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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 FOURTEENTH CONGRESS



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ACTIVITIES OF THE COMMITTEE ON HOMELAND
SECURITY AND GOVERNMENTAL AFFAIRS
DURING THE 114TH CONGRESS

MARCH 28, 2017—Ordered to be printed

Mr. JOHNSON, 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 114th 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 Johnson was Chairman of the Committee during the 114th Congress; Senator Carper was the Ranking Member.

Major activities of the Committee during the 114th Congress included investigations, oversight, and legislation involving border and immigration security; cybersecurity; critical infrastructure; terrorism; reforming the Department of Homeland Security; the Committee’s oversight jurisdiction; 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.” 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

Under the leadership of Chairman Ron Johnson and Ranking Member Tom Carper, the Committee established a mission statement: “to enhance the economic and national security of America.” During the 114th Congress, the Committee made real progress advancing this mission. The Committee’s work on oversight through

hearings, inquiries, and investigations identified and clarified significant economic and national security challenges facing the nation. And its collaborative work on bipartisan legislation demonstrated that a committee of Senators with differing views about public policy can come together and find areas of agreement in support of commonsense reforms.

To improve national security, the Committee worked to identify challenges and solutions to major threats facing our nation, including border and visa security; international drug trafficking and our nation's insatiable demand for drugs; cybersecurity threats and vulnerabilities; and the growing threat posed by ISIS and other militant Islamic extremists. The Committee passed legislation to strengthen border security, improve detection of human trafficking, enhance federal agency cybersecurity practices, protect our critical infrastructure, and ensure a more accountable Department of Homeland Security (DHS or "the Department").

To improve our nation's economic security, the Committee held a series of hearings to identify the root causes of the challenges that so many people face pursuing the American dream. For example, the Committee examined the challenges Americans face finding and paying for high-quality education services for their children, and how the skyrocketing number of Federal regulations are reducing economic opportunity for American workers. The Committee held hearings to identify ways to ensure that our most vulnerable, including those with terminal illnesses, and those to whom we owe our freedoms—our nation's veterans—have the ability to receive high-quality health care. The majority staff issued reports examining our border security, America's insatiable demand for drugs, the effect of onerous Executive Branch regulations, undue White House influence into the decision-making of independent agencies, and the tragedies at the Veterans Affairs Medical Center in Tomah, Wisconsin (Tomah VAMC).

Beyond diagnosing problems, the Committee worked together to approve bipartisan legislation on challenging issues by finding common ground, including legislation to improve the regulatory process and streamline Federal regulations. The Committee also approved dozens of bills that protect taxpayer dollars by reducing wasteful government spending and addressing inefficient, duplicative, or nontransparent government programs.

In total, the Committee held more than 100 hearings and roundtables to study challenges facing the United States and identify potential solutions; approved or discharged 86 pieces of legislation (not including post office naming bills), 85 of which passed with bipartisan support; shepherded 49 of these bills through the Senate and into law; approved or discharged 30 of President Obama's nominations for Senate-confirmed positions; sent more than 800 oversight letters; and issued 10 majority staff reports, 3 minority staff reports, and 1 joint staff report.

A. BORDER AND IMMIGRATION SECURITY

The increasing threat of international criminal and terrorist organizations, most notably ISIS, has underscored the need to secure the nation's borders, a priority that was identified by Congress and the 9/11 Commission fifteen years ago in the aftermath of the 2001 terrorist attacks. The threat of terrorism is just one of the reasons

why we must secure our borders and fix our broken immigration system. International drug trafficking and human trafficking, exacerbated by unsecure borders, are ruining the lives of too many of our citizens and hurting so many of our families. The Committee has taken seriously its imperative to provide oversight of the Department in these areas and close security gaps.

Relying on evidence gathered through 19 border security hearings and four roundtables, including field hearings focused on the opioid epidemic across the country, the Committee issued two majority staff reports, *America's Insatiable Demand for Drugs: The Public Health and Safety Implications for our Unsecure Border* and *The State of America's Border Security*, and one minority staff report, *Stronger Neighbors—Stronger Borders: Addressing the Root Causes of the Migration Surge from Central America*, and worked to lay out the reality of our border security. The Committee made the following findings:

- Our borders are unsecure. Despite spending more than \$100 billion over the last decade to fund security measures along the borders, our borders remain unsecure.¹ Interdiction rates on the border are below 55 percent, and as low as 30 to 40 percent in some areas.² In unfenced areas—approximately two-thirds of the southwest border—interdiction rates may be as low as 5 percent.³
- The U.S. has an insatiable demand for drugs. America's insatiable demand for drugs, coupled with drug smugglers' insatiable demand for profits, is a driving factor of the unsecure border.⁴ A former drug czar told the Committee that the overall interdiction rate of drugs coming across our land borders is estimated between 5 to 10 percent.⁵ Similarly, the United States Coast Guard is only able to target approximately 30 percent of the illegal drugs it is aware of, resulting in the interdiction of only 11 to 18 percent of the maritime known drug flow toward the United States.⁶
- We are losing the war on drugs. We spend roughly \$31 billion per year on the war on drugs.⁷ Yet in 2014, there were more than 47,000 overdoses in the United States, or about 129 overdose deaths per day.⁸ In Wisconsin, for example,

¹ See Lisa Seghetti, Cong. Research Serv., DHS Border Security and Immigration Enforcement Strategy, Appropriations, and Metrics 4–6 (2014).

