Institutes, the Chinese government is attempting to change the impression in the United States and around the world that China is an economic and security threat. Confucius Institutes' soft power encourages complacency towards China's pervasive, long-term initiatives against both government critics at home and businesses and academic institutions abroad. Those long-term initiatives include it's Made in China 2025 plan, a push to lead the world in certain advanced technology manufacturing. The Thousand Talents program is another state-run initiative designed to recruit Chinese researchers in the United States to return to China for significant financial gain—bringing with them the knowledge gained at U.S. universities and companies.

Contracting with the Chinese Government. The Chinese government runs the Confucius Institute program out of the Ministry of Education's Office of Chinese Language Council International, known as "Hanban." Each U.S. school signs a contract with Hanban establishing the terms of hosting a Confucius Institute. Contracts reviewed by the Subcommittee generally contain provisions that state both Chinese and U.S. laws apply; limit public disclosure of the contract; and terminate the contract if the U.S. school take actions that "severely harm the image or reputation" of the Confucius Institute.

The Chinese director and teachers at each Confucius Institute also sign contracts with Hanban. The contract with Hanban makes clear a Chinese director or teacher will be terminated if they "violate Chinese laws;" "engage in activities detrimental to national interests;" or "participate in illegal organizations." In fact, the contract states the Chinese director and teachers must "conscientiously safeguard national interests" and report to the Chinese Embassy within one month of arrival in the United States.

Resources Provided by Hanban. U.S. schools that contract with Hanban receive substantial funding and resources to establish the Confucius Institute on campus. At the outset, Hanban typically provides a U.S. school between $100,000 and $200,000 in start-up costs, around 3,000 books, and other materials. Hanban also selects and provides a Chinese director and teachers at no cost to the U.S. school. While school officials have the opportunity to interview candidates for these positions, there is little-to-no transparency into how the Chinese government selects the individuals that schools must choose from. Nor did U.S. school officials interviewed by the Subcommittee know if candidates would meet the school's hiring standards. Hanban requires director and teacher candidates to pass English proficiency tests and undergo a psychological exam to determine adaptability to living and teaching in the United States. Beyond that, U.S. schools' understanding of the selection process was limited, at best.

Expansion to Kindergarten through 12th Grade. China did not stop at expanding at university and college campuses. The next phase of Confucius Institutes involved funding teachers for Confucius Classrooms in K–12 grade school. There are currently 519

Confucius Classrooms operating in the United States with expansion of this program a top priority for China. In the United States, a Confucius Institute receives funding and instructors directly from Hanban and passes it to the K–12 grade school to support affiliated Confucius Classrooms.

The Cost of Confucius Institutes. The investment by China in U.S. Confucius Institutes is substantial. Since 2006, the Subcommittee determined China directly provided over $158 million in funding to U.S. schools for Confucius Institutes. A number of U.S. schools, however, failed to properly report this funding as required by law. The Department of Education requires all postsecondary schools to report 3 foreign gifts of $250,000 or more from a single source within a calendar year of receiving them. Despite that legal requirement, nearly 70 percent of U.S. schools that received more than $250,000 from Hanban failed to properly report that amount to the Department of Education.

The Department of Education last issued guidance to U.S. schools on foreign gift reporting requirements in 2004, the same year the first Confucius Institute opened in the United States. As China opened over 100 additional Confucius Institutes in the United States over the last 15 years, the Department of Education remained silent.

Visa Failures. The State Department is responsible for issuing visas to any Chinese director or teacher entering the United States to work at a Confucius Institute. Some U.S. schools have struggled to comply with the requirements of the Exchange Visitor Visa (or "J–1"). In 2018, the State Department revoked 32 J–1 Professor and Research Scholar visas for Confucius Institute teachers who were not conducting research, but instead were teaching at K–12 schools. The State Department also found evidence that one Confucius Institute Chinese director improperly coached the teachers to discuss their research during interviews with State Department investigators.

China's Lack of Reciprocity. In response to the growing popularity of Confucius Institutes in the United States, the State Department initiated a public diplomacy program in China. Between 2010 and the issuance of the Subcommittee's report, the State Department had provided $5.1 million in grant funding for 29 "American Cultural Centers" or ACCs in China. Through the ACC program, a U.S. school partners with a Chinese school, much like a Confucius Institute. The U.S. school then uses the grant funds to create a space on the campus of the Chinese partner school to "enable Chinese audiences to better understand the United States, its culture, society, government, language, law, economic center, and values." ACCs are notably different from Confucius Institutes, however, as the State Department does not pay or vet instructors or directors; provide books or materials; or veto proposed events. Even so, the Chinese government stifled the establishment of the ACC program from the start.

In all, the State Department provided 29 U.S. schools with grant funds to establish ACCs with a partner Chinese schools. For some U.S schools, roadblocks to opening their ACCs appeared immediately. For example, after extensive negotiations, one Chinese school refused to open a proposed ACC, stating it didn't see a need

to move forward. An official from the U.S. school seeking to open the ACC, however, believed China's Ministry of Education told the partner school not to proceed with the contract. This official wrote in an email to his colleagues, "This is a typical Chinese political euphemism. Obviously, [the Chinese University] was instructed by [the Ministry of Education] not to proceed with our proposal." The U.S. school returned the grant funds to the State Department.

The ACCs that did open found they needed permission from their Chinese host schools to hold most cultural events. One Chinese host school refused to allow its ACC to host a play about the life of Muhammad Ali. Another denied approval for a lecture series on policy issues facing Americans. One U.S. school official who staffed an ACC told the Subcommittee that members of the local Communist Party often participated in the approval process. Another U.S. school official left the ACC after two sessions of extensive questioning by Chinese police officers regarding her involvement with the ACC and the State Department. When the U.S. school official returned to the United States, a colleague told her that Chinese police interrogation of school officials was common and that she was now just "part of the club."

In all, the State Department documented over 80 instances in the past four years where the Chinese government directly interfered with U.S. diplomacy efforts in China. Interference with State Department officials or events took a number of forms. One example involved a Chinese official telling a U.S. official an ACC no longer existed; the U.S. official easily confirmed the continued existence of the ACC through its U.S. partner school. One U.S. official was told she applied too late to attend the opening of an ACC after submitting the request a month before. In other instances, the Chinese school canceled approved events, sometimes as late as the night before.

In December 2017, the State Department Inspector General found the ACC mission was largely ineffective. In October 2018, the State Department ended all ACC program grant funding in order to conduct an internal assessment of the program. At the time of the issuance of the Subcommittee's report, the Department indicated that it had no plans for future ACC grants.

The Need for Transparency and Reciprocity. Schools in the United States—from kindergarten to college—have provided a level of access to the Chinese government that the Chinese government has refused to provide to the United States. That level of access can stifle academic freedom and provide students and others exposed to Confucius Institute programming with an incomplete picture of Chinese government actions and policies that run counter to U.S. interests at home and abroad. Absent full transparency regarding how Confucius Institutes operate and full reciprocity for U.S. cultural outreach efforts on college campuses in China, Confucius Institutes should not continue in the United States.

Findings and recommendations from this investigation were incorporated into S. 3997, *Safeguarding American Innovation Act.*

B. How Equifax Neglected Cybersecurity and Suffered A Devastated Data Breach, March 6, 2019 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on March 7, 2019)

In March 2019, Subcommittee staff released a 67-page bipartisan report detailing the repeated failures over years on the part of Equifax, one of the nation's largest consumer reporting agencies, that led to a devastating data breach in 2017. As a result of poor cybersecurity practices, Equifax failed to adequately protect the sensitive information of more than 145 million Americans, including Social Security numbers and driver's license and passport information. A summary of the staff report is found below.

The effects of data breaches are often long-lasting and challenging to reverse. Victims who have had their sensitive personal or financial information stolen by hackers can be left with years of expense and hassle. No type of entity or sector of the economy has been immune to data breaches. In 2018 alone, Google+, Facebook, Ticketfly, T–Mobile, Orbitz, Saks, Lord & Taylor, and Marriott all announced significant breaches. The importance of protecting personally identifiable information ("PII") grows with every successive data breach.

Consumers and businesses are well aware of the need to safeguard items like driver's licenses, credit cards, and financial records that criminals can use to their advantage. Consumers also understand the need to protect information like online passwords, pin numbers, and Social Security numbers. But a consumer taking appropriate care of this information may not be enough to keep PII out of the hands of criminal hackers. In the modern world, businesses collect and compile data about their customers and potential customers. Without proper precautions, this information can be stored or transmitted in ways that leave it vulnerable to theft.

The information collected by consumer reporting agencies ("CRAs") to compile credit reports is one example of PII that must be protected. This information includes a consumer's name, nicknames, date of birth, Social Security number, telephone numbers, and current and former addresses. Credit reports also typically include a list of all open and closed credit accounts, account balances, account payment histories, and the names of creditors. The information tells the story of a consumer's financial life and can determine whether they can rent an apartment, buy a car, or qualify for a home loan. If stolen, criminals can use it to do significant financial harm. The steps CRAs take to safeguard consumers' credit histories are extremely important. If that information is compromised, consumers should know to be on heightened alert to monitor their finances and mitigate any potential damage.

In 2017, one of the largest CRAs, Equifax Inc. ("Equifax") announced that it had suffered a data breach that involved the PII of over 145 million Americans. The Subcommittee investigated the causes of this breach to identify ways to prevent future incidents of this scope. The Subcommittee also reviewed the efforts of Equifax's two largest competitors, Experian plc ("Experian") and TransUnion LLC ("TransUnion"), in responding to the vulnerability that ultimately led to the Equifax data breach. Highlights of the

Subcommittee's investigative results, including findings and recommendations, are provided below.

Equifax Failed to Prioritize Cybersecurity. Equifax had no standalone written corporate policy governing the patching of known cyber vulnerabilities until 2015. After implementing this policy, Equifax conducted an audit of its patch management efforts, which identified a backlog of over 8,500 known vulnerabilities that had not been patched. This included more than 1,000 vulnerabilities the auditors deemed critical, high, or medium risks that were found on systems that could be accessed by individuals from outside of Equifax's information technology ("IT") networks. The audit report concluded, among other things, that Equifax did not abide by the schedule for addressing vulnerabilities mandated by its own patching policy. It also found that the company had a reactive approach to installing patches and used what the auditors called an "honor system" for patching that failed to ensure that patches were installed. The audit report also noted that Equifax lacked a comprehensive IT asset inventory, meaning it lacked a complete understanding of the assets it owned. This made it difficult, if not impossible, for Equifax to know if vulnerabilities existed on its networks. If a vulnerability cannot be found, it cannot be patched.

Equifax never conducted another audit after the 2015 audit and left several of the issues identified in the 2015 audit report unaddressed in the months leading up to the 2017 data breach.

Equifax Could Not Follow Its Own Policies in Patching the Vulnerability That Ultimately Caused the Breach. Equifax's patching policy required the company's IT department to patch critical vulnerabilities within 48 hours. The company's security staff learned of a critical vulnerability in certain versions of Apache Struts—a widely-used piece of web application software—on March 8, 2017, from the U.S. Computer Emergency Readiness Team at the U.S. Department of Homeland Security. The National Institute of Standards and Technology gave the vulnerability the highest criticality score possible; it was widely known that the vulnerability was easy to exploit. Equifax employees circulated news of the vulnerability through an internal alert the next day that went to a list of more than 400 company employees.

Equifax held monthly meetings to discuss cyber threats and vulnerabilities, but senior managers did not routinely attend these meetings and follow-up was limited. The Apache Struts vulnerability was discussed during the March 2017 and April 2017 meetings, but not discussed at any subsequent monthly meetings. The Subcommittee interviewed the leadership of the Equifax IT and security staffs and learned that none of them regularly attended these monthly meetings or specifically recalled attending the March 2017 meeting. In addition, the Chief Information Officer ("CIO"), who oversaw the IT department during 2017, referred to patching as a "lower level responsibility that was six levels down" from him.

Equifax Failed to Locate and Patch Apache Struts. The Equifax developer who was aware of Equifax's use of Apache Struts software was not included in the 400-person email distribution list used to circulate information on the vulnerability. The developer's manager, however, was on the distribution list and received the

alert, but failed to forward it to the developer or anyone on the developer's team. As a result, the key developer never received the alert. Equifax added application owners to the list after the breach.

The Subcommittee also learned that Equifax developers were individually responsible for subscribing to push notifications from software vendors about security vulnerabilities. The developer who knew of the company's use of Apache Struts software was not subscribed to notifications from Apache and did not receive any alerts about the vulnerability.

On March 14, 2017—nearly a week after the Apache Struts vulnerability was disclosed—Equifax added new rules to the company's intrusion prevention system intended to help it thwart efforts to exploit the vulnerability. With these new protections in place, Equifax believed it had the ability to identify and block exploit attempts and did block several attempts the same day the rules were installed.

None of Equifax's subsequent scans identified the vulnerable version of Apache Struts running on Equifax's network. And since Equifax lacked a comprehensive inventory of its IT assets, it did not know that the vulnerable version of Apache Struts remained on its system.

Equifax Left Itself Open to Attack Due to Poor Cybersecurity Practices. Equifax was unable to detect attackers entering its networks because it failed to take the steps necessary to see incoming malicious traffic online.

Website owners install Secure Sockets Layer ("SSL") certificates to protect and encrypt online interactions with their servers. If an SSL certificate expires, transactions are no longer protected. As part of an IT management effort unrelated to the Apache Struts vulnerability, Equifax installed dozens of new SSL certificates on the night of July 29, 2017, to replace certificates that had expired. This included a new certificate for the expired SSL certificate for its online dispute portal. The SSL certificate needed to be up-to-date to properly monitor the online dispute portal, but had expired eight months earlier in November 2016. Almost immediately after updating the SSL certificate, company employees observed suspicious internet traffic from its online dispute portal that they were able to trace to an IP address in China, a country where Equifax does not operate. After blocking the IP address, Equifax observed similar traffic the following day to another IP address that appeared to be connected to a Chinese entity and decided to take the online dispute portal offline. Equifax later determined that the hackers first gained access to Equifax's system through the online dispute portal on May 13, 2017, meaning the hackers had 78 days to maneuver undetected.

Equifax confirmed to the Subcommittee that the Apache Struts vulnerability facilitated the data breach that began in May 2017.

The Damage Done by the Hackers Could Have Been Minimized. Once inside Equifax's online dispute portal, the hackers also accessed other Equifax databases as they searched for other systems containing PII. They eventually found a data repository that also contained unencrypted usernames and passwords that allowed the hackers to access additional Equifax databases. The information accessed primarily included names, Social Security numbers,

birth dates, addresses, and, in some instances, driver's license and credit card numbers.

The usernames and passwords the hackers found were saved on a file share by Equifax employees. Equifax told the Subcommittee that it decided to structure its networks this way in an effort to support efficient business operations.

In addition, Equifax did not have basic tools in place to detect and identify changes to files, a protection which would have generated real-time alerts and detected the unauthorized changes the hackers were making.

Equifax Waited Six Weeks Before Notifying the Public It Was Breached. Equifax employees discovered the suspicious activity that was later determined to be a data breach on July 29, 2017. Equifax's then-Chief Executive Officer, Richard Smith, learned of the breach on July 31 and that consumer PII maintained by Equifax had likely been stolen on August 15, 2017. Mr. Smith waited until August 22 to begin notifying members of Equifax's Board of Directors. Equifax publicly announced the data breach on September 7, six weeks after learning of it and nearly four months after the hackers entered Equifax's networks. Because Equifax was unaware of all the assets it owned, unable to patch the Apache Struts vulnerability, and unable to detect attacks on key portions of its network, for months consumers were unaware that criminals had obtained their most sensitive personal and financial information and that they should take steps to protect themselves from fraud. Equifax officials say the company chose to notify the public only after determining every single individual impacted by the breach.

There is no national uniform standard requiring a private entity to notify affected individuals in the event of a data breach. Instead, all 50 states, the District of Columbia, and several U.S. territories have enacted their own legislation requiring public disclosure of security breaches of PII. Some states require notification after any breach of non-encrypted personal information, while others require notification only if the breach is likely to cause "substantial harm" to individuals. Some states require companies to notify affected individuals within a set number of days, while others simply require private entities to provide notice "without unreasonable delay." This creates a patchwork of uncertainty for companies and consumers responding to data breaches. For example, Target, one of the largest retail chains in the United States, notified the public seven days after learning that it suffered a data breach. By contrast, Yahoo! suffered data breaches in 2013 and 2014, but did not disclose them until 2016 and 2017, respectively.

Equifax Executives Believe They Did All They Could to Prevent the Breach. The Subcommittee interviewed current and former Equifax employees from the information security and IT departments. Their responses varied, but most said they believe that the security team's actions were an appropriate response to the Apache Struts vulnerability. The Director of Global Threats and Vulnerability Management from 2014 to 2017 said "security wasn't first" at Equifax before the data breach, but that the data breach "made everyone focus on it more." The former Countermeasures Manager in place from 2016 to 2017 said he believes the response to the vul-

nerability was "not only defensible, but justifiable." The CIO at Equifax from 2010 to 2017 oversaw the company employees responsible for installing patches but said he was never made aware of the Apache Struts vulnerability and does not understand why the vulnerability "was not caught." He does not think Equifax could have done anything differently.

TransUnion and Experian Avoided a Breach. TransUnion and Experian received the same information as the public and Equifax regarding the Apache Struts vulnerability, but the approach that each company took to cybersecurity was different from Equifax's. Both companies had deployed software to verify the installation of security patches, ran scans more frequently, and maintained an IT asset inventory. In response to the Apache Struts vulnerability, TransUnion began patching vulnerable versions of the software within days. Experian retained a software security firm in March 2017 to conduct targeted vulnerability scans of Apache Struts vulnerabilities. After finding an Experian server was running a vulnerable version, Experian took the server offline and began patching it. There is no indication that TransUnion or Experian were attacked by hackers seeking to exploit the Apache Struts vulnerability.

Equifax Failed to Preserve Key Internal Chat Records. Equifax was unable to produce potentially responsive documents related to the data breach because the company failed to take steps to preserve records created on an internal chat platform. Equifax's document retention policy requires the company to preserve several types of documents for different periods of time. In general, Equifax employees are required to preserve all business records, unless they are considered "disposable" under the policy. The policy also gives the Equifax legal department the authority to halt the disposal of any records that are subject to a legal hold due to litigation or a government investigation.

During its investigation, the Subcommittee learned that Equifax employees conducted substantive discussions of the discovery and mitigation of the data breach using Microsoft Lync, an instant messaging product. Equifax's policy was that records of these chats were disposable. As such, Equifax maintained the default setting on the chat platform not to archive chats. After discovering the data breach on July 29, 2017, Equifax did not issue a legal hold for related documents until August 22, 2017. Despite the legal hold, Equifax did not change the default setting on the Lync platform and begin archiving chats until September 15, 2017. As a result, the Subcommittee does not have a complete record of documents concerning the breach.

C. Federal Cybersecurity: America's Data at Risk, June 25, 2019 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations)

In June 2019, Subcommittee staff released a 95-page bipartisan report reviewing Federal Government agencies' compliance with basic cybersecurity standards found in the Federal Information Security Management Act. A summary of the staff report is found below.

Federal Government agencies are the frequent target of cybersecurity attacks. From 2006 to 2015, the number of cyber incidents reported by Federal agencies increased by more than 1,300 percent. In 2017 alone, Federal agencies reported 35,277 cyber incidents. The Government Accountability Office ("GAO") has included cybersecurity on its "high risk" list every year since 1997.

No agency is immune to attack and the list of Federal agencies compromised by hackers continues to grow. In the past five years, agencies reporting data breaches include the United States Postal Service, the Internal Revenue Service, and even the White House. One of the largest breaches of government information occurred in 2015 when a hacker ex-filtrated over 22 million security clearance files from the Office of Personnel Management ("OPM"). Those files contained extensive personal and potentially comprising information. We may never know the full impact on our national security of the OPM breach.

The number of data breaches agencies have reported in recent years is not surprising given the current cybersecurity posture of the Federal Government. A recent report by the Office of Management and Budget ("OMB") made clear that agencies "do not understand and do not have the resources to combat the current threat environment." This is especially concerning given the information agencies must collect and hold. This report documents the extent to which the Federal Government is the target of cybersecurity attacks, how key Federal agencies have failed to address vulnerabilities in their IT infrastructure, and how these failures have left America's sensitive personal information unsafe and vulnerable to theft.

Federal agencies hold sensitive information. The Federal Government holds extensive amounts of highly personal information on most Americans. For example, the Department of Education collects financial data on students and parents applying for college loans. Disabled Americans prove they are entitled to disability benefits from the Social Security Administration by providing years of health records documenting medical issues. Prospective homeowners provide payroll and savings information to the Department of Housing and Urban Development to qualify for home loans. The Department of Homeland Security maintains travel records on citizens traveling abroad and returning to the United States.

Federal agencies also hold information pertaining to national security and other vital government functions, some of which could be dangerous in the wrong hands. The Department of State holds and vets visa information for foreign nationals applying to come to the United States. The Department of Transportation certifies aircraft through the review of aircraft design, flight test information, and maintenance and operational suitability. The Department of Agriculture maintains information on hazardous pathogens and toxins that could threaten animals or plants.

Protecting this information from cybersecurity attacks could not be more important.

Congress required OMB and agencies to secure Federal networks. In 2002, Congress recognized the importance of protecting information held by the government by passing the Federal Information Security Management Act. That law put OMB in charge of Federal

cybersecurity, required agencies to provide cybersecurity training for employees, and mandated agencies develop procedures for identifying, reporting, and responding to cyber incidents. Twelve years later, in 2014, Congress updated the law through the Federal Information SecurityModernization Act ("FISMA"). The new law reaffirmed OMB's ultimate authority over Federal cybersecurity and its responsibility for guiding and overseeing agencies' individual cybersecurity efforts. It also directed the Department of Homeland Security ("DHS") to "administer the implementation of agency [cyber] security policies and practices." This includes activities related to monitoring Federal networks and detecting and preventing attacks aimed at Federal agencies. DHS also develops directives implementing OMB cybersecurity policies. These directives mandate that Federal agencies take certain actions to protect information and systems from emerging cybersecurity threats. In doing so, DHS consults with the National Institute of Science and Technology's ("NIST") to ensure its directives are consistent with NIST's cybersecurity framework. That framework "is a risk-based approach to managing cybersecurity risk" with five core functions essential to an effective approach to cybersecurity:

(1) Identify (develop the organizational understanding to manage cybersecurity);
(2) Protect (develop and implement the appropriate cybersecurity safeguards);
(3) Detect (develop and implement the appropriate activities to identify a cybersecurity event);
(4) Respond (develop and implement the appropriate activities to take action in response to the detection of a cybersecurity event); and
(5) Recover (develop and implement the appropriate activities to maintain plans for resilience and to restore any capabilities impaired due to a cybersecurity event).

Congress also tasked each agency's Inspector General ("IG") to annually audit compliance with basic cybersecurity standards based on the NIST cybersecurity framework. The Subcommittee reviewed the past ten years of audits for DHS and seven other agencies: (1) the Department of State ("State"); (2) the Department of Transportation ("DOT"); (3) the Department of Housing and Urban Development ("HUD"); (4) the Department of Agriculture ("USDA"); (5) the Department of Health and Human Services ("HHS"); (6) the Department of Education ("Education"); and (7) the Social Security Administration ("SSA"). These seven agencies were cited by OMB as having the lowest ratings with regard to cybersecurity practices based on NIST's cybersecurity framework in fiscal year 2017.

Agencies currently fail to comply with basic cybersecurity standards. During the Subcommittee's review, a number of concerning trends emerged regarding the eight agencies' failure to comply with basic NIST cybersecurity standards. In the most recent audits at the time, the IGs found that seven of the eight agencies reviewed by the Subcommittee failed to properly protect personally identifiable information ("PII"). Five of the eight agencies did not maintain a comprehensive and accurate list of information technology ("IT")

assets. Without a list of the agency's IT assets, the agency does not know all of the applications operating on its network. If the agency does not know the application is on its network, it cannot secure the application. Six of the eight agencies failed to install security patches. Vendors issue security patches to secure vulnerabilities. Hackers exploit these vulnerabilities during data breaches. Depending on the vulnerability and abilities of the hacker, the vulnerability may allow access to the agency's network. Multiple agencies, across multiple years, failed to ensure systems had valid authorities to operate. An authority to operate certifies that the system is in proper working order, including an analysis and acceptance of any risk the system may contain. All of the agencies used legacy systems that were costly and difficult to secure. Legacy systems are systems a vendor no longer supports or issues updates to patch cybersecurity vulnerabilities.

The IG audits identified several highly concerning issues at certain agencies. For example, the Education IG found that since 2011, the agency was unable to prevent unauthorized outside devices from easily connecting to the agency's network. In its 2018 audit, the IG found the agency had managed to restrict unauthorized access to 90 seconds, but explained that this was enough time for a malicious actor to "launch an attack or gain intermittent access to internal network resources that could lead to" exposing the agency's data. This is concerning because that agency holds PII on millions of Americans.

Agencies historically failed to comply with cybersecurity standards. The failures cited above are not new. Inspectors General have cited many of these same vulnerabilities for the past decade. The IGs identified several common historical failures at the eight agencies reviewed by the Subcommittee:

Protection of PII. Several agencies failed to properly protect the PII entrusted to their care. These agencies included State, DOT, HUD, Education, and SSA. The HUD IG has noted this issue in nine of the last eleven audits.

Comprehensive list of IT assets. The IGs identified a persistent issue with agencies failing to maintain an accurate and comprehensive inventory of its IT assets. In the last decade, IGs identified this as a recurrent problem for State, DOT, HUD, HHS, and SSA.

Remediation of cyber vulnerabilities. Over the past decade, IGs for all eight agencies reviewed by the Subcommittee found each agency failed to timely remediate cyber vulnerabilities and apply security patches. For example, the HUD and State IGs identified the failure to patch security vulnerabilities seven of the last ten annual audits. HHS and Education cybersecurity audits highlighted failures to apply security patches eight out of ten years. For the last nine years, USDA failed to timely apply patches. Both DHS and DOT failed to properly apply security patches for the last ten consecutive years.

Authority to operate. The IGs identified multiple agencies that failed to ensure systems had valid authorities to operate. These included DHS, DOT, HUD, USDA, HHS, and Education. For example, HHS systems lacked valid authorities to operate for the last nine consecutive audits. Additionally, the DHS IG determined that DHS operated systems without valid authorities in seven of the

last ten audits. As stated, DHS is the agency in charge of securing the networks of all other government agencies.

Overreliance on legacy systems. The extensive use of legacy systems was also a common issue identified by IGs. All eight agencies examined by the Subcommittee relied on legacy systems. For example, the DHS IG noted the use of unsupported operating systems for at least the last four years, including Windows XP and Windows 2003.

The President's 2019 budget request addressed the risks associated with agencies' reliance on:

> [A]ging legacy systems, [which] pose efficiency, cybersecurity, and mission risk issues, such as ever-rising costs to maintain them and an inability to meet current or expected mission requirements. Legacy systems may also operate with known security vulnerabilities that are either technically difficult or prohibitively expensive to address and thus may hinder agencies' ability to comply with critical cybersecurity statutory and policy requirements.

OMB also recently confirmed the risks legacy systems pose. In May 2018, OMB published the Federal Cybersecurity Risk Determination Report and Action Plan. OMB explained that the two most substantial issues contributing to agency risk were the "abundance of legacy information technology, which is difficult and expensive to protect, as well as shortages of experienced and capable cybersecurity personnel." That report found that 71 of 96 agencies surveyed (or 74 percent) had cybersecurity programs at risk. Twelve of those 71 agencies had programs at high risk.

Chief Information Officer. In an effort to prioritize agency cybersecurity, Congress established the position of Chief Information Officer ("CIO") in 1996. Since then, Congress has increased the responsibilities of agency CIOs several times. The most recent attempts were included in FISMA and the Federal Information Technology Acquisition Reform Act, which gave CIOs plenary governance over an agency's IT budget and priorities. Despite these authorities, agencies still struggle with empowering the CIO. In August 2018, GAO found that none of the 24 major agencies—including the eight examined by the Subcommittee—properly addressed the role of CIO as Congress directed. These 24 agencies included the eight agencies reviewed by the Subcommittee in this report.

Given the sustained vulnerabilities identified by numerous Inspectors General, the Subcommittee finds that the Federal Government has not fully achieved its legislative mandate under FISMA and is failing to implement basic cybersecurity standards necessary to protect America's sensitive data.

D. The True Cost of Government Shutdowns, September 17, 2019 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations)

On September 17, 2019, Subcommittee staff released a 180-page bipartisan report regarding the cost to American taxpayers of the last three government shutdowns and the resulting impacts on the economy and core government functions. A summary of the findings of the staff report is found below.

The Constitution grants Congress the power of the purse. Specifically, Congress has the sole responsibility to raise revenue and appropriate money to fund the Federal Government. When Congress and the President fail to reach agreement on legislation to appropriate funds, affected Federal agencies shut down and suspend most activities. During this time, Federal law prevents most Federal employees from working and most are sent home without pay. In recent shutdowns, however, the spending legislation ultimately agreed upon by Congress and the President provided back pay for Federal employees. As such, the American taxpayer funded furloughed Federal employees' salaries for the duration of each shutdown, even when employees were not permitted to go to work.

This report documents the cost to the American taxpayer of the last three government shutdowns. Federal workers were furloughed and unable to work for 54 days during those three government shutdowns. The Subcommittee surveyed 26 Federal agencies and found the last three government shutdowns cost taxpayers nearly $4 billion—at least $3.7 billion in back pay to furloughed Federal workers, and at least $338 million in other costs associated with the shutdowns, including extra administrative work, lost revenue, and late fees on interest payments. Agencies reported to the Subcommittee that the combined total of furlough days during all three shutdowns was about 14,859,144, representing an estimated 56,938 years of lost productivity for those agency employees. These figures, however, do not include data from some of the largest government agencies, which were unable to provide complete shutdown cost estimates to the Subcommittee, including the Departments of Defense, Agriculture, Justice, and Commerce and the Environmental Protection Agency.

This report also documents the impacts that shutdowns have on important core government functions.

Congress created a process to pass appropriations to fund the Federal Government. Under the Congressional Budget and Impoundment Control Act of 1974, the budget process begins the first Monday in February with the President sending the House of Representatives and Senate Budget Committees a proposed budget. This proposed budget is the President's recommendation for funding the government the following fiscal year, which begins October 1. The Budget Committees consider that request and develop their own budget proposal. The full House and Senate are then required to pass a formal budget resolution outlining topline spending levels by April 15. The House and Senate Appropriations Committees then pass and send appropriations bills to the full House and Senate for consideration; the process divides funding for the entire government into 12 separate bills. Each of the 12 regular appropriations bills must pass both chambers, and the two chambers work out any differences in the bills in conference. Once the House and Senate pass the same versions of an appropriations bill, Congress sends the bill to the President for signature.

Congress designed this process to orderly fund the Federal Government as it determines what programs to fund and the funding allocated to each program. This process also allows the President to make recommendations for program funding levels and permits

agencies to plan for the year ahead. Today, that orderly process is rarely followed.

The Federal Government routinely operates on temporary continuing resolutions. Ideally, Congress and the President complete the budget process before the end of the fiscal year and enact all 12 appropriations bills before October 1. Since 1997, however, some or all of the executive branch has operated under a continuing resolution or "CR." A CR provides temporary funding when Congress is unable to pass a comprehensive budget. Since 1997, Congress has passed 117 CRs to temporarily fund the government—often passing multiple CRs each fiscal year. The CRs have ranged in duration from one day to the entire fiscal year.

When Congress cannot pass the 12 appropriations bills or a CR, the portion of the government without appropriated funding shuts down. In the last five years, this has occurred three times resulting in three government shutdowns: 16 days in October 2013; 3 days in January 2018; and most recently, 35 days from December 2018 to January 2019.

Rather than saving taxpayer money, shutdowns produce significant costs to the American taxpayer. While Federal workers are not paid during a shutdown, Congress routinely provides full back pay to those workers when it ultimately passes appropriations. The government pays Federal workers for the time they were furloughed and unable to work due to the shutdown. However, the American taxpayer incurs significant lost productivity costs due to the furlough. Federal agencies reported they were unable to perform important functions during the shutdowns, including:

Investigations of bad actors who were potentially breaking Federal laws were suspended, including investigations by the Departments of Justice and Treasury, the Securities and Exchange Commission, and the Federal Trade Commission. Investigators were unable to pursue leads, develop evidence of crimes, or bring enforcement actions against individuals and corporate entities for bad acts.

- The Department of Justice canceled approximately 60,000 immigration hearings for non-detained aliens scheduled to take place during the FY 2019 shutdown. This delay likely extended the current two-year wait time for individuals waiting for a hearing to determine their immigration status.
- The Consumer Product Safety Commission ("CPSC") tabled any outstanding decisions regarding the recall of potentially dangerous consumer products, leaving potentially dangerous products on the market and available to consumers. No recalls were posted on the CPSC website during the FY 2019 shutdown. A recall notice posted on February 5, 2019 after the shutdown noted that a drill posing a shock hazard to consumers was "previously announced independently on January 10, 2019 by the firm due to the government furlough."
- National Parks, including Yellowstone National Park and Grand Canyon National Park, were either closed or unattended. Park visitors either had no access to parks or encountered unattended parks with overflowing trashcans. The lack of park attendants and rangers left sensitive habitats

vulnerable to damage. Nor were park rangers on site to help lost or injured park visitors.

- The Smithsonian Institution closed museums during certain shutdowns. Tourists could not see any of the world-renowned paintings in the National Gallery of Art in Washington, D.C. Nor were they able to access other popular destinations like the National Museum of American History and the National Air and Space Museum. With its museums closed, the Smithsonian also lost significant revenue from its on-site shops, theaters, and dining facilities.

Some agencies could not determine the cost of the shutdown. The Subcommittee based its cost estimate of nearly $4 billion on the information provided by 26 Federal agencies. Some agencies, however, were unable to provide one or more categories of the requested financial information. For example, the Departments of Defense, Agriculture, Justice, Commerce, and the Environmental Protection Agency did not know the amount paid to employees in back pay following certain shutdowns. Other agencies were unable to provide information about other costs associated with shutdown impacts such as extra administrative work, lost revenue, project delays, and late payment fees. Therefore, certain shutdown costs from those agencies are not included in the Subcommittee's estimate.