² Bryan Roberts, Edward Alden, John Whitley, *Managing Illegal Immigration to the United States: How Effective is Enforcement?*, Council on Foreign Relations 2–3 (2013); see also *Ongoing Migration from Central America: An Examination of FY2015 Apprehensions: Hearing Before the S. Comm. on Homeland Security & Governmental Affairs*, 114th Cong. (2015) (statement of Chris Cabrera, National Border Patrol Council).

³ Majority Comm. Staff notes from bipartisan STAFFDEL to the Tucson, Arizona Sector (Feb. 2015).

⁴ Majority Staff Report, S. Comm. on Homeland Sec. & Governmental Affairs, *America's Insatiable Demand for Drugs: The Public Health & Safety Implications for our Unsecure Border*, 114th Cong. (Sept. 1, 2016).

⁵ *Securing the Border: Assessing the Impact of Transnational Crime: Hearing Before the S. Comm. on Homeland Security & Governmental Affairs*, 114th Cong. (2015) (testimony of Gen. Barry R. McCaffrey, Ret.).

⁶ U.S. Coast Guard, *Maritime Border Security* (2015); *Western Hemisphere Drug Interdiction Efforts: Hearing Before the H. Subcomm. on Coast Guard & Marine Transportation of the Comm. on Transportation and Infrastructure*, 114th Cong. (2015).

⁷ Tim Dickinson, *Why America Can't Quit the Drug War*, Rolling Stone (May 5, 2016), <http://www.rollingstone.com/politics/news/why-america-cant-quit-the-drug-war-20160505>.

⁸ Rudd et al., *Increases in Drug and Opioid Overdose Deaths—United States, 2000–2014*, Morbidity and Mortality Weekly Report (Jan. 1, 2016), <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6450a3.htm>; see also Lenny Bernstein, *Deaths From Opioid Overdoses Set a*

Milwaukee County alone saw 109 heroin-related overdose deaths in 2015.⁹

- There are weaknesses in U.S. immigration programs. DHS has challenges managing and sharing information and data collected for vetting immigration benefits.¹⁰ For example, as a result of poor information collection and management, “274 subjects of [Immigration and Customs Enforcement] ICE human trafficking investigations successfully petitioned [U.S. Citizenship and Immigration Services] USCIS to bring 425 family members and fiancés into the country.”¹¹ Moreover, a lack of basic information sharing and database integrity allowed DHS to naturalize 858 individuals with a previous removal order issued against them under another identity.¹² Not even ICE knows how many people are in the country illegally due to visa overstays.¹³

To address these concerns, the Committee approved and the President signed into law five bills to shore up the security at and between U.S. ports of entry. Importantly, the Department of Homeland Security Border Security Metrics Act, passed as part of the National Defense Authorization Act for Fiscal Year 2017, P.L. 114–840 (2017 NDAA), requires the DHS Secretary to quantitatively measure the state of border security across all of the border sectors. Similarly, the Northern Border Security Act, P.L. 114–267, calls on DHS to consider potential criminal and terrorist threats stemming from our northern border. The Cross-Border Trade Enhancement Act of 2016, P.L. 114–279, allows Federal authorities to partner with private sector and state and local governments to increase security efficiencies at U.S. airports with international flights. The Committee acted quickly to ensure that border patrol agents in the field were fairly compensated for overtime work they performed through a legislative fix, P.L. 114–13. Finally, the Preclearance Authorization Act of 2015, passed as part of the Trade Facilitation and Trade Enforcement Act of 2015, P.L. 114–125, authorizes and improves a program designed to allow U.S. officials to screen people at foreign airports before they reach American soil, saving taxpayer money and providing a layer of security outside our borders. Building on this, Chairman Johnson worked with Senator Leahy and the Judiciary Committee to pass legislation providing needed authorities to implement a preclearance agreement between the United States and Canada to expand U.S. preclearance operations in Canada across all modes of transportation, P.L. 114–316.

Record in 2014, Wash Post (Dec. 18, 2015), <https://www.washingtonpost.com/news/to-your-health/wp/2015/12/11/deaths-from-heroin-overdoses-surged-in-2014>.

⁹*Border Security and America’s Heroin Epidemic: The Impact of the Trafficking and Abuse of Heroin and Prescription Opioids in Wisconsin: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Congress. (2016) (statement of James Bohn, Executive Director, Wisconsin High Intensity Drug Trafficking Area (HIDTA) Program).

¹⁰*The Security of U.S. Visa Programs: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016).

¹¹ Department of Homeland Security, Office of the Inspector General, OIG–16–17, ICE and USCIS Could Improve Data Quality and Exchange to Help Identify Potential Human Trafficking Cases (2016).