The cost of a shutdown to the national economy. Shutting down the government also affects the national economy. The Congressional Budget Office ("CBO") determined the most recent partial shutdown "delayed approximately $18 billion in Federal discretionary spending for compensation and purchases of goods and services and suspended some Federal services." As a result of this reduced spending, the Congressional Budget Office estimated that the shutdown reduced real GDP in the fourth quarter of 2018 and the first quarter of 2019 to what it would have been otherwise by $3 billion and $8 billion, respectively. CBO explained that real GDP should have grown at a significantly faster rate if the shutdown had been averted. Specifically, CBO quantified the effect of the partial shutdown on the rate of annualized real GDP growth at 0.4 percent in the first quarter of 2019, finding that quarterly real GDP growth would have been 3.5 percent instead of the 3.1 percent that actually occurred.

E. Abuses of the Federal Notice-and-Comment Rulemaking Process, October 24, 2019 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on October 24, 2019)

In October 2019, Subcommittee staff released a 33-page bipartisan report examining that documents abuses of the Federal Government's online regulatory comment systems and the government's lack of sufficient response to those abuses. A summary of the findings of the report is found below.

Federal agencies depend on relevant, substantive information from a wide variety of parties to assist them in developing and updating Federal regulations. This information includes comments submitted by members of the public, businesses, non-profit organi-

zations, and academics. This process, known as "notice-and-comment rulemaking," transitioned from paper to the internet in the early 2000s. As a result, the public has more opportunity than ever to engage in the Federal rulemaking process by reviewing electronic regulatory dockets and submitting comments through portals like Regulations.gov and the Federal Communications Commission's ("FCC") Electronic Comment Filing System ("ECFS").

Like many popular news and social media websites, the Federal Government's commenting systems have at times become fora for profane, threatening, and abusive commentary. Recent high-profile agency dockets have hosted profanity and threats directed at agency officials and comments submitted falsely under another person's identity. They have even been disrupted by commenters submitting voluminous materials with the seeming intention of overloading the system and disrupting the comment period. The Federal agencies that host these platforms have not yet found ways to cope with these abuses, which reduces the effectiveness of the notice-and-comment process; costs taxpayer funds to mitigate; allows identity theft-related crimes to go unaddressed; and leaves the rulemaking process vulnerable to disruptive activity.

After the FCC received nearly 24 million comments in the course of just one rulemaking proceeding in 2017 and its website crashed due to the volume of comments submitted simultaneously, the Subcommittee initiated a review of Federal commenting systems to understand their flaws and develop recommendations to improve them.

In February 2021, the General Services Administration (GSA) announced that it plans to adopt many of the recommendations made in the report. For example, the staff report found that Federal agencies did not have a means to prevent people from using false identities to post comments or using bots to facilitate abusive mass comment campaigns to overwhelm comment systems or generate the appearance of a grassroots response to a proposed regulation. The report recommended implementing CAPTCHA-like technologies on regulatory comment systems and developing ways to prevent people from submitting comments under false identities. GSA announced it is implementing reCAPTCHA and an Application Programming Interface to increase security around large comment campaigns.

F. Threats to the U.S. Research Enterprise: China's Talent Recruitment Plans, November 18, 2019 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on November 19, 2019)

In November 2019, Subcommittee staff released a 105-page bipartisan report documenting how American taxpayers have been unwittingly funding the rise of China's economy and military over the last two decades while Federal agencies have done little to stop it. A summary of the report's findings is found below.

American taxpayers contribute over $150 billion each year to scientific research in the United States. Through entities like the National Science Foundation, the National Institutes of Health and the Department of Energy's National Labs, taxpayers fund innova-

tions that contribute to our national security and profoundly change the way we live. America built this successful research enterprise on certain values: reciprocity, integrity, merit-based competition, and transparency. These values foster a free exchange of ideas, encourage the most rigorous research results to flourish, and ensure that researchers receive the benefit of their intellectual capital. The open nature of research in America is manifest; we encourage our researchers and scientists to "stand on the shoulders of giants." In turn, America attracts the best and brightest. Foreign researchers and scholars travel to the United States just to participate in the advancement of science and technology.

Some countries, however, seek to exploit America's openness to advance their own national interests. The most aggressive of them has been China. China primarily does this through its more than 200 talent recruitment plans—the most prominent of which is the Thousand Talents Plan. Launched in 2008, the Thousand Talents Plan incentivizes individuals engaged in research and development in the United States to transmit the knowledge and research they gain here to China in exchange for salaries, research funding, lab space, and other incentives. China unfairly uses the American research and expertise it obtains for its own economic and military gain. In recent years, Federal agencies have discovered talent recruitment plan members who downloaded sensitive electronic research files before leaving to return to China, submitted false information when applying for grant funds, and willfully failed to disclose receiving money from the Chinese government on U.S. grant applications.

This report exposed how American taxpayer funded research has contributed to China's global rise over the last 20 years. During that time, China openly recruited U.S.-based researchers, scientists, and experts in the public and private sector to provide China with knowledge and intellectual capital in exchange for monetary gain and other benefits. At the same time, the Federal Government's grant-making agencies did little to prevent this from happening, nor did the FBI and other Federal agencies develop a coordinated response to mitigate the threat.These failures continue to undermine the integrity of the American research enterprise and endanger our national security.

China aims to be the world's leader in science and technology ("S&T") by 2050. To achieve its S&T goals, China has implemented a whole-of-government campaign to recruit talent and foreign experts from around the world. China's campaign is well financed. According to an analysis by the FBI, China has pledged to spend 15 percent of its gross domestic product on improving human resources from 2008 to 2020. That amounts to an investment of more than $2 trillion. For the Chinese government, international scientific collaboration is not about advancing science, it is to advance China's national security interests.

China's Talent Recruitment Plans. Foreign trained scientists and experts provide China access to know-how, expertise, and foreign technology—all necessary for China's economic development and military modernization. While China has created and manages more than 200 talent recruitment plans, this report focuses on the Thousand Talents Plan. China designed the Thousand Talents Plan

to recruit 2,000 high-quality overseas talents, including scientists, engineers, entrepreneurs, and finance experts. The plan provides salaries, research funding, lab space, and other incentives to lure experts into researching for China. According to one report, by 2017, China dramatically exceeded its recruitment goal, having recruited more than 7,000 "high-end professionals," including several Nobel laureates.

The Chinese Communist Party (the "Party") plays a lead role in administering the Thousand Talents Plan. The Party recognized the need to control overseas talent recruitment efforts to ensure the program served its priorities. The Party created a "complex system of administration and oversight to coordinate its recruitment efforts." The Party is able to "exert exceptional" levels of control over the Thousand Talents Plan and other talent recruitment plans. To ensure control, Thousand Talents Plan members sign legally binding contracts.

Contracting with the Chinese Government. Thousand Talent Plan members sign legally binding contracts with Chinese institutions, like universities and research institutions. The contracts can incentivize members to lie on grant applications to U.S. grant-making agencies, set up "shadow labs" in China working on research identical to their U.S. research, and, in some cases, transfer U.S. scientists' hard-earned intellectual capital. Some of the contracts also contain nondisclosure provisions and require the Chinese government's permission to terminate the agreement, giving the Chinese government significant leverage over talent recruitment plan members. These provisions are in stark contrast to the U.S. research community's basic norms, values, and principles. Annexed to this report are Chinese talent recruitment plan contracts that illustrate exactly what talent recruitment plan members agree to when they become members.

Case Examples. This report included selected examples from U.S. grantmaking agencies involving Chinese talent recruitment plan members. For example, talent recruitment plan members removed 30,000 electronic files before leaving for China, submitted false information when applying for grant funds, filed a patent based on U.S. government-funded research, and hired other Chinese talent recruitment plan members to work on U.S. national security topics. One Chinese talent recruitment plan member stole proprietary defense information related toU.S. military jet engines, and others have contractually agreed to give Chinese institutions intellectual property rights that overlapped with research conducted at U.S. institutions. Case examples provided by several Federal agencies were included with the report.

Talent Plans Go Underground. Following public testimony and U.S. government scrutiny, the Chinese government started deleting online references to the Thousand Talents Plan in October 2018. For example, China deleted news articles featuring Thousand Talents Plan members, Chinese universities stopped promoting the program on their websites, and the official Thousand Talent Plan site deleted the names of scientists participating in the program. The Chinese government has also instructed talent recruitment organizations that "the phrase 'Thousand Talents Plan' should not

appear in written circulars/notices." Despite this censorship, China's talent recruitment plans continue.

The Subcommittee reviewed seven Federal agencies' efforts to mitigate the threat that Chinese talent recruitment plans pose to the U.S. research enterprise, including U.S.-funded research. While China has a strategic plan to acquire knowledge and intellectual property from researchers, scientists, and the U.S. private sector, the U.S. government does not have a comprehensive strategy to combat this threat.

The National Science Foundation ("NSF") funds approximately 27 percent of all federally funded basic research at U.S. colleges and universities, leading to 12,000 annual awards to more than 40,000 recipients. In light of Chinese talent recruitment plan members' misappropriation of NSF funding, NSF has taken several steps—albeit insufficient ones—to mitigate this risk. As of July 2019, NSF policy prohibits Federal employees from participating in foreign talent recruitment plans, but the policy does not apply to NSF-funded researchers. These NSF-funded researchers are the individuals mostly likely to be members of foreign talent recruitment plans. The NSF also does not vet grantees before awarding them funding. Instead, NSF relies on sponsoring institutions to vet and conduct due diligence on potential grantees. NSF has no dedicated staff to ensure compliance with NSF grant terms.

The National Institutes of Health ("NIH") invests over $31 billion annually in medical research through 50,000 competitive grants to more than 300,000 researchers. NIH has recently found instances of talent recruitment plan members committing grant fraud and transferring intellectual capital and property. It also found possible malign foreign influence in its peer review process. NIH has attempted to address these issues, but significant gaps in NIH's grant integrity process remain. Much like the NSF, NIH relies on institutions to solicit and review disclosures of financial conflicts by its employees participating in NIH-funded research. Unlike the NSF, the NIH has a Division of Grants Compliance and Oversight that conducts site visits at institutions to advance compliance and provide oversight. The number of oversight visits to institutions has fallen from 28 in 2012 to only three last year. NIH officials remain concerned that China's talent recruitment plans are more pervasive than what they have uncovered to date.

The Department of Energy ("Energy") is the largest Federal sponsor of basic research in the physical sciences. Energy awards $6.6 billion in grants and contracts annually that support over 25,000 researchers at over 300 institutions and National Labs. Energy's research funding and prominent role in advanced research and development make it particularly attractive to the Chinese government. Energy has recently identified Thousand Talent Plan members working on sensitive research at National Labs and Thousand Talent Plan members with security clearances. Energy has been slow to address vulnerabilities surrounding the openness of its National Labs and its scientific collaboration with the 35,000 foreign nationals who conduct research at the National Labs each year. For example, in December 2018, Energy began requiring all foreign nationals' curricula vitae be included in Foreign Visits and Assignments requests to Energy facilities as well as in the Foreign Access

Central Tracking System database. Despite 30-year old Federal regulations prohibiting U.S. government employees from receiving foreign compensation, Energy clarified only this year that employees and contractors are prohibited from participating in foreign talent recruitment plans.

The State Department ("State") issues nonimmigrant visas ("NIV") to foreign nationals seeking to visit the United States to study, work, or conduct research. It is on the front line in the U.S. government efforts to protect against intellectual property theft and illicit technology transfers. While State has a process to review NIV applicants attempting to violate export control laws, State's authority to deny visas is limited. State's review process leads to less than five percent of reviewed applicants being denied a visa. Nor does State systematically track visa applicants linked to China's talent recruitment plans, even though some applicants linked to Chinese talent recruitment plans have engaged in intellectual property theft.

The Department of Commerce's ("Commerce") Bureau of Industry and Security conducts assessments of defense-related technologies and "administers export controls of dual-use items which have both military and commercial applications." Commerce is also responsible for issuing deemed export licenses to firms that employ or host foreign nationals seeking to work on controlled technology projects. The Subcommittee found that Commerce rarely denies an application for a deemed export license. Commerce's denial rate in 2018 for deemed export licenses was only 1.1 percent. Commerce officials told the Subcommittee that it has not revoked a deemed export license in the past five years, despite the recent listing of new entities on Commerce's Entity List that require additional scrutiny. Commerce issued deemed export licenses to Chinese nationals who participated in talent recruitment plans, had ties to Huawei, and were affiliated with other concerning entities.

The Federal Bureau of Investigation ("FBI") protects the United States from foreign intelligence operations and espionage. The FBI, however, has recognized that it was "was slow to recognize the threat of the Chinese Talent Plans." It was not until mid-2018, however, that FBI headquarters in Washington, D.C. took control of the FBI's response to the threat. Moreover, after collecting information on suspected talent plan participants, the FBI waited nearly two years to coordinate and provide those details to Federal grant-making agencies. This delay likely prevented the Federal Government from identifying talent recruitment plan members who engaged in illegal or unethical grant practices or the unauthorized transfer of technology. The FBI has yet to develop an effective, nationwide strategy to warn universities, government laboratories, and the broader public of the risks of foreign talent recruitment plans.

The White House Office of Science and Technology Policy ("OSTP") has formal authority to convene all research funding agencies on matters of policy through the National Science and Technology Council. OSTP formally established a joint committee in May 2019 to begin a policy review to coordinate efforts to adopt best practices across the Federal Government to mitigate foreign exploitation of the U.S. open innovation system. This review is in-

tended to develop a longer-term strategy for balancing engagement and risk without stifling innovation. The U.S. government's vast and varied array of grant-making agencies complicates this policy review.

As American policy makers navigate an increasingly complicated relationship with China, it is not in our national security interest to fund China's economic and military development with taxpayer dollars. China's talent recruitment plans, including the Thousand Talents Plan, undermine the integrity of our research enterprise and harm our economic and national security interests.

U.S. universities and U.S.-based researchers must take responsibility in addressing this threat. If U.S. universities can vet employees for scientific rigor or allegations of plagiarism, they also can vet for financial conflicts of interests and foreign sources of funding. If U.S. researchers can assess potential collaborators' research aptitude and their past publications, they should know their collaborators' affiliations and their research intentions.

The U.S. academic community is in the crosshairs of not only foreign competitors contending for the best and brightest, but also of foreign nation states that seek to transfer valuable intellectual capital and steal intellectual property. As the academic community looks to the Federal Government for guidance and direction on mitigating threats, the U.S. government must provide effective, useful, timely, and specific threat information and tools to counter the threats. Based on this investigation, the Subcommittee finds that the Federal Government has failed to stop China from acquiring knowledge and intellectual property from U.S. taxpayer funded researchers and scientists. Nor do Federal agencies have a comprehensive strategy to combat this threat.

Findings and recommendations associated with this staff report led to the Safeguarding American Innovation Act.

G. Continuity of Senate Operations and Remote Voting in Times of Crisis, April 29, 2020 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations released in conjunction with the Subcommittee's roundtable on April 30, 2020)

In April 2020, as the country dealt with the COVID–19 pandemic, the Subcommittee released a 29-page joint memorandum examines the possibility of amending the Standing Rules of the Senate to allow senators to participate and vote remotely during a national crisis. A summary of the bipartisan memorandum is found below.

The COVID–19 virus has shut down major sectors of our society, including many functions of Congress. By rule and custom, the two chambers of Congress have always met in person to conduct business, including committee hearings, floor deliberation, and voting. Neither chamber has contingency plans that allow those functions to proceed remotely, but this crisis highlights the need to consider means for Congress to do its job at times when it may not be safe for members and staff to gather in person.

Some experts have expressed concerns about Congress operating remotely, particularly citing the importance of physically meeting together to facilitate the deliberative process and ensure broad par-

ticipation in negotiations. Those concerns are valid: face-to-face communications and in-person meetings are the most effective way for Congress to conduct its business on a regular basis. Remote participation should never take the place of in-person participation except in the most limited circumstances—crises, affecting the entire country, that would otherwise hobble Congress's ability to act without this authority. The current nationwide pandemic requires Congress to consider how best to continue its operations, communicate, and pass necessary legislation safely.

This memorandum provided: (1) a brief overview of congressional continuity efforts to date; (2) a description of Senate proposals to allow senators to participate and vote remotely; (3) a legal analysis of remote congressional proceedings; (4) a discussion of other jurisdictions that have implemented remote legislative procedures; and (5) a discussion of the technological security specifications the Senate should consider if it adopts a remote participation and voting system.

H. Threats to U.S. Networks: Oversight of Chinese Government-Owned Carriers, June 9, 2020 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations)

In June 2020, Subcommittee staff released a 104-page bipartisan report detailing how the Federal Government provided little-to-no oversight of Chinese state-owned telecommunications carriers operating in the United States for nearly twenty years. As demonstrated in prior PSI investigations, China routinely exploits the American education and scientific research sectors to further its national interest and engages in cyber-attacks against U.S. companies, like Equifax and Marriott. This report revealed how the telecommunications industry has been similarly targeted. A summary of the report's findings is found below.

Information and telecommunications technologies bring the world closer together, allowing individuals and businesses nearly everywhere in the world to communicate with each other. The expansion of global telecommunications networks, in particular, acts as a driving force of economic development by affording individuals unprecedented access to information and opportunities. Understanding the increasing interconnectedness of society, the Federal Communications Commission ("FCC")—the Federal agency tasked with regulating the U.S. telecommunications industry—strives to open U.S. markets to foreign telecommunications carriers, where doing so is in the country's public interest. As a result, foreign-owned carriers have established operations within the United States.

Not all international expansion of telecommunications carriers, however, is in the United States' national security interests. Some foreign governments seek to exploit the openness of America's telecommunications market to advance their own national interests. One such country is China. The Chinese government views telecommunications as a "strategic" industry. It has expended significant resources to create and promote new business opportunities for its state-owned carriers and has established barriers to market entry for foreign carriers seeking to operate in China. Today, three

state-owned carriers dominate the Chinese telecommunications market: China Mobile, China Telecom, and China Unicom, commonly referred to as the 'Big Three." In addition to shoring up a stable domestic market for these carriers, the Chinese government has encouraged its carriers to expand into global markets, including the United States. This expansion, however, raises national security concerns. U.S. government officials have warned that Chinese state-owned carriers are "subject to exploitation, influence, and control by the Chinese government" and can be used in the Chinese government's cyber and economic espionage efforts targeted at the United States.

The operation of Chinese state-owned telecommunications carriers in the United States garnered public attention in May 2019 after the FCC denied China Mobile International (USA) Inc. ("China Mobile USA") the authority to provide international telecommunications services between the United States and foreign locations. The FCC premised its denial on national security concerns. This marked the first instance in which the FCC denied an application on national security grounds. Following that denial, the Subcommittee launched an investigation into how the U.S. Federal Government guards against risks posed by Chinese state-owned carriers already authorized to provide international telecommunications services between the United States and other points.

This report detailed how the U.S. Federal Government—particularly the FCC, Department of Justice ("DOJ"), and Department of Homeland Security ("DHS")—historically exercised minimal oversight to safeguard U.S. telecommunications networks against risks posed by Chinese state-owned carriers. Three Chinese state-owned carriers have been operating in the United States since the early 2000s, but only in recent years have the FCC, DOJ, and DHS focused on potential risks associated with these carriers. DOJ and DHS did enter into security agreements with two of the Chinese state-owned carriers prior to 2010, but they conducted only two site visits to each carrier since that time (or four total). Three of those visits occurred between 2017 and 2018. This lack of oversight undermined the safety of American communications and endangered our national security.

Since the Subcommittee launched its investigation, the agencies have increased their oversight of the Chinese state-owned carriers. The administration also issued an executive order establishing a formal committee to review the national security and law enforcement risks posed by foreign carriers operating in the United States. Still, the new committee's authorities remain limited, and as a result, our country, our privacy, and our information remain at risk.

The Chinese government exerts control over China's domestic telecommunications industry and state-owned carriers. China aims to be a world leader in technology by 2050, including in the telecommunications sector. To achieve this goal, China controls who can provide domestic services by maintaining one of the most restrictive foreign investment regimes in the world. Although the Chinese government may publicly state that it is opening the telecommunications market, foreign companies are subject to burdensome regulatory requirements; required to enter into joint ventures majority owned by Chinese parties; and often forced to transfer

both technology and know-how to Chinese counterparts. State-owned carriers are equally controlled, as the Chinese government selects their management, sets target returns and growth rates, and compels companies to put state interests ahead of the carriers' market interests.

The Chinese government has encouraged state-owned telecommunications carriers to expand internationally. In 1999, the Chinese government issued a "Go Out" policy, through which it pledged financial support to entities to expand into global markets. Telecommunications carriers took advantage of this, with major state-owned carriers establishing operations across the world, including in the United States.

The Chinese government targets the United States through cyber and economic espionage activities and enlists state-owned entities in these efforts. Many U.S. government officials have highlighted the "persistent" threat posed by China. As Assistant Attorney General of DOJ's National Security Division John Demers stated, China's "overall economic policy [is to] develop[ ] China at American expense." U.S. government officials have also warned that China will use its state-owned carriers to further its national interests. At least one Chinese carrier is publicly alleged to have hijacked and rerouted communications data through China. This allows Chinese actors to access sensitive communications, regardless of whether the data is encrypted.

The Subcommittee reviewed the Federal agencies responsible for regulating and monitoring foreign telecommunications carriers operating in the United States. Although foreign carriers have operated in the United States for decades, the U.S. government had no statutory authorities to monitor the risks associated with these carriers. This is especially evident when reviewing the agencies' oversight of Chinese state-owned carriers.

The FCC regulates the U.S. telecommunications market. Carriers seeking to provide international telecommunications services between the United States and foreign points must apply for and obtain authorization from the FCC. The FCC's process is aimed at protecting the U.S. market from anti-competitive behavior in foreign markets. Thus, in evaluating applications, the FCC considers whether the foreign carrier's proposed services are in the public interest. Once authorization is granted, the Subcommittee found that it effectively exists in perpetuity; the FCC does not periodically review existing authorizations.

The FCC historically relied on "Team Telecom" to assess national security and law enforcement risks associated with a foreign carrier's provision of international telecommunications services. The FCC's public interest calculation involves weighing the national security, law enforcement, trade, and foreign policy implications associated with a foreign carrier's proposed services. The FCC has recognized, however, that it lacks the subject-matter expertise to evaluate these topics, and thus, it relies on certain Executive Branch agencies for guidance. For years, three agencies—DOJ, DHS, and the Department of Defense ("DOD"), which until recently were collectively referred to as "Team Telecom"—were tasked with evaluating national security and law enforcement concerns. Where Team Telecom believed that risks may exist, it attempted to miti-

gate those risks through a security agreement with the foreign carrier. These agreements provided Team Telecom with oversight capabilities, including the right to visit the carrier's U.S.-based facilities. If Team Telecom opted not to enter into a security agreement with a foreign carrier, it had no insight into the carrier's operations.

These measures were ineffective as Team Telecom lacked formal statutory authority, leaving its operations unstructured and *ad hoc.* Because of the lack of statutory authority, Team Telecom had no formal, written processes for reviewing applications or monitoring compliance with security agreements. The informality also resulted in protracted review periods and a process FCC commissioners described as "broken" and an "inextricable black hole" that provided "no clarity for [the] future." For example, Team Telecom's review of China Mobile USA's application lasted seven years. Further, the agencies did not dedicate sufficient resources to ensure Team Telecom conducted oversight in an efficient and effective manner. The components of DHS and DOJ responsible for Team Telecom together historically tasked three employees with reviewing applications and monitoring compliance with security agreements.

In April 2020, as the Subcommittee was nearing the end of its investigation, the President issued Executive Order 13913, replacing the informal Team Telecom with the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services ("EO Telecom Committee"). The Executive Order seeks to address many of the shortcomings identified by the Subcommittee's investigation. The Executive Order requires members of the EO Telecom Committee to enter into a memorandum of understanding by July 3, 2020. Therefore, this report continues to refer to Team Telecom, even in relation to actions taken after April 4, 2020.

Beginning in 2018, Team Telecom and the FCC publicly highlighted the national security concerns associated with Chinese state-owned carriers operating in the United States. China Mobile USA's application marked the first instance in which Team Telecom recommended that the FCC deny a foreign carrier authorization to provide international telecommunications services on national security grounds. In its denial, the FCC relied on Team Telecom's conclusion that China Mobile USA is "subject to exploitation, influence, and control by the Chinese government." Such government control, Team Telecom warned, could advance the Chinese government's cyber and economic espionage activities targeted at the United States. Team Telecom specifically cautioned that China Mobile USA would build relationships with major U.S. carriers, through which it could gain access to U.S. networks and the sensitive public and private data transferred across those networks.

At least three other Chinese state-owned carriers have been operating in the United States for decades. The U.S. subsidiaries of the two other Big Three carriers—China Telecom and China Unicom—along with a smaller state-affiliated provider ComNet (USA) LLC ("ComNet") each received authorization to provide international telecommunications services in or prior to 2002 and have been operating ever since. During this time, these Chinese carriers have built relationships with major U.S. carriers and established points

of presence across the United States. Further, China Telecom's U.S. subsidiary, China Telecom Americas, provides services to Chinese government facilities in the United States.

Until recently, Team Telecom conducted limited oversight of these Chinese state-owned carriers. Team Telecom entered into security agreements with China Telecom Americas (2007) and ComNet (2009), but it exercised minimal oversight over those entities until recently. During the more-than-ten year period in which these security agreements have been in effect, Team Telecom conducted just two site visits to each company—or four in total, three of which occurred within the past three years. At no point did Team Telecom enter into a security agreement with China Unicom Americas, meaning Team Telecom has no oversight authority to assess the company's operations in the United States.

The national security concerns Team Telecom and the FCC outlined in relation to China Mobile USA are applicable to the Chinese state-owned carriers currently operating in the United States. In advocating that the FCC deny China Mobile USA's application, Team Telecom raised a number of national security concerns related to China Mobile USA's Chinese government ownership. As Team Telecom officials acknowledged to the Subcommittee, those concerns also apply to China Telecom Americas, China Unicom Americas, and ComNet. The carriers are ultimately owned by the Chinese government; are required to comply with Chinese national security laws to support the Chinese government's intelligence work; and have established relationships with U.S. carriers, giving them access to critical infrastructure that the Chinese government could exploit in its economic and cyber espionage efforts. Team Telecom recognized these issues in its recent recommendation that the FCC to revoke China Telecom Americas' authorizations. The FCC also indicated its awareness of these concerns, when it recently called for all the carriers to demonstrate why their authorizations should not be revoked.

It must be noted that state-ownership does not presume a national security risk. Indeed, many foreign telecommunications companies around the world are state-owned. There are also compelling commercial interests dependent on facilitating the flow of data between the United States and China, which are among each other's top trading partners. The vast global telecommunications and technology infrastructure that facilitates commerce and economic development include undersea, terrestrial, wireless, and space-based networks jointly owned or operated by Chinese and Western companies.

Commercial interests, however, must be balanced against national security interests. Striking an appropriate balance between these interests requires the Executive Branch to exercise greater oversight and regularly evaluate the risks posed by foreign-owned companies, especially considering that national security concerns evolve over time. Currently, Chinese state-owned carriers are providing international telecommunications services based on FCC authorizations granted more than a decade ago, in some cases nearly two decades. The carriers have provided services during this time, with minimal oversight from Team Telecom.

Following several Subcommittee briefings with the Department of Justice, on April 4, 2020, the administration released Executive Order 13913, "Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector." The Department of Justice summarized the Executive Order in the following way:

> This Executive Order formalizes and improves the interagency committee, formerly known as Team Telecom, that advises the Federal Communications Commission (FCC) on national security and law enforcement concerns associated with applications for telecommunications licenses meeting certain thresholds of foreign ownership or control. The Executive Order creates a formal process to review applications referred by the FCC to the Committee that raise the concerns mentioned above within an established timeframe. In addition, the Executive Order allows the Committee to assess whether new national security or law enforcement concerns exist with respect to existing FCC licenses previously reviewed by interested Executive Branch agencies.

I. IRS Oversight of the Free File Program (Staff Memorandum by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations)

In June 2020, Subcommittee staff released a bipartisan memorandum that found there has been little IRS oversight of the Free File program, which provides free online tax preparation and filing services to U.S. taxpayers. As a result, American taxpayers, who are eligible for free tax filing through the Internal Revenue Service (IRS), may not be aware of the program or taking advantage of it. This could result in eligible taxpayers paying fees to file their taxes.

Over the course of a year-long investigation, the Subcommittee examined the history of the IRS Free File program, the coordination between the Free File Alliance (FFA) and its membership of tax preparation software companies, oversight of the Free File program by IRS, and reporting in 2019 that certain FFA members used coding to hide their Free File websites from online search engines. The key findings of the memorandum included:

- Until recently, the IRS conducted little oversight of the Free File program.
- Three different independent entities have reviewed the Free File program since 2018 and provided recommendations for improvement, but the program continues to struggle to serve eligible taxpayers.
- For the first 15 years of the Free File program, the IRS declined to take a position on whether FFA companies should index Free File websites to appear in online search engines, nor did FFA companies seek guidance from the IRS on whether their indexing practices complied with the MOU. As a result, participating FFA companies took different approaches in deciding whether to code their Free File program websites to appear in organic search engine results, or to have users access the Free File program only through the IRS website. Five companies (H&R Block, Intuit, TaxHawk,

Drake, and TaxSlayer) coded their Free File websites in a way that prevented a search engine from including the websites in organic search results (or "non-indexed"). In doing so, all five companies believed they were complying with the MOU that governs the Free File program. The IRS and FFA companies executed an addendum to the MOU in December 2019 that clarified Free File websites should be indexed.

- Three companies (TaxHawk, Drake, and TaxSlayer) non-indexed their Free File websites from the start of their participation in the Free File program. H&R Block non-indexed its Free File website in 2018 in response to a technical issue after determining the MOU did not require the website be indexed. In 2018, Intuit changed the name of its Free File program in an attempt to avoid consumer confusion and non-indexed the landing page of its renamed Free File offering.
- According to an analysis performed by MITRE, approximately 85 percent of the visits made to FFA member web sites and IRS.gov from Google, the most popular online search engine, were made through links included in advertisements placed by FFA members to promote commercial products that may charge fees. Only a fraction of total visits—approximately 56,000 out of 12 million—went directly from Google to the website for an FFA member's Free File product.
- A lack of investment in marketing by the IRS likely led to a lack of consumer awareness that hampered participation in the Free File program.

J. The Art Industry and U.S. Policies that Undermine Sanctions, July 29, 2020 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations)

In July 2020, Subcommittee staff released a 150-page bipartisan report regarding how Russian oligarchs have used the secrecy of the art industry to evade U.S. sanctions. Following a two-year investigation, which included the major auction houses, private New York art dealers, and seven financial institutions, the report showed how a lack of regulation allows the art industry to avoid the same anti-money laundering requirements that apply to financial institutions. The Subcommittee found that the art industry's secretive nature allowed art intermediaries to purchase more than $18 million in high-value art in the United States through shell companies linked to Russian oligarchs after they were sanctioned by the United States in March 2014. The Subcommittee also found the shell companies linked to the Russian oligarchs were not limited to just art and engaged in a total of $91 million in post-sanctions transactions. A summary of the report's findings is found below.

The United States government imposes economic sanctions on foreign adversaries in attempt to change their behavior. In theory, sanctions are simple. U.S. persons and companies are prohibited from doing business with sanctioned persons and entities. This prohibition should bar access to the world's largest economy. The United States imposes sanctions for a wide range of reasons. For

example, the United States has imposed sanctions on Russia for election interference, human rights abuses, providing support to Venezuela and Syria, but mainly in response to Russia's invasion of Ukraine.

This report focused, in particular, on a case study documenting how certain Russian oligarchs appear to have used transactions involving high-value art to evade sanctions imposed on them by the United States on March 20, 2014 in response to Russia's invasion of Ukraine and annexation of Crimea. Specifically, the Subcommittee traced purchases of high-value art back to anonymous shell companies linked to sanctioned individuals Arkady and Boris Rotenberg, two Russian oligarchs, and Arkady's son, Igor. It appears the Rotenbergs continued actively participating in the U.S. art market by purchasing over $18 million in art in the months following the imposition of sanctions on March 20, 2014. Shell companies linked to the Rotenbergs also transferred over $120 million to Russia during a four-day window between President Obama's March 16, 2014 executive order stating that the U.S. would be sanctioning certain Russian individuals and the Treasury Department specifically naming the Rotenbergs as sanctioned on March 20, 2014. In addition, certain Rotenberg-linked shell companies continued transacting in the U.S. financial system long after Arkady and Boris Rotenberg were sanctioned. The Subcommittee determined these Rotenberg-linked shell companies engaged in over $91 million in transactions post-sanctions.

While Russia-related sanctions, including those against the Rotenbergs, were set to expire in March 2020, President Trump extended them for another year. The effectiveness of these sanctions, however, is in question. To date, Russia has not withdrawn from Crimea and has even expanded its military operations in surrounding waters. The Subcommittee sought to understand why the sanctions have not been more effective and, after reviewing a number of suspect transactions, launched a narrow investigation into high-value art. If wealthy Russian oligarchs can purchase millions in art for personal investment or enjoyment while under sanction, it follows that their businesses or hidden resources could also continue accessing the U.S. financial system.

The Subcommittee's investigation uncovered a complex set of facts involving shell companies with hidden owners, intermediaries who mask purchasers and sellers, and lax money laundering safeguards in the U.S. art industry.

The art industry is largely unregulated. The art industry is considered the largest, legal unregulated industry in the United States. Unlike financial institutions, the art industry is not subject to Bank Secrecy Act's ("BSA") requirements, which mandate detailed procedures to prevent money laundering and to verify a customer's identity. While the BSA does not apply to art transactions by art dealers and auction houses, sanctions do. No U.S. person or entity is allowed to do business with a sanctioned individual or entity.

The art industry has been enjoying a boom. According to the 2019 Art Basel and UBS Global Art Market Report, world-wide art sales hit $64.1 billion in 2019. That report found the United States was the world's largest art market comprising 44 percent of global

sales, or around $28.3 billion. The art industry is generally divided into sales at public auctions and by private dealers. In 2019, sales at auction houses made up 42 percent of total art sales, while the remaining 58 percent of sales were through private dealers. The four biggest auction houses—Sotheby's, Christie's, Phillips, and Bonhams—are selling art for sizeable amounts. In November 2017, Leonardo da Vinci's *Salvator Mundi* sold at auction at Christie's in New York for over $450 million. In May 2019, Christie's New York sold Jeff Koon's *Rabbit* for over $91 million, the highest price ever paid for a piece by a living artist. Even during the COVID–19 pandemic, an online auction at Sotheby's brought in $234.9 million in total sales, including $84.55 million for *Triptych Inspired by the Oresteia of Aeschylus* by Francis Bacon. In turn, the auction houses report large annual sale numbers. Sotheby's reported $4.8 billion in sales for 2019, while Christie's reported $2.8 billion in sales for just the first six months of 2019.