¹² Department of Homeland Security, Office of the Inspector General, OIG–16–130, Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records (2016).

¹³*The Security of U.S. Visa Programs: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016) (testimony of the Hon. Sarah R. Saldana).

Recognizing that our porous borders are exploited by human traffickers, the Committee approved the Human Trafficking Detection Act of 2015, signed into law as part of larger human trafficking legislation, P.L. 114–22. Among other things, the Act requires increased training for DHS personnel on methods for deterring, detecting, and disrupting human trafficking and authorizes DHS to help state and local officials by sharing the training.

In addition to pieces of legislation signed into law, the Committee worked to set a marker for border security measures that should be implemented in the future by approving Border Security Technology Accountability Act of 2015; Arizona Borderlands Protection and Preservation Act; and a resolution affirming the success and importance of Operation Streamline. These bills require the Department to make smart choices when acquiring technology to assist in border security operations, provide border patrol agents with access to Federal lands, and ensure appropriate consequences are placed on border crossers to decrease recidivism.

The Committee also examined the security of the refugee resettlement program, visa waiver program, and visa system in the U.S. in light of the horrific terrorist attacks in Paris, France, and San Bernardino, California. The Committee sent a series of oversight letters and held hearings on these topics to inform legislation to fix the weaknesses. Chairman Johnson led the effort to ensure that key enhancements to the visa waiver program were signed into law through the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, passed as part of the Consolidated Appropriations Act of 2016, P.L. 114–113.

B. CYBERSECURITY

It is no coincidence that the very first hearing the Committee held in the 114th Congress was on the cybersecurity threats facing our nation. The issue came to the forefront of Americans' attention in 2015, when news broke of the largest Federal data breach: the Office of Personnel Management (OPM) had been hacked, resulting in the loss of security clearance background investigation files containing sensitive personal information for millions of current and former Federal employees, putting both individuals' lives and our nation's security at risk.¹⁴ That same year the Internal Revenue Service (IRS) was compromised, resulting in unauthorized users successfully obtaining Get Transcript applications for 355,262 taxpayers' accounts.¹⁵ The threat requires Congress and the Administration to come together to take swift action to improve cybersecurity protections across the Federal Government. The Committee has led these efforts.

In 2015, Chairman Johnson worked with Ranking Member Carper to draft legislation that requires Federal agencies to implement stronger protections to defend against cyber-attacks, including implementing multi-factor authentication for remote users. It also requires DHS to deploy an intrusion detection and prevention system. The legislation, the Federal Cybersecurity Enhancement Act of 2015, was approved by the Committee in July 2015, and incor-

¹⁴ Off. of Mgmt. & Budget, Cybersecurity Resource Center: Cybersecurity Incidents (2016).

¹⁵ Treasury Inspector Gen. for Tax Admin., 2016–40–037, The Internal Revenue Serv. Did Not Identify and Assist All Individuals Potentially Affected by the Get Transcript Application Data Breach 1 (2016).

porated into a larger cybersecurity information sharing bill the Chairman and Ranking Member negotiated with the Senate Select Committee on Intelligence called the Cybersecurity Information Sharing Act of 2015. The final legislation, including the Committee-approved measure, was signed into law in December 2015 as part of the 2016 Consolidated Appropriations Act, P.L. 114–113. This legislation, which includes liability protection when sharing information on cyber threat indicators, is an important first step toward combatting our cyber adversaries.

In addition to the major cybersecurity legislation passed in 2015, the Committee worked to approve several smaller bills to improve our partnership with Israel as it pertains to research on cybersecurity issues, P.L. 114–304, and reduce duplication of DHS spending on information technology, P.L. 114–43. The Committee also approved the Federal Information Systems Safeguards Act of 2016, important legislation that would give Federal agencies broader authority to implement policies to improve cybersecurity, including by restricting employees’ access to certain websites.

The issue of encryption was also an important topic in the 114th Congress. The Committee gathered facts from all sides of the debate, hearing from experts at the Federal Bureau of Investigation (FBI) and private technology companies at a series of roundtables to inform policy decisions on this complex issue.

C. CRITICAL INFRASTRUCTURE

The United States depends on its critical infrastructure, particularly the electric power grid, as all critical infrastructure sectors are to some degree dependent on electricity to operate.¹⁶ A successful nuclear electromagnetic pulse (EMP) attack against the United States could cause the death of approximately 90 percent of the American population.¹⁷ Similarly, a geomagnetic disturbance (GMD) could have equally devastating effects on the power grid.¹⁸ Chairman Johnson has made it a priority to examine the threats, both man-made and natural, to the country’s critical infrastructure.

In July 2015, the Committee held a hearing titled *Protecting the Electric Grid from the Potential Threats of Solar Storms and Electromagnetic Pulse*, to learn from industry experts about EMP and GMD threats. The hearing examined what actions DHS and the Department of Energy are taking to address these threats and mitigate potential vulnerabilities. The Committee later held a hearing in May 2016 titled *Assessing the Security of Critical Infrastructure: Threats, Vulnerabilities, and Solutions*, to evaluate the state of information-sharing mechanisms used by DHS and private stakeholders to plan for threats against critical infrastructure.