Investors have taken notice. Deloitte's 2019 Art and Finance Report noted that "artnet's Index for Top 100 Artists produced an 8 percent Compound Annual Growth Rate between 2000 and 2018, compared with 3 percent for the S&P 500." For example, Banksy's *Devolved Parliament* sold at Sotheby's in London on October 3, 2019 for around $12.2 million; the artist's previous record for a painting sold at auction was $1.87 million for *Keep It Spotless* in 2008.

Secrecy is pervasive in the art industry. While the art market is not regulated by the BSA, it is governed by unwritten rules. A large number of art sales happen through intermediaries referred to as "art advisors" who can represent both purchasers and sellers. In a typical transaction, a purchaser may not ask who owns the piece of art they are purchasing; the seller may not ask for whom it is being purchased or the origin of the money. And in general an art advisor would be reluctant to reveal the identity of their client for fear of being cut out of the deal and losing the business.

Auction houses have voluntary AML polices. Because the art industry is not subject to BSA requirements, when a piece of art is sold, there is no legal requirement for the selling party to confirm the identity of the buyer or that the buyer is not laundering money through the purchase. While the four biggest auction houses have voluntary anti-money laundering ("AML") programs, the employees who facilitated art purchases in the Subcommittee's case study said they never asked the art advisor the identity of his client. Instead, the auction houses considered the art advisor the principal purchaser and performed any due diligence on the art advisor, even when it was well-known that the ultimate owner was someone else. With regard to the funds used to purchase art, the auction houses told the Subcommittee they rely on financial institutions to ensure the integrity of the funds, even though the auction houses interact directly with the buyer. But these voluntary AML policies are just for sales through the auction houses. As stated above, the majority of art sales are private transactions. A private dealer interviewed by the Subcommittee stated she had no written AML policies, tries to work with people she knows and trusts, looks for red flags, and relies on her gut. She also explained that her practices have signifi-

cantly changed over the years and that she also relies on advice from AML lawyers.

Tracing the ownership of anonymous shell companies, including those involved in high-value art transactions, is difficult. That difficulty continues even though corporate secrecy suffered a blow in the spring of 2016 when the International Consortium of Investigative Journalists ("ICIJ") shocked the world by releasing information on 214,488 offshore entities from the Panamanian law firm Mossack Fonseca (the "Panama Papers"). One email chain included among the Panama Papers and made public described links between nine offshore companies to the Rotenbergs. The email chain listed Boris Rotenberg as the ultimate beneficial owner ("UBO") of Highland Ventures Group Limited ("Highland Ventures") and Arkady Rotenberg's son Igor as the UBO of Highland Business Group Limited ("Highland Business"). The email copied London-based attorney Mark Omelnitski, who used his firm the Markom Group to establish and maintain shell companies for the Rotenberg family.

The true ownership of the listed shell companies was not, however, as straightforward as the Panama Papers email chain suggested. For example, based on financial information reviewed by the Subcommittee during its investigation, Arkady Rotenberg appeared to be the UBO of Highland Ventures, not his brother Boris. That information included non-public wire transfers showing multi-million dollar transfers from a company owned by Arkady Rotenberg to Highland Ventures. In 2012 and 2013, that company—Milasi Engineering—transferred over $124 million marked as annual dividends to Highland Ventures. The December 31, 2014 Financial Report for Milasi Engineering listed Arkady Rotenberg as its UBO, making it clear that Highland Ventures received its funding from a company owned by an individual the U.S. would later sanction. Milasi Engineering also held shares in Stroygazmontazh, a gas pipeline company sanctioned in April 2014 by the United States due to its ownership by Arkady Rotenberg.

Arkady Rotenberg transferred his business interests to his son, Igor. In July 2014, four months after the United States sanctioned Arkady, Mr. Omelnitski's firm, the Markom Group, executed paperwork that appeared to transfer Arkady's interest in Milasi Engineering to his son, Igor, who was not sanctioned at the time. Milasi Engineering was owned by two other holding companies. The Markom Group transferred the ownership of those two companies to Highland Ventures, which it asserted had always been owned by Igor. Therefore, from July 2014 to April 2018, when Igor was finally sanctioned by the United States, Milasi Engineering was owned on paper by an unsanctioned individual. A report by a bank investigator produced to the Subcommittee determined the transfer of Milasi Engineering from Arkady to Igor was done solely to evade sanctions, and the Markom Group "intentionally structured [the ownership of these shell companies] to be opaque in order to hide the identities of true beneficiaries." In response, the bank closed all accounts associated with the Markom Group. This included closing accounts held by art advisor Gregory Baltser.

Art advisor Gregory Baltser facilitated purchases for the Rotenbergs. Intermediaries played a central role in the Rotenbergs'

art purchases in the United States. As previously explained, Mr. Omelnitski and his company, the Markom Group, established and maintained shell companies for the Rotenbergs to mask their identities. The Rotenbergs also employed art advisor Gregory Baltser, who facilitated the purchase and sale of high-value art both before and after sanctions without disclosing the names of his clients.

Mr. Baltser is a U.S. citizen, who must comply with U.S. sanctions laws, but his business is based in Moscow. Prior to sanctions, funds Mr. Baltser used to purchase art linked to the Rotenbergs followed a unique and recognizable financial path: Mr. Baltser bid on specific artworks at auction, purchased the art, and then assigned the title to the art to a Belize company named Steamort Limited ("Steamort"). Steamort paid for the art using funds the Subcommittee traced back to Highland Business.

Mr. Baltser, however, was not the owner of Steamort; he had a contract with Steamort to serve as a consultant to purchase art on behalf of the company. A copy of that contract was produced to the Subcommittee by Christie's. Both the contract and financial records showed that Steamort paid Mr. Baltser $9,500 a month for his services. In total, between March 2010 and October 2018, financial records show Mr. Baltser received $1,116,000 in fees for his consulting services under the Steamort Agreement.

Company documents obtained by the Subcommittee listed Steamort's only director and shareholder as Jason Hughes. According to a report by ICIJ, Mr. Hughes was associated with over 200 other companies as a nominee director—an individual who masks the true UBO of a shell company.

The owner of Steamort remains unknown. In 2012, Christie's questioned Mr. Baltser about who owned Steamort, and asserted that Mr. Baltser could no longer bid at auctions until he provided Steamort's UBO. Initially, Mr. Baltser responded that he did not know who owned Steamort. When pressed and threatened with missing the opportunity to bid at an upcoming auction, Mr. Baltser verbally told Christie's that Steamort was owned by "Luisa Brown." Christie's accepted this verbal assertion, conducted AML checks on Ms. Brown, found no derogatory information, and cleared Mr. Baltser to continue bidding at auctions. Mr. Baltser never provided any documentary evidence of Steamort's ownership by Ms. Brown. The Subcommittee was unable to confirm if an individual named Luisa Brown was the UBO for Steamort, or if she even existed at all.

Mr. Baltser opened an auction agency and club in Moscow. In late 2012, Mr. Baltser announced he was planning to open BALTZER Auction Agency and Club. The agency would be located in Moscow and its members would be "the leading Moscow and Russian collectors—the active participants of auction biddings at many world marketplaces." Mr. Baltser proposed to partner with both Christie's and Sotheby's. As part of the proposed agreement, Mr. Baltser stated that he would bid at auctions on behalf of his clients under an account in the name of BALTZER. This allowed Mr. Baltser to guarantee on his website that "we can give you complete anonymity." Under the proposed agreement, Mr. Baltser pledged to conduct all AML and sanctions checks on his clients and provide an annual certification to the auction houses that no mem-

ber of BALTZER was engaged in money laundering. Mr. Omelnitski served as BALTZER's chief AML officer and represented Mr. Baltser in contract negotiations with the two auction houses. To be clear, Mr. Baltser put the same attorney who established and maintained shell companies to mask the Rotenbergs' ownership in charge of his new venture's AML compliance.

Christie's partnered with BALTZER. Christie's accepted Mr. Baltser's proposal and signed the agreement with BALTZER on February 4, 2014. At the end of 2014, Mr. Omelnitski certified to Christie's that "despite BALTZER having a significant number of Russian clients there were no transactions, which fall under recent sanctions against Russia." Mr. Omelnitski failed to provide another such certification for the next three years, despite repeated requests from Christie's to provide the annual certificate promised in the agreement. In 2018, Christie's renegotiated its agreement with BALTZER to require client due diligence documents after each purchase.

A Sotheby's employee identified Arkady and Boris Rotenberg as Mr. Baltser's clients. Sotheby's also considered Mr. Baltser's business proposal, but ultimately declined. During negotiations, a Sotheby's employee represented to Sotheby's management that Mr. Baltser had told her that his clients included Russian oligarchs. In fact, she told Sotheby's management that Mr. Baltser had identified Arkady and Boris Rotenberg as two of his clients (five months prior to U.S. sanctions). During her Subcommittee interview, however, the same Sotheby's employee said Mr. Baltser had never told her that Arkady and Boris Rotenberg were his clients. Instead, she asserted she fabricated this information in an effort to convince Sotheby's to accept BALTZER's proposal. Despite declining the proposal, Sotheby's continued to conduct business as usual with Mr. Baltser and his new company, BALTZER, and never questioned whether Arkady and Boris Rotenberg were his clients. The Subcommittee independently traced post-sanction purchases by BALTZER to shell companies linked to the Rotenbergs, suggesting theSotheby's employee was not truthful in her Subcommittee interview.

Mr. Baltser continued to purchase art with funds linked to the Rotenbergs even after March 2014 sanctions. Following the imposition of sanctions by the United States on Arkady and Boris Rotenberg in March 2014, the funds Mr. Baltser used to purchase works of art at auction houses continued to follow the same general financial path as before sanctions. By this time, BALTZER provided another layer of anonymity for the funds used to purchase art. After Mr. Baltser successfully bid at auction, funds were wired from Highland Ventures to Steamort, just as they had arrived from Highland Business before sanctions. Steamort then wired funds to BALTZER, which paid the auction house and took title of the purchase. All four auction houses considered Mr. Baltser the principal purchaser, rather than an agent for a buyer, and never asked for whom he was purchasing the art. Any client due diligence was performed only on Mr. Baltser and not his undisclosed clients, satisfying the voluntary AML policies at the auction houses.

Highland Ventures purchased a painting through a private art dealer. The funds used to purchase René Magritte's La Poitrine for

$7.5 million in May 2014 through a private art dealer followed a different path. In this transaction, Highland Ventures took title to the painting and was listed on the invoice as the buyer. Anna Wilkes, an employee of Mr. Omelnitski's Markom Group, signed on behalf of Highland Ventures as its Director. The funds used to pay for the painting were wired to the private dealer from a company named Advantage Alliance. The Subcommittee traced those funds to a company called Senton Holdings. An investigation by a financial institution—produced to the Subcommittee—determined Senton Holdings was owned by Arkady Rotenberg, linking him through the chain of wire transfers to the purchase of the painting.

Art was shipped to Germany for storage. La Poitrine, like much of the art traced to companies linked to the Rotenbergs, was shipped to a storage facility in Germany called Hasenkamp. The Subcommittee contacted Hasenkamp and was told the art was originally stored there under the name Highland Business; no individual was named. Later, a company named Taide Connoisseur Selection took over the contract to store the art at Hasenkamp. The only individual named on Taide Connoisseur Selection's website was Mr. Omelnitski.

In August 2019, during the course of the Subcommittee's investigation, the Taide Connoisseur Selection account at Hasenkamp was closed and all art stored under the account was shipped to Moscow.

Art purchases linked to the Rotenberg shell companies totaled millions of dollars. In total, the Subcommittee traced funds for over $18 million in art purchased in the United States from March 2014 to November 2014, both at auction houses and through private sales back to shell companies that appeared to be funded or owned by the Rotenbergs.

Sotheby's agreed to sell Brucke II for Mr. Baltser during the Subcommittee's investigation. Mr. Baltser also sold paintings owned by his clients. In late 2018, he attempted to sell Lyonel Feininger's Brucke II. Brucke II was originally purchased through Mr. Baltser on February 4, 2014 at an auction at Christie's in London. The painting later appeared on a list of 31 paintings sent to Christie's by a BALTZER employee, who stated that the list represented the collection of one of Mr. Baltser's clients. The Subcommittee traced 16 paintings on the list purchased in the United States back to suspected Rotenberg shell companies. This suggests that all 31 paintings were owned by the Rotenbergs.

When Mr. Baltser attempted to sell *Brucke II* in late 2018, both Christie's and Sotheby's expressed interest in having the painting at their auctions. Ultimately, Mr. Baltser's client chose Sotheby's to sell *Brucke II* at auction in February 2019. At the time, the Subcommittee was actively investigating the auction house and Mr. Baltser. Sotheby's requested Mr. Baltser provide the name of the UBO of the painting, including whether that individual was currently sanctioned. Mr. Baltser said *Brucke II* had been resold since it was purchased at Christie's in February 2014 and now belonged to a company incorporated in the Marshall Islands and provided a Russian passport for the company's UBO. The Subcommittee asked Sotheby's to request the name of the February 2014 purchaser of the painting; Mr. Baltser declined to disclose the name of that pur-

chaser due to a non-disclosure agreement. Sotheby's ultimately pulled the painting from the 2019 auction due to a lack of interest.

The Subcommittee asked to interview Mr. Baltser, but through his attorney, he declined the request and stated he was in Moscow and had no plans to return to the United States. Through his attorney, Mr. Baltser stated that: he has never represented or transacted with Arkady or Boris Rotenberg; Highland Business and Highland Ventures were not listed as sanctioned by the Treasury Department; and he did not have access to the Panama Papers.

A delay between the 2014 announcement and imposition of sanctions created a window to send U.S. dollars to Russia. On March 16, 2014, President Obama signed an executive order authorizing the Treasury Department to impose sanctions on individuals for Russia's annexation of Crimea. But the Treasury Department did not name the specific individuals sanctioned under the executive order until March 20, 2014. During this four-day window, Rotenberg-linked shell companies transferred over $120 million through the United States to Russia. On March 18, 2014, Highland Ventures transferred over $39.5 million from its account at The Pictet Group in Switzerland through the U.S. financial system to its account at Gazprombank in Moscow. That same day, Culloden Properties transferred over $82 million from its Pictet Group account in Switzerland through the U.S. financial system to its account in Moscow at the Gazprombank. Both the Panama Papers and documents produced to a financial institution by the Markom Group—and subsequently provided to the Subcommittee—identify Boris Rotenberg as the owner of Culloden Properties.

Rotenberg-linked shell companies transacted in U.S. dollars post-sanctions. Shell companies linked to the Rotenbergs continued conducting transactions through the U.S. financial system even after the imposition of sanctions in March 2014. For example, including its art purchases, Highland Ventures was involved in transactions worth over $16 million. Advantage Alliance was involved in transactions worth over $29 million. And while the UBO of Steamort remains hidden, the company served as an intermediary between Rotenberg-linked shell companies and BALTZER in the purchase of art. Following the imposition of sanctions in March 2014, Steamort was a part of transactions totaling over $22 million. In total, the Subcommittee identified over $91 million in transactions by Rotenberg-linked shell companies after sanctions were imposed on the Rotenberg in March 2014.

In response to the report, on October 30, 2020, the Treasury Department issued an "Advisory and Guidance on Potential Sanctions Risks Arising from Dealings in High-Value Artwork," citing the Subcommittee's report in explaining the sanctions risks in the high-value art market. The Advisory adopted a key recommendation of the Subcommittee's report making clear that what is commonly referred to as the "Berman Amendment" to the International Emergency Economic Powers Act and the Trading with the Enemy Act does not categorically exempt all dealings in artwork from Treasury's regulation and enforcement.

K. Oversight of HHS Shelter Grants for UACs December 8, 2020 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations)

In December 2020, Subcommittee staff released a bipartisan report identifying failures in the Department of Health and Human Services' (HHS) shelter grant processes to ensure the safety of unaccompanied alien children (UACs) and safeguard over $32 million in taxpayers funds. The report confirmed that HHS awarded Office of Refugee Resettlement (ORR) shelter grants to two companies with a documented history of failing to provide adequate care of children—VisionQuest National, Ltd. and New Horizon Group Home, LLC. As a result of their previous failures in caring for children and other regulatory issues, VisionQuest and New Horizon struggled to acquire zoning and licensing approval to open shelters across the country, meaning that taxpayers paid for facilities that will never open.

A review of several prior funding opportunity announcements and interviews with HHS officials demonstrated that, prior to fall 2019, HHS did not require grant applicants to disclose prior adverse actions their respective State and local governments had taken against them. The Department conducted no independent research into the disciplinary history of either VisionQuest or New Horizon. These oversight failures could have endangered unaccompanied children trusted to the care of these companies. Additionally, until November 2019, HHS also had no policy to restrict funding for grantees that did not have a license to operate. HHS's policy of awarding grants to applicants, including VisionQuest and New Horizon, prior to the applicants securing zoning and licensing approval led to issues that could cost tens of millions of taxpayer dollars. At the time of the report's release, HHS was attempting to recoup funds disbursed for facilities that failed to open.

A summary of the report's findings is found below.

Since 2015, the Permanent Subcommittee on Investigations has conducted oversight of Federal Government programs designed to protect and care for children who enter the United States without a parent or legal guardian. Federal agencies, including the Department of Homeland Security ("DHS"), the Department of Justice ("DOJ"), and the Department of Health and Human Services ("HHS") play key roles in the care of these unaccompanied alien children ("UACs"). Deficiencies at these agencies have continued across two presidential administrations, as discussed in two previous Subcommittee reports. In addition to the issues identified in those reports, since 2018, the Subcommittee has examined whether HHS has placed UACs in safe settings and made efficient use of taxpayer dollars when establishing residential shelters for some UACs. This report describes failures in HHS's processes to ensure the safety of children in the care of the Federal Government and safeguard $32,125,779 in taxpayer funds.

Pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA") and the 1997 consent decree known as the *Flores* Settlement Agreement, HHS uses shelter facilities in cities and states across the United States to house certain UACs. Although HHS, through the Office of Refugee Resettlement ('ORR"), works to place UACs with an adult sponsor, in some

instances ORR cannot place a child with a sponsor. In these instances, ORR places UACs in shelter facilities, which differ markedly from detention facilities for adults and provide resources tailored to children that are not available in temporary influx shelters. In most shelter facilities, for example, children do not live in a restricted setting, and they receive classroom education, health care services, recreation, and case management. As noted in a report the Subcommittee released in 2018, staff secure and secure facilities are also available for children who require placement in a more restricted setting because they pose a danger to themselves or the community, or present a flight risk.

HHS, through the Administration for Children and Families ("ACF") and ORR, offers grants to care providers to operate these state-licensed shelter facilities. Traditionally, community-based non-profit organizations operated most shelter facilities. A surge of UAC arrivals in recent years, however, has led larger, for-profit companies to apply for ORR funding opportunities. As of September 23, 2020, 120 shelter facilities in the United States house 1,478 UACs, with an average length of stay of 60 days.

The Subcommittee sought to understand the processes HHS uses to fund and open shelter facilities for UACs. The Subcommittee identified key gaps in the shelter grant process that affected HHS's ability to place UACs in safe settings and ensure efficient use of taxpayer funds. A review of several prior funding opportunity announcements and interviews with HHS officials demonstrated that, prior to fall 2019, the Department did not require a company seeking a grant to provide shelter services for UACs to disclose prior adverse regulatory actions from state and local governments related to the care of children. For example, an applicant for a shelter facility that previously operated a facility for children and had its license revoked by a state regulatory agency had no obligation to disclose this information to HHS. Additionally, HHS did not conduct independent research on applicants and instead confined its review to the contents of the grant applications. HHS also relied entirely on grantees to obtain necessary zoning approval and state licensure for a shelter facility. Furthermore, the Department did not have a policy in place to restrict funding for grantees without a license to operate until November 2019.

As a result of these gaps in the shelter grant process, the Subcommittee confirmed that HHS awarded grants to two companies with histories of questionable practices in caring for children—VisionQuest National, Ltd. ("VisionQuest") and New Horizon Group Home, LLC ("New Horizon"). In 2016, the Philadelphia Department of Human Services ("Philadelphia DHS") contracted with VisionQuest for the provision of residential services. VisionQuest began operating four programs at three residential facilities for young adults and children in the juvenile justice system in Philadelphia, Pennsylvania. All three facilities faced troubling allegations that local authorities in Philadelphia later substantiated. Confirmed incidents included residents escaping from a facility, numerous fights among residents resulting in serious injuries, and facility staff organizing further fights among residents. By February 2018, Philadelphia authorities transferred all children out of the three facilities, and VisionQuest voluntarily closed the program.

In February 2018, New Horizon began operating a residential facility in North Carolina for male children ages 9 to 17 who required full-time mental health services. Less than a month later, state officials conducted an inspection and identified more than a dozen violations of state law. The violations included New Horizon's failure to hire necessary medical personnel, failure to protect two of its five residents from serious harm, and the use of an unauthorized time-out room for residents. State officials ultimately revoked New Horizon's operating license. On appeal, an administrative law judge upheld the license revocation and noted that the facility presented "an imminent danger to the health, safety, and welfare of the clients."

In 2019, HHS awarded grants to VisionQuest and New Horizon for UAC shelter facilities. VisionQuest received five grants totaling over $50 million for seven facilities, including one of the same facilities in Philadelphia that local authorities deemed unsafe for children in 2018. New Horizon received a grant award for approximately $8 million for a UAC shelter facility in North Carolina. HHS did not require either company to disclose prior adverse actions their respective State and local governments had taken against them, and the Department did not research the disciplinary history of either company. These oversights could have endangered UACs trusted to the care of these companies.

Furthermore, both because of their previous failures in caring for children and other regulatory issues, VisionQuest and New Horizon have struggled to acquire zoning and licensing approval to open shelters across the country. This means that taxpayers have paid for facilities that will never open. HHS's policy of awarding grants to applicants, including VisionQuest and New Horizon, prior to the applicants securing zoning and licensing approval led to issues that could waste tens of millions of taxpayer dollars. VisionQuest, for example, faced immediate challenges in opening the shelter facility under its HHS grant after Philadelphia officials determined that the zoning variance for a previous facility was invalid for a facility housing migrant children. This dispute resulted in litigation prior to the parties entering into a settlement agreement in October 2020. VisionQuest also failed to obtain the necessary zoning approval for proposed facilities in California and Texas after facing local political opposition. Ultimately, HHS disbursed over $28 million to VisionQuest for five facilities that will not open.

Similarly, North Carolina's revocation of New Horizon's operating license for one of its existing residential facilities meant that New Horizon could not open its proposed UAC shelter facility. Under North Carolina state law, a license revocation makes a facility operator ineligible for any new licenses for a five-year period. (New Horizon executives told the Subcommittee that they were confident that they would succeed in their appeal of the license revocation and had alternate plans to use a separate existing facility license.) HHS was initially unaware of these licensing issues and only learned of them in August 2019—14 months after the license revocation—from a congressional inquiry that cited a local media report. HHS disbursed nearly $4 million in funding to New Horizon for a facility in North Carolina that will not open.

HHS has since discontinued all five grants to VisionQuest and the grant to New Horizon. The Department also requested financial documentation from both companies for expenditures made with grant funds. This process is ongoing for both companies, but it is further along with New Horizon. On June 8, 2020, HHS transmitted a final disallowance letter to New Horizon requesting the repayment of $3,119,453.69 (out of $3,984,803). On July 7, 2020, New Horizon appealed the decision to the HHS Departmental Appeals Board, which has the authority to either uphold the decision or reduce the amount of the disallowance and reverse the discontinuation of the grant award. HHS officials stated that they would comply with the decisions of the Departmental Appeals Board.

HHS has also implemented changes to its shelter grant process. For example, the Department now restricts funds for grantees that are eligible for funding but do not yet have an operating license. In a briefing with Subcommittee staff, however, HHS officials defended their previous policy, which was in effect as recently as November 2019 and made funds available to unlicensed grantees.

In late 2019, HHS also began requiring applicants to disclose prior documented licensing allegations or concerns. However, HHS did not specify a time period for the issues applicants needed to disclose. In funding announcements from June and July 2020, HHS further required applicants to be licensed at the time of application and to disclose any allegations or concerns of abuse or neglect, as well as any prior denial, suspension, or revocation of their license. As of the date of this report, however, HHS officials expressed uncertainty regarding whether HHS will include the licensing requirement in future announcements.

V. GAO REPORTS

During the 116th Congress, the Government Accountability Office (GAO) issued 23 reports at the request of the Subcommittee. Reports are listed here by title, GAO number, and release date.

China: Agreements Establishing Confucius Institutes at U.S. Universities are Similar, But Institute Operations Vary. GAO–19–278. February 13, 2019.

China: Observations on Confucius Institutes in the United States and U.S. Universities in China. GAO–19–401T. February 28, 2019.

Internet Privacy and Data Security: Additional Federal Authority Could Enhance Consumer Protections and Provide Flexibility. GAO–19–427T. March 7, 2019.

Federal Ethics Programs: Government-Wide Political Appointee Data and Some Ethics Oversight Procedures at Interior and SBA Could Be Improved. GAO–19–249. March 14, 2019.

U.S. Postal Service: Addressing Policy Gaps Could Improve Pilot Design and Evaluation for Postal Innovations. GAO–19–293. March 14, 2019.

Employment and Training Programs: Department of Labor Should Assess Efforts to Coordinate Services Across Programs. GAO–19–200. March 28, 2019.

Management Report: CMS Needs to Address Gaps in Federal Oversight of Nursing Home Abuse Investigations that Persisted in Oregon for at Least 15 Years. GAO–19–313R. April 15, 2019.

Nursing Homes: Improved Oversight Needed to Better Protect Residents from Abuse. GAO–19–433. June 13, 2019.

Federal Rulemaking: Selected Agencies Should Clearly Communicate Practices Associated with Identity Information in the Public Comment Process. GAO–19–483. June 26, 2019.

U.S. Assistance to Central America: Department of State Should Establish A Comprehensive Plan to Assess Progress Toward Prosperity, Governance, and Security. GAO–19–590. September 26, 2019.

U.S. Assistance to Central America: Department of State Should Establish A Comprehensive Plan to Assess Progress Toward Prosperity, Governance, and Security. GAO–19–709. September 26, 2019.

Federal Rulemaking: Selected Agencies Should Clearly Communicate Public Comment Posting Practices Associated with Identity Information. GAO–20–105T. October 24, 2019.

Evidence-Based Policymaking: Selected Agencies Coordinate Activities, But Could Enhance Collaboration. GAO–20–119. December 4, 2019.

Homeland Security Acquisitions: Outcomes Have Improved But Actions Needed to Enhance Oversight of Schedule Goals. GAO–20–170SP. December 19, 2019.

Information Management: Selected Agencies Need to Fully Address Federal Electronic Recordkeeping Requirements. GAO–20–50. February 27, 2020.

U.S. Assistance to Central America: Status of Funding. GAO–20–163R. March 4, 2020.

Federal Rulemaking: Information on Selected Agencies' Management of Public Comments. GAO–20–383R. April 16, 2020.

Federal Management: Selected Reforms Could Be Strengthened by Following Additional Planning, Communication, and Leadership Practices. GAO–20–322.

DATA Act: OIGs Reported that Quality of Agency-Submitted Data Varied, and Most Recommended Improvements. GAO–20–540. July 9, 2020.

Federal Advisory Committees: Actions needed to Enhance Decision-Making Transparency and Cost Data Accuracy. GAO–20–575. September 10, 2020.

Steel and Aluminum Tariffs: Commerce Should Improve Its Exclusion Request Process and Economic Impact Review. GAO–20–517. September 15, 2020.

Critical Infrastructure Prioritization During COVID–19. September 17, 2020.

Federal Buying Power: OMB Can Further Advance Category Management Initiative by Focusing on Requirements, Data, and Training. GAO–21–40. November 30, 2020.

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

CHAIRMAN: RAND PAUL (R–KY)

RANKING MEMBER: MAGGIE HASSAN (D–NH)

I. AUTHORITY

The Subcommittee on Federal Spending Oversight and Emergency Management focuses on the effectiveness and efficiency of Federal financial management; agency policies to promote program integrity and the prevention of waste, fraud, and abuse; policies and procedures related to Federal contracting and procurement, including Federal Acquisition Regulation; and the acquisition functions of the General Services Administration (GSA) and the Office of the Federal Procurement Policy. The Subcommittee also examines the Federal Emergency Management Agency (FEMA) and the Federal Government's efforts to prepare for, respond to, and recover from natural and man-made disasters, including State and local grant programs; activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and activities related to the National Capital Region; the relationship between the Department of Homeland Security (DHS) and States and localities, including in preparing for, responding to, and recovering from natural and man-made disasters; and activities relating to the Office of the Private Sector and the integration of the private sector into the Nation's emergency preparedness, resilience, and response matters.

II. ACTIVITY

During the 116th Congress, the Subcommittee on Federal Spending Oversight and Emergency Management held seven hearings; released six reports cataloging hundreds of examples of wasteful federal spending practices, highlighting more than $104 billion in wasted taxpayer money; produced and introduced a budget resolution; and introduced eight pieces of legislation that were referred to the Homeland Security and Governmental Affairs Committee, three of which were reported out of committee; as well as others that pertain to the work of the committee.

A. HEARINGS

Direct and Indirect Costs to the Federal Government from Management of Federal Lands. April 25, 2019. Field Hearing in Stearns, KY.

The Federal Government owns approximately 640 million acres of land in the United States, roughly 28 percent of all the land in the United States. Recently there has been much debate about appropriateness of the federal government holding so much land and questions have been asked if the Federal Government has more land than it has capacity to manage. The Park Service alone has an $11.6 billion maintenance backlog despite its budget growing 10.8 percent in real dollars since 2010. And yet, the trend is toward expanding federal ownership of lands.

Not only does the Federal Government incur cost associated with maintaining Federal land and property, but it may also be the case that Federal land holding create secondary costs to the Federal government in the form of depressed economies in areas of significant Federal holding. Local populations are thus, then more likely to qualify and utilize a variety of Federal assistance programs, with little hope or opportunity to transition off of them.

While much of the focus of this debate has been in the west, this problem is not isolated to western States. Nearly 2/3rds of McCreary County, KY is owned and managed by the Federal Government, between the Daniel Boone National Forest and the Big South Fork National River and Recreation Area. Local communities rely on federally managed Cumberland Lake for water and power. Meanwhile the median household income in McCreary County is about 3.1 times below the national average and 42.5 percent of the population lives below the poverty line.

To that end, this hearing aimed to explore what the cost and benefits of the Federal Government of managing Federal lands, if States and local communities could be better positioned to steward these lands, and what impediments Federal ownership/management pose to local economies.

Witnesses: Jimmie Greene, McCreary County Judge Executive; Nathan Nevels, McCreary County Deputy Judge Executive; Randy Maxwell, McCreary County Magistrate; Stephen Whitaker, Supervisor, McCreary County Water Department; Randy Kidd, Chairman, McCreary County Industrial Authority Board; Jerry Stephens, Owner, Stephens Hardwoods and Barrel Stave Mill; Robert A. Vogel, Regional Director, Southeast Region, National Park Service, U.S. Department of the Interior; and Ken Arney, Regional Forester for the Southern Region, Forest Service, U.S. Department of Agriculture.

Review of GAO's Annual Duplication Report. May 21, 2019. (S. Hrg. 116–58)

This was a review of GAO's annual duplication report. The report identified 17 new areas of duplication, fragmentation, or overlap that are identified in the report. There were also 11 other areas GAO has identified as potential sources of cost savings or revenue enhancement. Further, GAO made 33 new recommended corrective actions that apply to areas identified in prior reports.

With regard to corrective actions taken, GAO notes that 53 percent of actions directed toward Congress have either not been addressed or are only partially addressed. With regard to the executive branch that number is better, but still 35 percent of corrective actions are not fully addressed.

Witnesses: Hon. Gene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office.

Federally Incurred Cost of Regulatory Changes and How Such Changes are Made. July 17, 2019. (S. Hrg. 116–62)

The power of the purse theoretically rests with Congress; Section 9 (7) of the Constitution reads, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." However, it has been generally accepted that mandatory spending,

or "permanent appropriations" meet this test—Congress appropriates, "such sums as are necessary" to provide a certain benefit to a certain population.

One of the problems this hearing investigated was regulatory changes that affect spending; changes through regulation to mandatory entitlement programs that alter the benefit or the recipient population, and thus affect spending. For example, the Department of Agriculture has latitude to broaden or contract eligibility for disaster aid, the VA can alter what constitutes a service related disability, and Social Security Administration has made obesity and illiteracy (including only speaking Spanish in Puerto Rico) qualifying disabilities.

Such changes cause fluctuations in Federal spending (called budgetary regulations) without the express consent of Congress as manifest in an appropriation; but also without the implied consent contained in the authorizing legislation, as these changes are made well beyond what was envisioned when these programs were created decades earlier.

Moreover, research from the Pacific Legal Foundation has shown that just at FDA, more than 3/4th of new regulations promulgated over the last 20 years have gotten final sign off from a career employee, not a Senate confirmed principal officer. In other words, Congress's ability to hold decision makers accountable and provide oversight of such spending is impaired when career employees (with civil service protections) are responsible for these regulations.

Witnesses: James Broughel, Ph.D., Senior Research Fellow, The Mercatus Center, George Mason University; Thomas A. Berry, Attorney, Pacific Legal Foundation; and Richard W. Parker, Policy Director, Center for Energy and Environmental Law, University of Connecticut School of Law.

Squeezed at Both Ends: Federal Spending Resulting from Restrictive Logging Access and Timber Tariffs. October 7, 2019. Field Hearing in Morehead, KY.

This hearing examined the cross-sectional impact of forest policy and tariffs. Over the past three decades the Federal Government has increasingly restricted access to Federal forests for logging. This has depressed economic activity and contracted tax bases in areas where logging is a major industry. This manifests in direct costs to the Federal Government in the form of mitigation type payments such as Payments in Lieu of Taxes (PILT) and Secure Rural School payments. Moreover, because local economies are depressed, local populations are more likely to depend on direct federal aid.

Compounding and exacerbating this problem are recent and proposed tariffs which impede access to markets for timber that can be harvested in these communities. These trade actions have the potential to further depress already vulnerable communities resulting in fewer tax receipts to the Federal Government and local communities and pushing more people onto Government aid programs.

Witnesses: Joseph L. Barloon, General Counsel, Office of the United States Trade Representative; Cameron Bishop, Deputy Assistant United States Trade Representative for Congressional Affairs, Office of the United States Trade Representative; Jeffrey W.