Based on the information learned from the Committee’s oversight, Chairman Johnson introduced, and the Committee approved, the Critical Infrastructure Protection Act of 2016. The legislation requires DHS to develop and submit to Congress a strategy to pro-

¹⁶U.S. Dep’t of Energy, Office of Electricity Delivery & Energy Reliability, *Cybersecurity*, <http://energy.gov/oe/services/cybersecurity> (last visited Sept. 21, 2016).

¹⁷Critical National Infrastructures, Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack (Apr. 2008), <http://www.empcommission.org/docs/A2473-EMP—Commission-7MB.pdf>.

¹⁸Gov’t Accountability Office, GAO–16–243, *Critical Infrastructure Protection: Federal Agencies Have Taken Actions to Address Electromagnetic Risks, But Opportunities Exist to Further Assess Risks and Strengthen Collaboration* (2016), <http://www.gao.gov/assets/680/676030.pdf>.

tect critical infrastructure and to perform research and incident response planning. The legislation was signed into law as part of the 2017 NDAA.

D. TERRORISM

The Committee made identifying terrorist threats to the homeland and assessing the adequacy of current measures aimed at stopping these threats a priority in the 114th Congress. The importance and urgency of this mission has become increasingly clear as the threat of ISIS and other terrorists grows each day.

In total, the Committee held nine hearings that examined the issue of counterterrorism and countering violent extremism, with the aim of laying out the reality of the terrorist threats we face. Several of these hearings also explored the ideology, methodology, and goals of ISIS. Here is what the Committee found:

- Homegrown terrorism is a growing and evolving threat. DHS Secretary Jeh Johnson warned the Committee that: “The new reality involves the potential for smaller-scale attacks by those who are either homegrown or home-based, not exported, and who are inspired by, not necessarily directed by, a terrorist organization.”¹⁹
- ISIS has surpassed other terrorist organizations in its use of the Internet for propaganda purposes. Counterterrorism expert Juan Zarate explained to the Committee: “With a vast recruitment pipeline, slick media products, and targeted use of social media, new recruits and identities are forming. With 62 percent of 1.6 billion Muslims worldwide under the age of thirty, this is a generational threat. And the terrorists know this—using schools, videos, and terror—to inculcate a new generation with their message.”²⁰
- Information sharing among law enforcement agencies is crucial. In February 2016, the Committee held a hearing titled *Frontline Response to Terrorism in America*, to examine the local response to recent terror attacks within the United States and how first responders are preparing for the next attack. Following the hearing, the Committee reached out to 113 local law enforcement departments across the United States and interviewed 69 of them to learn more about how information-sharing gaps are jeopardizing the safety of Americans. The Committee learned that despite improvements, many of the barriers and gaps identified after the 9/11 terror attacks still exist today.²¹

The Committee also approved important legislation to provide DHS the tools it needs to protect the homeland. Four bipartisan bills approved by the Committee would help the Federal Government combat extremists in the United States from committing attacks on the homeland or from traveling overseas to join ISIS: the Department of Homeland Security Insider Threat and Mitigation Act of 2016; Countering Online Recruitment of Violent Extremists

¹⁹*Threats to the Homeland: Hearing Before S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2015) (statement of Hon. Jeh Johnson, Secretary).

²⁰*Terror in Europe: Safeguarding U.S. Citizens At Home and Abroad: Hearing Before S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016) (statement of Mr. Juan Zarate).

²¹Majority comm. staff notes (2016).

Act of 2015; Combat Terrorist Use of Social Media Act of 2016; and a bill to amend the Homeland Security Act of 2002 to build partnerships to prevent violence by extremists.

Four other bills approved by the Committee and signed into law help modernize, integrate, and improve information sharing among Government agencies and with the public during emergencies, including Chairman Johnson and Senator Claire McCaskill's bill, the Integrated Public Alert and Warning System (IPAWS) Modernization Act, P.L. 114–143. The importance of modernizing IPAWS was recently illustrated when law enforcement officials used the Wireless Emergency Alert system during the manhunt for the Manhattan bombing suspect, Ahmad Khan Rahami, in September 2016.²²

The Committee used its oversight authority to ensure that Federal law enforcement agencies work effectively and successfully to defend the homeland, including by overseeing agency responses to terrorist attacks here and abroad. For example, the Committee investigated coordination between USCIS and ICE and learned that the two DHS components failed to work together the day after the attack in San Bernardino, California. This failure could have prevented the arrest of a key suspect involved in the case.²³ The Committee also requested information from DHS and the Department of Justice (DOJ) regarding the terror attacks and attempted attacks in Garland, Texas; San Bernardino, California; Orlando, Florida; St. Cloud, Minnesota; and the New York metropolitan area. Further, after extensive briefings with the FBI and others, Chairman Johnson asked the DOJ Inspector General (DOJ IG) to conduct an independent review of the FBI's handling of its investigation into the Orlando terrorist prior to the attack, including reviewing the appropriateness of the watchlisting guidelines the FBI used.²⁴ The DOJ IG agreed and has started its review.²⁵

E. DHS REFORMS

The Committee has primary responsibility within the Senate for overseeing and authorizing DHS. During the 114th Congress, the Committee took significant action, through oversight and legislation, including 13 hearings, to improve DHS's management and operations.

Most significantly, the Chairman and Ranking Member introduced the DHS Accountability Act of 2016, a bill to improve the Department's management and transparency. The principle pieces of the bill were signed into law in December 2016 as part of the 2017 NDAA. The legislation was one of the most significant reforms of DHS since its creation after the September 11th terrorist attacks. Among other things, DHS will now be required to mitigate current security gaps and improve coordination with joint task forces and others. Additionally, the President will be required to

²²Tony Romm & Margaret Harding McGill, *New York Bombing Revives Emergency Alert Debate*, Politico (Aug. 19, 2016), <https://www.politicopro.com/technology/story/2016/09/new-york-bombing-revives-emergency-alert-debate-130784>.

²³Memorandum from John Roth, Inspector General, to the Honorable Jeh C. Johnson, Secretary, et al, (June 1, 2016), available at <https://www.oig.dhs.gov/assets/Mga/OIG-mga-060116.pdf>.

²⁴Letter from Ron Johnson, Chairman, to the Honorable Michael Horowitz, Inspector General (July 26, 2016).

²⁵Letter from Michael E. Horowitz, Inspector General, to the Honorable Ron Johnson, Chairman (Aug. 30, 2016).

develop a national strategy to prevent terrorists' travel and to review instances of United States persons traveling or attempting to travel to Iraq or Syria to provide material support or resources to a terrorist organization.

In addition to reforming the Department, the Committee focused on examining the country's ability to respond to attacks. The Committee held two hearings examining our biodefense capabilities, *The Federal Perspective on the State of Our Nation's Biodefense and Assessing the State of Our Nation's Biodefense*, and approved the National Biodefense Strategy Act of 2016 to require the President to develop and carry out a comprehensive national biodefense strategy. Key pieces of this legislation were included in the 2017 NDAA, P.L. 114-840. The Committee also approved, and the President signed into law, three bills that help first responders: the First Responder Anthrax Preparedness Act, P.L. 114-268, which gives first responders access to anthrax vaccines; the National Urban Search and Rescue Response System Act of 2016, P.L. 114-326, which provides reemployment protections after they are deployed, and other legal benefits; and the RESPONSE Act of 2016, P.L. 114-321, which shores up emergency responder training relating to hazardous materials incidents involving railroads.

In 2015, the Committee oversaw the nomination of a new Transportation Security Administration Administrator, Peter Neffenger, and as part of its vetting of the nominee, held a hearing titled *Oversight of the Transportation Security Administration: First-Hand and Government Watchdog Accounts of Agency Challenges*, to examine challenges the agency faces.

Several bills approved by the Committee and signed into law in 2016 aimed to help reduce unnecessary and potentially wasteful spending by the Department. The Chairman's Directing Dollars to Disaster Relief Act of 2015, P.L. 114-132, requires that Federal money spent on disaster relief is not wasted on unreasonably high administration costs, and Department of Homeland Security Headquarters Consolidation Accountability Act of 2015, P.L. 114-150, ensures that DHS remains accountable to Congress for costs and timetables associated with their headquarter consolidation project.

Finally, the Committee continued its oversight of the United States Secret Service (USSS) through oversight letters and legislation in the 114th Congress. One bill approved by the Committee and signed into law at the end of 2016, the Overtime Pay for Protective Services Act of 2016, P.L. 114-311, addressed the inequity experienced by USSS employees who worked overtime during the 2016 Presidential election cycle, but were not fully compensated for their work. The Committee also approved the Secret Service Improvements Act of 2015, legislation to improve USSS protection of the White House and grounds; former Vice Presidents and their family; and improve the hiring, training, and retention of officers and agents. The Committee will continue to work on this legislation in the next Congress.

F. OVERSIGHT OF FEDERAL AGENCIES AND GOVERNMENT PROGRAMS

The Committee has broad responsibility to oversee all Federal agencies. During the 114th Congress, the Committee focused its general oversight on four priorities: (1) protecting the finest among

us; (2) shielding whistleblowers from agency retaliation; (3) preserving Americans' life, liberty, and pursuit of happiness; and (4) protecting America's secrets.

PROTECTING THE FINEST AMONG US

The heroes who serve the United States deserve the best health care available. Unfortunately, recent history with the Department of Veterans Affairs (VA) reminds us that our nation has often failed to meet this obligation. This failure highlights the need not only for reform of the VA but also proper oversight, including whistleblower protections, so that whistleblowers everywhere can speak out to identify problems related to veterans' health care.