Stringer, Ph.D., Chairman, Department of Forestry and Natural Resources, University of Kentucky; Stephen M. Vacik, Ed.D., President and Chief Executive Officer, Maysville Community and Technical College; Ray White, Chief Executive Officer, Harold White Lumber, Inc.; Bob Helton, Executive Director, Morehead Rowan County Economic Development Council; Hon. Harry Clark, Judge/Executive, Rowan County Kentucky; Hon. Laura White-Brown, Mayor, City of Morehead Kentucky; Hon. Rick Stiltner, Judge/Executive, Menifee County Kentucky; and Hon. Bobby C. Rogers, Judge/Executive, Bath County Kentucky.

Rise of the Zombies: The Unauthorized and Unaccountable Government You Pay For. October 30, 2019. (S. Hrg. 116–132)

This hearing looked at unauthorized programs. Discretionary programs are created through authorizing legislation—laws that establish the programs and parameters under which they are to be carried out. Authorizations also lay out funding parameters and timelines for the program's existence. After such time programs are supposed to be evaluated and reformed through a reauthorization.

However, though authorizations are laws, so too are appropriations bills. Thus, often appropriators regularly override authorizations by providing funds to programs inconsistent with the underlying authorization. Such was the case a number of years ago when the NDAA eliminated a missile program, but the appropriations that year funded the program anyway.

Another, and more pervasive, problem occurs when a program's authorization expires, but the appropriators fund it anyway. This is a very prevalent practice, accounting for more than 1000 programs and $300 billion in spending.

Since appropriator override invalidates authorizing committees, once a program is initially created authorizers have little incentive to reassess programs for performance and need. Meaning many programs have not been scrutinized for decades. For example, the Inter-American Foundation (which has paid for clown college in Argentina) was last authorized (or scrutinized) in 1987, but has continued to be funded every year since.

There is little capacity for senators to prevent this practice. For that reason, Chairman Paul has previously introduced the Legislative Performance Review Act, which would limit all authorizations to 4 years, wind programs down over two years after their authorizations have expired, and most importantly create a surgical point of order against appropriations for unauthorized programs. Rep. McMorris Rodgers has her own bill aimed at addressing this problem in the House.

Witnesses: Panel I—Hon. Cathy McMorris Rodgers, U.S. House of Representatives

Panel II—Kevin R. Kosar, Vice President of Policy, R Street Institute; Jonathan Bydlak, President, Institute for Spending Reform; and James A. Thurber, Distinguished Professor of Government, American University.

The Afghanistan Papers: Costs and Benefits of America's Longest War. February 11, 2020. (S. Hrg. 116–203)

At the time of the hearing, the war in Afghanistan has now gone on for more than 18 years, making it the longest military conflict in U.S. history. By some estimates, this has cost the U.S. taxpayer more than $1 trillion.

Prior to this hearing, The Washington Post published The Afghanistan Papers, which chronicle that from the very beginning, the Afghanistan conflict has been rudderless, with success largely undefined and unachievable. Despite clear and obvious problems with the war, military and other officials systematically mislead Congress and the American people about conditions in Afghanistan.

Spending seems to have played a critical role in the effectiveness of efforts in Afghanistan and as a justification for ongoing U.S. engagement. One the one hand, the Afghan conflict has become a long term justification for increases in appropriations; whereas on the other hand, so much money has been thrown at the conflict in the name of rebuilding, that it has diminished the effectiveness of such efforts.

Witnesses: Panel I—John F. Sopko, Special Inspector General for Afghanistan Reconstruction.

Panel II—Hon. Douglas E. Lute, Former United States Permanent Representative to NATO and Senior Fellow, Project on Europe and the Transatlantic Relationship, Belfer Center for Science and International Affairs, Harvard Kennedy School.

Panel III—Hon. Richard A. Boucher, Former United States Ambassador to Cyprus and Senior Fellow, The Watson Institute for International and Public Affairs, Brown University; Lt. Col. Daniel L. Davis, USA, Ret., Senior Fellow and Military Expert, Defense Priorities.

State and Local Cybersecurity: Defending Our Communities from Cyber Threats amid COVID–19. December 2, 2020. (S. Hrg. 116–)

In recent years, State and local governments and entities have found themselves increasingly at risk from sophisticated cybersecurity threats from a diverse set of actors. In 2020, the onset of the COVID–19 pandemic and the need for millions of Americans to convert their daily activities and routines to an internet-based regimen has amplified the cybersecurity threats to State and local governments and entities.

This hearing served as a follow-up to the February 2020 HSGAC hearing on state and local cyber security and examined in particular how State and local governments, schools, and hospitals are responding to cyber threats amid the response to COVID–19 and how the Federal Government can provide support to improve their response, including through a standalone state and local cybersecurity grant program and improved information sharing between the Federal Government and schools and hospitals.

Witnesses: Panel I—Brandon Wales, Acting Director, Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security.

Panel II—Denis Goulet, Commissioner, New Hampshire Department of Information Technology; Leslie Torres-Rodriguez, Ed.D., Superintendent of Schools, Hartford Public Schools; John Riggi, Senior Advisor for Cybersecurity and Risk, American Hospital Association; and Bill Siegel, Chief Executive Officer and Founder, Coveware, Inc.

B. REPORTS

In his capacity of Chairman of the Subcommittee on Federal Spending Oversight and Emergency Management, Senator Paul released six compilation reports, detailing various wasteful programs, grants, and practices that have cost taxpayers billions.

"The Waste Report: Swipe Left on Waste" February 14, 2019

This report detailed an effort by private researchers, using funds totaling $1,200,000 from the National Institute of Child and Human Development and the National Science Foundation to study the habits of dating app users.

"The Waste Report Spring 2019: Waste in Full Bloom" April 2019

This report cataloged 10 examples of the Federal Government spending more than $42 million on wasteful projects. The report included examples of waste such as:

- Sending international students to American colleges for free;
- Documented abuse of the DOD's 1033 program;
- Studied the habits of online dating app users;
- Funded a week of summer school for grad students; and
- Improved the quality of TV in Moldova.

"The Summer 2019 Waste Report!" August 2019

This report cataloged 10 examples of the Federal Government spending more than $50 billion on wasteful projects. The report included examples of waste such as:

- Funding "green growth" in Peru;
- Medicare's paying of improper payments;
- Studying whether the Panamanian Tungara frog's mating calls sound different in the forest or the city;
- Spending money to teach English and information technology skills to students at Iraqi madrasas; and
- The attempt to convert an abandoned mental hospital into the headquarters of the Department of Homeland Security.

"The Waste Report: Fall 2019" November 2019

This report catalogued 8 examples of the Federal Government spending more than $230 million on wasteful projects. The report included examples of waste such as:

- The Federal subsidy of the Washington Metropolitan Area Transit Authority;
- Funding debate and model United Nations competitions in Afghanistan;
- Purchasing a statute made by the musical artist Bob Dylan for the U.S. Embassy in Mozambique;

- Studying the connection between drinking alcohol and winding up in the emergency room; and
- Paying to bring Serbian cheese up to international standards.

"The Festivus Report 2019" December 2019

This is Chairman Paul's annual compilation report of wasteful government spending. This edition of the Festivus Report cataloged over $50 billion in wasteful spending including:

- The U.S. Agency for International Development funding the acquisition of textbooks for students in Afghanistan that were unusable and unused;
- The Department of State funding efforts to improve the capacity of the Pakistani film industry;
- FEMA paying for vehicles the New York City government falsely claimed were damaged by Superstorm Sandy; and
- The NSF paying to teach social scientists how to apply for grants.

"The Festivus Report 2020" December 2020

This is Chairman Paul's annual compilation report of wasteful government spending. This edition of the Festivus Report catalogued 57 examples of government waste across five categories: Energy, Environment, and Science; Foreign Aid; Military; Health Care; and Miscellaneous. The 57 items totaled over $54 billion in wasteful spending, including:

- The Fish and Wildlife Service subsidizing investments to facilitate yachting;
- The Federal Aviation Administration using funds appropriated as part of the Coronavirus Aid, Relief, and Economic Security Act to renovate a taxiway at an airport on Nantucket island most often used by private jets;
- The National Institutes of Health paid researchers to interview San Franciscans about their edible cannabis use; and
- The National Institutes of Health paying to find out if hot tubbing can lower stress.

III. LEGISLATION

Since the Subcommittee on Federal Spending Oversight and Emergency Management's hearings play an important role in bringing issues to the attention of Congress and the public, its work frequently contributes to the development of legislative initiatives. During the 116th Congress, Chairman Paul introduced the following legislative proposals in his capacity as a Senator:

1. S. 2618—Bonuses for Cost-Cutters Act—Expands existing agency Inspector General programs that pursue waste, fraud, and abuse to also include surplus funds that are not needed to accomplish an Executive agency's duties and responsibilities. Under this program, Executive Branch employees could propose savings and, if confirmed by their agency's Inspector General and Chief Financial Officer, extra funds may be returned to the Treasury at the end of the year. Consistent with the existing Inspector General au-

thority, if such savings are realized, the employee that made the suggestion would also be eligible for a performance bonus of one percent of the amount saved, capped at $10,000.

2. S.1740—Default Prevention Act—This bill requires the following obligations to be granted priority over all other U.S. obligations if the public debt reaches the statutory limit:

- Principal and interest on debt held by the public;
- Compensations, allowances, and benefits for members of the Armed Forces on active duty;
- Social Security benefits;
- Medicare benefits; and
- Obligations under any program administered by the Department of Veterans Affairs.

If Congress is notified, the Department of the Treasury may issue additional debt for the priority obligations in excess of the debt limit. Treasury may issue the additional debt during the 30-day period beginning on the date on which the United States is unable to use revenues or extraordinary measures to fully pay the priority obligations at the time they are due.

(The term "extraordinary measures" refers to a series of actions that the Department of Treasury may implement to allow the United States to borrow additional funds without exceeding the debt limit. The measures generally include suspensions or delays of debt sales and suspensions or redemptions of investments in certain government funds.)

3. S. 5014—Shutdown Prevention Act—This bill provides specified continuing appropriations to prevent a government shutdown if any appropriations measure for a fiscal year has not been enacted or a joint resolution making continuing appropriations is not in effect after the fiscal year begins. The appropriations are provided to continue to fund programs, projects, and activities for which funds were provided in the preceding fiscal year.

4. S. 4979—A bill to terminate the Department of Education—This bill would terminate the Department of Education, effective December 31, 2020. This bill reflects the belief that the Federal Government need not impose itself on the education system by empowering unelected bureaucrats over our children's education. Local school systems, teachers, and parents, not the Federal Government, are in the best position to determine how to educate our children and eliminating the Department of Education is the best way to ensure that parents and local school boards are truly in control of their child's education.

5. S. 2183—Duplication Scoring Act of 2019—This bill would require the Government Accountability Office to analyze legislation reported by a congressional committee in order to prevent duplication of and overlap with existing federal programs, offices, and initiatives.

6. S. 4104—Stopping Improper Payments to Deceased People Act—This bill expands and otherwise modifies the sharing of death data, particularly with regard to the recovery of improper payments to deceased individuals. It would require the Social Security Administration to pay to States their reasonable costs for compiling and sharing death records with the SSA. In addition, the bill per-

mits the SSA to share, if certain conditions are met, the death data with Federal and State agencies for purposes of, among other things, ensuring proper payments and tax administration duties related to issuing Economic Impact Payments related to the COVID–19 pandemic.

7. S. 4878—Stopping Improper Payments to Foreigners Act—This bill would ensure proper Economic Impact Payments paid out with Americans' tax dollars would not be sent abroad to those with tenuous or no ties to the United States.

8. S. Con. Res. 11—Penny Plan Balanced Budget—Establishes the congressional budget for the Federal Government for FY2021 and sets forth budgetary levels for FY2021–FY2029. This budget balances in 5 years by implementing a one percent year over year cut for the first 5 years and then grows at one percent thereafter.

Recommends levels and amounts for FY2021–FY2029 in both houses of Congress for:

- Federal revenues,
- New budget authority,
- Budget outlays,
- Deficits,
- Public debt,
- Debt held by the public, and
- The major functional categories of spending.

Recommends levels and amounts for FY2021–FY2029 in the Senate for Social Security and Postal Service discretionary administrative expenses.

Includes reconciliation instructions directing: (1) several Senate authorizing committees to report and submit to the Senate Budget Committee legislation to reduce the deficit, and (2) the Senate Finance Committee to report and submit to the Senate Budget Committee legislation to reduce the deficit and legislation to reduce revenues.

(Under the Congressional Budget Act of 1974, reconciliation bills are considered by Congress using expedited legislative procedures that prevent a filibuster and restrict amendments in the Senate.)

Establishes reserve funds that provide flexibility in applying budget enforcement rules to legislation relating to efficiencies, consolidations, and other savings; or health savings accounts.

Sets forth budget enforcement procedures for legislation considered in the Senate.

9. S. 2798—Whistleblower Protection Act of 2019—This bill would retroactively prohibit a Federal contractor from taking a personnel action against an employee who has lawfully disclosed information the employee reasonably believes shows 1) a violation of any law, rule, or regulation; or 2) cooperation with or disclosure of information to the agency's inspector general or special counsel; or 3) refusal to obey an order that would require the individual to violate a law, rule, or regulation. This bill also prohibits a Federal agency from pressuring a Federal contractor to take any personnel action against an employee based on such disclosures or actions by the employee.

10. S. 3904—Write the Laws Act—This bill would prohibit an act of Congress from containing any delegation of legislative powers,

whether to any component within the legislative branch, the President or any other member of the executive branch, the judicial branch, any agency or quasi-public agency, any state or state instrumentality, or any other organization or individual. It would also require the GAO to identify to Congress all statutes enacted before 90 days after this bill's enactment that contain any delegation of legislative power.

11. S. 92—Regulations from the Executive In Need of Scrutiny Act of 2019—This bill establishes a congressional approval process for a major rule. A major rule may only take effect if Congress approves the rule. A major rule is a rule that results in 1) an annual effect on the economy of $100 million or more, 2) a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions, 3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The bill also establishes a congressional disapproval process for a nonmajor rule, providing that a nonmajor rule may only take effect if Congress does not disapprove of the rule.

IV. GAO REPORTS

During the 116th Congress, the Government Accountability Office (GAO) issued 32 reports at the request of the Subcommittee. Reports are listed here by title, GAO number, and release date.

U.S. Virgin Islands Recovery: Status of FEMA Public Assistance Funding and Implementation. GAO–19–253. February 25, 2019.

Grants Management: Agency Action Required to Ensure Grantees Identify Federal Contribution Amounts. GAO–19–282. March 14, 2019.

Puerto Rico Hurricanes: Status of FEMA Funding, Oversight, and Recovery Challenges. GAO–19–256. March 14, 2019.

Huracanes de Puerto Rico: Estado de Financiamiento de FEMA, Suervision y Desafios de Recuperacion (Spanish Highlights). GAO–19–331. March 14, 2019.

Disaster Recovery: Better Monitoring of Block Grants Funds is Needed. GAO–19–232. March 25, 2019.

2017 Hurricane Season: Federal Support for Electricity Grid Restoration in the U.S. Virgin Islands and Puerto Rico. GAO–19–296. April 18, 2019.

2017 Disaster Contracting: Actions Needed to Improve the Use of Post-Disaster Contracts to Support Response and Recovery. GAO–19–281. April 24, 2019.

Disaster Assistance: FEMA Action Needed to Better Support Individuals Who Are Older or Have Disabilities. GAO–19–318. May 14, 2019.

Government Efficiency and Effectiveness: Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Billions in Financial Benefits. GAO–19–536T. May 21, 2019.

2017 Disaster Relief Oversight: Strategy Needed to Ensure Agencies' Internal Control Plans Provide Sufficient Information. GAO–19–479. June 28, 2019.

Disaster Response: FEMA and the American Red Cross Need to Ensure Key Mass Care Organizations are Included in Coordination and Planning. GAO–19–526. September 19, 2019.

Respuesta a Desastres: FEMA y La Cruz Roja Americana Necesitan Asegurar que las Organizaciones Claves del Cuidado en Masa Sean Incluidas en la Coordinacion y el Planeamiento. GAO–19–708. September 19, 2019.

Disaster Response: HHS Should Address Deficiencies Highlighted by Recent Hurricanes in the U.S. Virgin Islands and Puerto Rico. GAO–19–592. September 20, 2019.

Puerto Rico Electricity Grid Recovery: Better Information and Enhanced Coordination is Needed to Address Challenges. GAO–20–141. October 8, 2019.

Recuperacion de la Red Electrica en Puerto Rico: Se Necesita Mejor Informacion y Coordinacion para Enfrentar Desafios. GAO–20–143. October 8, 2019.

Wildfire Disasters: FEMA Could Take Additional Actions to Address Unique Response and Recovery Challenges. GAO–20–5. October 9, 2019.

Highway Emergency Relief: Federal Highway Administration Should Enhance Accountability Over Project Decisions. GAO–20–32. October 17, 2019.

Emergency Transportation Relief: Federal Transit Administration and FEMA Took Actions to Coordinate, But Steps are Needed to Address Risk of Duplicate Funding. GAO–20–85. November 13, 2019.

U.S. Virgin Islands Recovery: Additional Actions Could Strengthen FEMA's Key Disaster Recovery Efforts. GAO–20–54. November 19, 2019.

Wildland Fire: Federal Agencies' Efforts to Reduce Wildland Fuels and Lower Risk to Communities and Ecosystems. GAO–20–52. December 19, 2019.

Puerto Rico Disaster Recovery: FEMA Actions Needed to Strengthen Project Cost Estimation and Awareness of Program Guidance. GAO–20–221. February 5, 2020.

Recuperacion de Desastres en Puerto Rico: Acciones de FEMA son Necesarias para Fortalecer la Calculacion de Costos de Proyectos y el Conocimento de las Directrices del Programa. GAO–20–381. February 5, 2020.