In January 2015, the Committee began investigating the Tomah VAMC following press reports about a veteran's death at the facility. As part of that investigation, the Committee sent 28 letters, issued a subpoena to the VA Office of Inspector General (VA OIG) to produce documents, and held 3 hearings. Committee staff reviewed thousands of pages of documents, and conducted over 82 hours of transcribed interviews of 21 witnesses. Based on information gathered during the investigation, Chairman Johnson's staff issued a 359-page report in May 2016 detailing the systemic failures that contributed to the tragedies at the Tomah VAMC.²⁶ The report found:

- At least two veterans died from complications of over prescription of drugs at the Tomah VAMC. The facility was known as "Candy Land" and the former chief of staff was known as the "Candy Man" because of the widespread prescription of addictive medications.²⁷
- A culture of fear and whistleblower retaliation at the Tomah VAMC went unaddressed for years. One whistleblower committed suicide after he was fired for raising concerns about questionable prescription practices at the facility.²⁸
- Despite receiving complaints, Federal law enforcement agencies and other executive branch entities failed to address the problems at the Tomah VAMC.²⁹
- The VA OIG failed veterans. It examined the facility but hid its findings from the public and from Congress, and even retaliated against VA whistleblowers.³⁰
- Acting VA Inspector General Richard Griffin was ill-suited for the job, too close to VA management, and withheld documents from Congress.³¹

The Committee's investigation resulted in significant changes.

- Following Chairman Johnson's subpoena of the VA OIG for Tomah VAMC documents and other public pressure, Richard Griffin, the acting VA Inspector General, resigned.³²

²⁶Majority Staff Report, S. Comm. On Homeland Sec. & Governmental Affairs, *The Systemic Failures And Preventable Tragedies At The Tomah VA Medical Center*, 114th Cong. (2016).

²⁷*Id.* at vi.

²⁸*Id.* at vii.

²⁹*Id.* at vi-vii.

³⁰*Id.* at vii.

³¹*Id.*

³²Donovan Slack, *Embattled VA watchdog stepping down*, USA Today (June 30, 2015), <http://www.usatoday.com/story/news/politics/2015/06/30/va-inspector-general-to-resign-this-week-in-face-of-criticism/29525497>.

- After months of Chairman Johnson and the Committee calling on the President to nominate a permanent VA inspector general,³³ President Obama nominated Michael Missal.³⁴ The Committee moved expeditiously to vet and approve his nomination, and Chairman Johnson then requested and received a favorable voice vote confirming Mr. Missal on the Senate floor.³⁵
- The Tomah VAMC investigation found that the VA OIG failed to publish approximately 140 health care inspections dating back to 2016.³⁶ Under pressure from Chairman Johnson, the VA OIG released the documents.³⁷
- Chairman Johnson helped to broker briefings between the VA OIG and families of veterans who died at the Tomah VAMC about what the VA OIG investigations into those veterans' death found.³⁸
- As a result of the Committee's investigation, the VA removed multiple Tomah VAMC employees that failed to live up to the promises made to the finest among us.³⁹

Additionally, the Committee approved and the President signed into law several bills that help veterans and their families: the Border Jobs for Veterans Act of 2015, P.L. 114–68, helps separating service members connect with jobs at DHS as CBP officers securing our borders; the Wounded Warriors Federal Leave Act of 2015, P.L. 114–75, provides advanced sick leave to qualifying veterans who work for the Federal Government; and the Gold Star Fathers Act of 2015, P.L. 114–62, ensures both mothers and fathers of deceased military members can benefit from Federal Government hiring preferences.

PROTECTING WHISTLEBLOWERS

The Tomah VAMC scandal is a glaring example of the importance of whistleblower protections. As founding members of the Senate Whistleblower Caucus, Chairman Johnson and Ranking Member Carper made it a priority to support and protect Federal employees who disclose allegations of waste, fraud, and abuse.

To that end, Chairman Johnson created an email hotline to allow whistleblowers a safe and confidential avenue for blowing the whistle to the Committee. Hundreds of individuals have since contacted

³³ Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Sec. and Governmental Affairs, to President Barack Obama, Jan. 22, 2015; Letter from Ron Johnson, Thomas R. Carper, and all other Members of the Committee to President Barack H. Obama (Mar. 24, 2015).

³⁴ PN897—*Michael Joseph Missal—Department of Veterans Affairs*, Congress.gov, <https://www.congress.gov/nomination/114th-congress/897> (last visited Sept. 27, 2016).

³⁵ Press Release, *Johnson Statement on Senate Confirmation of Michael Missal to Serve As Inspector General at the Department of Veterans Affairs*, <https://www.hsgac.senate.gov/media/majority-media/johnson-statement-on-senate-confirmation-of-michael-missal-to-serve-as-inspector-general-at-the-department-of-veterans-affairs-> (last visited Sept. 27, 2016).

³⁶ Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Sec. and Gov't Affairs, to Richard Griffin, Deputy Inspector Gen., Dept of Veteran's Affairs (Mar. 17, 2015).

³⁷ Donovan Slack, *Newly released VA reports include cases of veteran harm, death*, USA Today (Apr. 29, 2015), <http://www.usatoday.com/story/news/politics/2015/04/29/newly-released-va-reports/26594353>.

³⁸ Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Sec. and Governmental Affairs, to Richard Griffin, Deputy Inspector Gen., Dept of Veteran's Affairs (Mar. 17, 2015).

³⁹ Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Sec. and Governmental Affairs, to Richard Griffin, Deputy Inspector Gen., Dept of Veteran's Affairs, June 16, 2015; see also Donovan Slack, *VA watchdog agrees to brief relatives on vet's death*, USA Today (June 16, 2015), <http://www.postcrescent.com/story/news/local/2015/06/16/va-watchdog-agrees-brief-relatives-vets-death/28823899>.

the Committee. The Committee also worked to provide a public platform to allow whistleblowers to voice their concerns, holding two hearings in 2015 that featured Federal whistleblower witnesses testifying about how Federal agencies retaliate against employees who disclose waste, fraud and abuse, and how Congress can help: *Blowing the Whistle on Retaliation: Accounts of Current and Former Federal Agency Whistleblowers and Improving VA Accountability: Examining First-hand Accounts of Department of Veterans Affairs Whistleblowers*. These are just a few of the whistleblowers the Committee helped:

- Chris Cabrera testified at a 2015 Committee hearing titled *Securing the Southwest Border: Perspectives from Beyond the Beltway*, indicating that supervisors discouraged agents from reporting high numbers of “got-aways,” or illegal border crossers who are spotted by an agent but then manage to evade detection. Shortly after this testimony, Mr. Cabrera was called to testify in front of the DHS Office of Internal Affairs. Chairman Johnson immediately questioned whether this was in retaliation for his testimony before the Committee.⁴⁰ Shortly after Chairman Johnson’s inquiry, Mr. Cabrera’s hearing was cancelled.⁴¹
- Lieutenant Colonel Jason Amerine testified at a 2015 Committee hearing titled *Blowing the Whistle on Retaliation: Accounts of Current and Former Federal Agency Whistleblowers* about how he faced retaliation for blowing the whistle to Congress about failed hostage recovery efforts. A recipient of the Purple Heart and Bronze Star, Amerine disclosed how the Army began to investigate him, revoked his security clearance, withheld his pay, and delayed his retirement. Following his testimony, the Army dropped its investigation of Amerine and allowed him to retire.⁴²
- Ryan Honl and Joseph Colon were whistleblowers from VA facilities in Wisconsin and Puerto Rico, respectively. Mr. Honl was retaliated against for raising concerns about the excessive prescription of opiates to patients at his facility, while Mr. Colon was retaliated against after reporting concerns about patient care and misconduct by his facility’s director. The whistleblowers testified at two different hearings before the Committee, *Joint Field Hearing: Tomah VAMC: Examining Quality, Access, and a Culture of Overreliance on High-Risk Medications and Improving VA Accountability: Examining First-hand Accounts of Department of Veterans Affairs Whistleblowers*. Committee staff worked with the whistleblowers until they successfully obtained damages and other relief through the Office of Special Counsel.⁴³

The Committee also worked to approve meaningful legislation to protect Federal whistleblowers. Chairman Johnson’s Dr. Chris

⁴⁰ *Securing the Border: Fencing, Infrastructure, and Technology Force Multipliers: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2015) (questioning of Chairman Johnson).

⁴¹ Email from Chris Cabrera to Comm. staff (May 13, 2015 5:57 PM).

⁴² Michelle Tan, *Green Beret investigated for whistleblowing retires*, Army Times (Nov. 2, 2015), <https://www.armytimes.com/story/military/pentagon/2015/11/02/green-beret-investigated-whistleblowing-retires/75060594/>.

⁴³ Press Release, *OSC Secures Relief for Additional VA Whistleblowers* (July 22, 2015), <https://osc.gov/News/pr15-15.pdf>.

Kirkpatrick Whistleblower Protection Act, approved unanimously by the Committee, adopted recommendations put forward by hearing witnesses, including prohibitions against accessing a whistleblower's medical records and protocols to address threats against VA employees. It also required discipline for supervisors who retaliate against whistleblowers. Additionally, the Committee approved a bill to reauthorize and reform the Office of Special Counsel, the Office of Special Counsel Reauthorization Act, to ensure it has the authorities and resources necessary to protect Federal whistleblowers. The Committee will work in the next Congress to ensure these priorities are signed into law.

Finally, Senator McCaskill and Chairman Johnson introduced, and the President signed into law, P.L. 114–261, legislation to ensure that contractors and grantee employees working on Federal contracts are protected when raising whistleblower complaints.

PRESERVING AMERICANS' LIFE, LIBERTY, AND PURSUIT OF HAPPINESS

Every American should have a chance to pursue the American dream, including choosing what school to send their child to, experiencing the dignity of work, and accessing potentially lifesaving treatments. The Committee worked in the 114th Congress to perform oversight and approve legislation to provide all Americans with a fair chance to do just that.