Emergency Alerting: Agencies Need to Address Pending Applications and Monitor Industry Progress on System Improvements. GAO–20–294. February 6, 2020.

FEMA Disaster Workforce: Actions Needed to Address Deployment and Staff Development Challenges. GAO–20–360. May 4, 2020.

National Preparedness: Additional Actions Needed to Address Gaps in the Nation's Emergency Management Capabilities. GAO–20–297. May 4, 2020.

National Flood Insurance Program: FEMA Can Improve Community Oversight and Data Sharing. GAO–20–396. May 5, 2020.

Critical Infrastructure Prioritization During COVID–19. September 17, 2020.

Disaster Assistance: FEMA Should Take Additional Actions to Strengthen Fraud Risk Management for Public Assistance Emergency Work Grants. GAO–20–604. September 29, 2020.

Disaster Assistance: Additional Actions Needed to Strengthen FEMA's Individuals and Households Program. GAO–20–503. September 20, 2020.

Supplemental Material for GAO–20–503: FEMA Individuals and Households Program Applicant Data 2016–2018. GAO 20–675SP. September 30, 2020.

Supplemental Material for GAO–20–503: Select Disaster Profiles for FEMA's Individuals and Households Program 2016–2018. GAO–20–674SP. September 30, 2020.

Puerto Rico Electricity: FEMA and HUD Have Not Approved Long-Term Projects and Need to Implement Recommendations to Address Uncertainties and Enhance Resilience. GAO–21–54. November 17, 2020.

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

CHAIRMAN: JAMES LANKFORD (R–OK)

RANKING MEMBER: KYRSTEN SINEMA (D–AZ)

I. AUTHORITY

The Subcommittee on Regulatory Affairs and Federal Management oversees the management, efficiency, effectiveness, and economy of all government agencies, departments, and programs. The Subcommittee has broad oversight over the Federal regulatory regime, including the Office of Information and Regulatory Affairs (OIRA). In addition, the Subcommittee is responsible for exploring policies that promote a skilled, efficient, and effective Federal workforce that will work to ensure efficient and effective management of Federal programs.

II. ACTIVITY

During the 116th Congress, the Subcommittee on Regulatory Affairs and Federal Management held 7 hearings.

A. HEARINGS

From Beginning to End: An Examination of Agencies' Early Public Engagement and Retrospective Review. May 7, 2019. (S. Hrg. 116–37)

At the beginning of a rulemaking, agencies are encouraged to consult with stakeholders, consider multiple approaches to regulation, and directed to provide opportunity for public comment. In the years following the promulgation of a rule, agencies are expected to periodically review regulations to ensure their effectiveness and continued necessity. However, there is no overarching legal requirements governing initial public outreach and review of existing rules.

This hearing considered how the regulatory process could be improved by legislation requiring advanced notices of proposed rulemaking and the creation of retrospective review frameworks during the promulgation of 'major' rules.

Witnesses: Hon. Susan E. Dudley, Former Administrator (2007–2009), of the Office of Information and Regulatory Affairs, at the Office of Management and Budget; Hon. Sally Katzen, Former Administrator (1993–1998), of the Office of Information and Regulatory Affairs, at the Office of Management and Budget

Reauthorization of the SBA Office of Advocacy. May 22, 2019 (S. Hrg. 116–86)

The 1980 passage of the Regulatory Flexibility Act (RFA) greatly expanded the Small Business Administration's (SBA's) Office of Advocacy's role. The RFA requires agencies to consider the effects of their regulatory actions on small entities, mitigate effects when possible, and fill out initial and final regulatory analyses. The RFA also charges the Chief Counsel with monitoring agencies' compliance with the Act and submitting an annual report to Congress. In

1996, the Small Business Regulatory Enforcement Fairness Act (SBREFA) required the EPA and OSHA to hold panels with Advocacy, OIRA, and small entity representatives when developing a rule that requires an initial regulatory flexibility analysis. The 2010 Dodd-Frank added the Consumer Financial Protection Bureau (CFPB) to the list of agencies required to convene "SBREFA" panels. Executive Order 13272 in 2002 required all Federal agencies to establish procedures and policies to promote compliance with the RFA, which was later codified in the Small Business Jobs Act of 2010.

This hearing, held jointly with the Senate Committee on Small Business and Entrepreneurship, discussed the work at the office of Advocacy, ways to enhance the Office's mission to serve as a voice for small businesses within the Federal Government, and figure out the best ways to draft a reauthorization of the portions of the Small Business Act and other laws that enable Advocacy.

Witnesses: Major Clark, III, Acting Chief Counsel, Office of Advocacy, U.S. Small Business Administration; Winslow Sargeant, Senior Vice President for Partnerships, International Council for Small Business; John Arensmeyer, CEO and Founder, Small Business Majority; Jeanette Hernandez Prenger, Founder, President, and CEO, ECCO Select; Rick Baumann, Owner, Murrells Inlet Seafood.

Solutions to Improve Federal Hiring. July 30, 2019. (S. Hrg. 116–98)

This hearing provided an opportunity to discuss specific ways to modernize the hiring process to attract and retain highly qualified civil servants. Federal agencies continue to face a prolonged hiring crisis. The average time to hire is 106 days, well above the Office of Personnel Management's goal of 80 days. This renders the Federal Government unable to compete with the private sector for top talent. The Federal workforce is also aging. With 32 percent of employees eligible to retire by 2022, there is a significant risk of having a wide knowledge gap amongst Federal workers in years to come. It is therefore vital that the Federal hiring process be improved so that agencies can strategically fill critical needs in a timely manner. This hearing examined the challenges to implementing a competitive hiring process in the Federal Government and explored strategic measures to address these challenges.

Witnesses: Yvonne D. Jones, Director, Strategic Issues Team, U.S. Government Accountability Office; Angela Bailey, Chief Human Capital Officer, U.S. Department of Homeland Security; and Daniel R. Sitterly, Assistant Secretary for Human Resources and Administration, U.S. Department of Veterans Affairs.

Review of E-Rulemaking Comment Systems. October 24, 2019. (S. Hrg. 116–114).

This hearing, held jointly with the Permanent Subcommittee on Investigations, reviewed federal agency systems for receiving reviewing, and publicizing comments on proposed regulations and found the systems were abused, creating some public distrust in the rule writing process, as well as additional work for federal employees. The Permanent Subcommittee on Investigations also re-

leased a report in conjunction with the hearing titled "Abuses of the Federal Notice-and-Comment Rulemaking Process."

Witnesses: Elizabeth Angerman, Principal Deputy Administrator, Office of Government-Wide Policy, U.S. General Services Administration; Dominic Mancini, Acting Director, Office of Information and Regulatory Affairs, Office of Management and Budget; Ashley Boizelle, Deputy General Counsel, Federal Communications Commission; Seto J. Bagdoyan, Director, Forensic Audits and Investigative Service, U.S. Government Accountability Office.

Improving Public Service: A Review of Recommendations Made by the National Commission on Military, National, and Public Service. June 23, 2020 (S. Hrg. 116–268)

As the National Commission observed in its final report issued on March 25th, "Public servants perform a critical role in the functioning of American democracy," but "significant barriers to entering public service exist due to lack of awareness, aspiration, and access—especially among younger workers, who are underrepresented in Federal civilian employment." The National Commission went on to make specific recommendations, including legislative proposals for improving the functioning of the Federal workforce. This hearing focused on those recommendations with a particular emphasis on hiring reform.

Witnesses: Hon. Joseph Heck, D.O, Chairman, National Commission on Military, National, and Public Service; Shawn Skelly, Commissioner, National Commission on Military, National, and Public Service.

Modernizing Telework: Review of Private Sector Telework Policies during the COVID–19 Pandemic. July 28, 2020. (S. Hrg. 116–283)

COVID–19 has forced both the Federal Government and private sector to conduct much of their normal operations remotely. This enhanced reliance on telework provides an opportunity to learn what policies put in place before the pandemic lead to successful remote work environments and what improvements are needed. Given the agility of the private sector, the hearing invited representatives from private sector companies to discuss their approach to telework before the pandemic and how, if at all, that approach changed since the pandemic and how it will continue to change moving forward.

This hearing focused on what lessons the Federal Government could learn from the private sector regarding the future of telework. This will include what infrastructure is available to support telework practices, how to ensure employee productivity goals are met, what technologies are available to optimize remote collaboration and improve data security, potential cost saving from having a full or part-time remote workforce, as well as any other proposals the private sector has found useful in establishing and improving teleworking policies.

Witnesses: Seán D. Morris, Principal, Deloitte Consulting LLP; T. Lane Wilson, Senior Vice President and General Counsel, The Williams Companies, Inc.; Michael Ly, Chief Executive Officer, Reconciled; John Zanni, Chief Executive Officer, Acronis SCS.

Modernizing Federal Telework: Moving forward using the Lessons Learned during the COVID–19 Pandemic. November 18, 2020. (S. Hrg. 116–402).

COVID–19 has required the Federal Government to conduct most of its normal operations remotely. The need for maximal telework during this period has provided an opportunity to identify what existing telework policies and procedures have been successful and areas for improvement. This hearing invited Federal agency representatives to discuss their approach to telework before the pandemic, what lessons they have learned during the pandemic, and how these lessons might shape the future of telework.

Witnesses: Michelle Rosenberg, Acting Director, Strategic Issues Team, Government Accountability Office; Keith Washington, Deputy Secretary for Administration, U.S. Department of Transportation; Ms. Sydney T. Rose, Chief Human Capital Officer, Office of Human Resources, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor; Jim Borland, Assistant Deputy Commissioner for Systems and Deputy Chief Information Officer for IT Operations, Social Security Administration.

III. LEGISLATION

Since the Subcommittee on Regulatory Affairs and Federal Management's hearings play an important role in bringing issues to the attention of Congress and the public, its work frequently contributes to the development of legislative initiatives. During the 116th Congress, Chairman Lankford introduced the following legislative proposals in his capacity as a Senator:

1. S. 395—Providing Accountability Through Transparency—This bill requires the notice of a proposed rule by a Federal agency to include the Internet address of a summary of the rule. The summary must be 100 words or fewer, written in plain language, and posted on regulations.gov.

2. S. 1120—Small Business Regulatory Flexibility Improvements Act—Updates the Regulatory Flexibility Act. Requires agencies to analyze the total impact of a proposed regulation on small businesses during the rulemaking process. It also closes loopholes used by agencies to avoid compliance with the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act of 1996.

3. S. 1419—Early Participation in Regulations Act—This bill directs agencies to publish advance notice of a proposed rulemaking at least 90 days before publishing a notice of proposed rulemaking for a major rule that the Office of Information and Regulatory Affairs (OIRA) determines is likely to impose (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, health, safety, the environment, or the ability of U.S. enterprises to compete with foreign-based enterprises.

The advance notice must:

include, among other information, a written a description of the rule and the legal authority under which it is proposed; and

solicit and provide a period of at least 60 days for submission of written data, views, and argument from interested persons.

Any difference between such advance notice and the notice of proposed rulemaking may not be considered arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the Administrative Procedure Act.

Advance notice is not required if the proposing agency is not required to publish notice of proposed rulemaking or OIRA finds that such advance notice is not in the public interest or duplicative of another statutory requirement. Such a determination made by OIRA is not subject to judicial review.

4. S. 1430—Representative Payee Fraud Prevention Act—This bill prohibits a representative payee (i.e., a person designated to receive payments on behalf of a minor, a mentally incompetent individual, or an individual under other legal disability) from embezzling or converting the amounts received from certain retirement funds.

If the Office of Personnel Management (OPM) determines that a representative payee has embezzled or converted payments from the Civil Service Retirement System or the Federal Employees Retirement System for a use other than the benefit of the individual on whose behalf such payments were received, OPM shall (1) revoke the certification for payment of benefits to the representative payee, and (2) certify payment to another representative payee or to the individual.

5. S. 2169—A bill to amend section 3116 of title 5, United States Code, to clarify the applicability of the appointment limitations for students appointed under the expedited hiring authority for post-secondary students.This bill revises a provision that limits the authority of an agency to appoint, through expedited hiring authority, post-secondary students to an agency position at the GS–11 level. Further, the bill authorizes an agency to grant paid leave for up to (1) 20 days of rest and recuperation to a civilian employee serving in a combat zone or other high risk, high threat post; and (2) 5 days to a civilian employee serving in a foreign area for local holidays observed in such area.

6. S. 2757—Harmless Error Lesser Penalty for Small Business Act—This bill prohibits an agency from imposing a civil fine on a small business for a first-time paperwork violation, with the exceptions that the agency may levy a fine for a violation that (1) interferes with the detection of criminal activity; (2) contravenes an internal revenue law; or (3) endangers public health, safety, or the environment. However, an agency must track each first-time violation and report each waiver or reduction of a civil penalty for the violation.

7. S. 3412—Guidance Clarity Act—This bill requires Federal agencies to state on the first page of guidance documents that such guidance (1) does not have the force and effect of law, and (2) is intended only to provide clarity to the public about existing legal requirements or agency policies. Excluded from this requirement is guidance directed to the issuing agency or other agency that is not intended to have a substantial effect on the behavior of regulated parties, as well as internal executive branch legal advice or opinions addressed to executive branch officials.

8. S. 4138—Telework for U.S. Innovation Act—This bill makes permanent the Telework Enhancement Act Pilot Program in the U.S. Patent and Trademark Office (USPTO). The program allows USPTO employees to telework from locations across the United States; USPTO may cover any necessary travel expenses to and from an agency worksite. The program is set to expire on December 31, 2020.

9. S. 4691—Safeguarding Awards for Victims and Enforcement Settlements Act—Previous administrations have directed DOJ settlement money be issued to third parties with no direct interest in or claim to the settlement, subverting Congress's spending and oversight authority. SAVES Act resolves this issue by preventing third party payments except in limited circumstances where a third party is necessary for a fair result. Specifically, it prohibits the government from entering into or enforcing an enforcement settlement agreement on behalf of the US that directs or provides for a payment or loan to any person or entity other than the US except to: directly remedy actual harm (including to the environment) caused by the party making the payment or loan, pay for services rendered in connection with the case, or pay for court ordered restitution to victims in certain criminal cases or other persons in plea agreements.

10. S. 4693—Better Evaluation of Science and Technology Act—This bill requires Federal agencies to use the best available scientific information during rulemaking and publish specified documentation of the rulemaking process.

Specifically, the bill requires a Federal agency, to the extent it is making a decision based on science when issuing a rule, to use scientific information, technical procedures, methods, protocols, methodologies, or models in a manner that is consistent with the best available science and the intended use of the information, based on the weight of the scientific evidence.

Each Federal agency shall make available to the public (1) all of its notices, determinations, findings, rules, consent agreements, and orders in connection with a rule; (2) a nontechnical summary of each risk evaluation conducted in connection with a rule; and (3) a list of the studies considered by the agency in carrying out each evaluation, along with the results of those studies.

11. S. 4708—Pandemic Preparedness, Response, and Recovery Act—This bill establishes in the legislative branch the Pandemic Preparedness, Response, and Recovery Commission to make recommendations and propose legislation for modification, consolidation, harmonization, or repeal of regulations to reduce compliance costs, encourage growth and innovation, improve competitiveness, and protect public safety.

The commission must give priority to regulations (1) the repeal or modification of which may assist recovery or response to the COVID–19 (i.e., coronavirus disease 2019) pandemic and future pandemics, (2) that impose disproportionately high costs on a small entity, (3) that create substantial recurring paperwork burdens or transaction costs, or (4) that could be made more effective while reducing regulatory costs.

The bill sets forth reporting requirements for the commission and procedures for congressional consideration of commission reports, recommendations, and proposed legislation.

12. S. 4977—Retirement Annuity Supplement Clarity Act—Clarifies that OPM has the flexibility to follow a court order, if that order specifically divides the annuity supplement, rather than the blanket approach applied now. Repays annuitants who were retired on or before June 30, 2016, and entitled to an annuity supplement that was subject to a court order that was silent on division of the supplement, or expressly excluded the supplement from division; and whose annuity supplement was recomputed retroactively. Clarifies that any collection of overpayments to former spouses due to this recalculation shall be waived.

IV. GAO REPORTS

During the 116th Congress, the Government Accountability Office (GAO) issued 8 reports at the request of the Subcommittee. Reports are listed here by title, GAO number, and release date.

1. Grants Management: Agency Action Required to Ensure Grantees Identify Federal Contribution Amounts. GAO–19–282. March 14, 2018.

2. Federal Workforce: Key Talent Management Strategies for Agencies to Better Meet their Missions. GAO–19–181. March 28, 2019.

3. Federal Rulemaking: Selected Agencies Should Clearly Communicate Practices Associated with Identity Information in the Public Comment Process. GAO–19–483. June 26, 2019.

4. Federal Vehicle Fleets: Agencies have continued to Incorporate Alternative Fuel Vehicles into Fleets, but Challenges Remain. GAO–19–397. July 26, 2019.

5. Human Capital: Improving Federal Recruiting and Hiring Efforts. GAO–19–696T. July 30, 2019.

6. Federal Rulemaking: Selected Agencies Should Clearly Communicate Public Comment Posting Practices Associated with Identity Information. GAO–20–105T. October 24, 2019.

7. Federal Rulemaking: Information on Selected Agencies' Management of Public Comments. GAO–20–383R. April 16, 2020.

8. Federal Telework: Key Practices that can help ensure the Success of Telework Programs. GAO–21–238T. November 18, 2020.

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