The Committee worked to help ensure that Americans have a fair chance to get a job. The Fair Chance Act, sponsored by Senator Cory Booker and Chairman Johnson and approved by the Committee, gives an opportunity to formerly incarcerated individuals to have a fair chance at employment. The dignity of work is probably the best way we can keep people from turning back to a life of crime. In addition to legislation, the Committee supported community solutions to help Americans find work. In June 2016, the Committee held a hearing titled *Renewing Communities and Providing Opportunities Through Innovative Solutions to Poverty*, to highlight the work that communities across the country are doing to fight poverty and provide opportunities for employment. Community leaders like Robert Woodson and companies like Seat King are finding innovative solutions to help their neighborhoods. Chairman Johnson has a very personal connection to these initiatives, as he partnered with Wisconsin Pastor Jerome Smith to create the Joseph Project, an initiative that trains, connects, and transports Milwaukee workers seeking employment to opportunities around Wisconsin.

The Committee also worked to help American parents have a choice of where their children go to school. The Committee held two hearings titled *The Value of Education Choices for Low-Income Families: Reauthorizing the D.C. Opportunity Scholarship Program and The Milwaukee Parental Choice Program: A Pioneer for School Choice Programs Nationwide* to examine strategies for improving opportunities for K–12 students, and particularly those in urban communities where not all children have access to schools that provide a high-quality learning environment. The hearing highlighted Milwaukee, which has the nation's oldest urban school choice program. Chairman Johnson challenged the DOJ's four-year long ef-

fort to quash the Milwaukee Parental Choice Program.⁴⁴ After multiple requests to the DOJ to explain the basis for its actions, rather than answer the Chairman's questions, the DOJ closed its investigation into the program.⁴⁵

The Committee used its oversight tools to fight to ensure that patients, especially those facing terminal illnesses, have access to potentially life-saving treatments. Patients like Trickett Wendler from Wisconsin, who passed away in 2015 from amyotrophic lateral sclerosis (ALS) without the chance to access new, experimental medication that could have helped prolong her life. Another patient, Jordan McLinn, suffers from Duchenne muscular dystrophy, and until just recently was not allowed to access promising treatments that have helped other little boys in trials. The drug development process, including Food and Drug Administration (FDA) approval—more than four years longer in the 2000s than the 1990s⁴⁶ and 145 percent more expensive in 2014 than it was 10 years earlier⁴⁷—is keeping patients from accessing innovative new drugs. Below are a few examples of the Committee's work.

- Committee Members demanded answers from the FDA, including why the FDA has not used tools granted to it by Congress to accelerate review of promising therapies, prioritize the patient perspective in evaluating new treatments, and provide regulators with flexibility to expedite evaluation of drugs for rare diseases.⁴⁸
- Months after Chairman Johnson pressed the FDA to improve its application process for expanded access to drugs, the FDA finalized the streamlined application.⁴⁹
- After holding a hearing titled *Connecting Patients to New and Potential Life Saving Treatments*, on ways to shorten the time between life-threatening conditions and promising treatments, Chairman Johnson encouraged the FDA to make its decision regarding approval of eteplirsen—a treatment for Duchenne muscular dystrophy—and consider the health costs of delays to patients.⁵⁰ The FDA finally completed its review nearly 15 months later and approved the treatment.⁵¹

⁴⁴ Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, to Loretta Lynch, Attorney General, U.S. Dep't of Justice (June 16, 2015). See also Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, to Loretta Lynch, Attorney General, U.S. Dep't of Justice (July 17, 2015).

⁴⁵ Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, to Loretta Lynch, Attorney General, U.S. Dep't of Justice (Dec. 2, 2015). See also Erin Richards, *Feds quietly close long-running probe of Milwaukee voucher program*, Milwaukee Journal Sentinel (Jan. 4, 2016), <http://archive.jsonline.com/news/education/feds-quietly-close-long-running-probe-of-milwaukee-voucher-program-b99644914z1-364068331.html>.

⁴⁶ Fabio Pammolli, Laura Magazzini, and Massimo Riccaboni, "The Productivity Crisis in Pharmaceutical R&D," Vol. 10 AT 429, *Nature Reviews Drug Discovery* (June 2011).

⁴⁷ Joseph A. Dimasi, Henry G. Grabowski, and Ronald W. Hansen, "Cost of Developing a New Drug," Briefing, Tufts Center for the Study of Drug Development (Nov. 18, 2014), <http://csdd.tufts.edu/news/complete-story/pr-tufts-csdd-2014-cost-study>.

⁴⁸ Letter from Senator Johnson, Senator Carper, Senator Donnelly, and Senator Coats, to Janet Woodcock, M.D. (March 16, 2016); Letter from Senator Ron Johnson and Senator Dan Coats to Robert Califf, M.D. (May 20, 2016); Letter from Senator Ron Johnson and Senator Lamar Alexander to Robert Califf, M.D. (Sep. 16, 2016).

⁴⁹ Letter from Senator Ron Johnson to Stephen Ostroff, M.D. (Feb. 18, 2016); U.S. Food & Drug Administration, "Statement from the FDA Commissioner Robert Califf, M.D. on the release of the final individual patient expanded access form," FDA Statement (June 2, 2016), <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm504579.htm>.

⁵⁰ Ed Silverman, *Senators urge FDA to approve Sarepta drug for Duchenne*, STAT (May 24, 2016).

⁵¹ U.S. Food & Drug Administration, "FDA grants accelerated approval to first drug for Duchenne muscular dystrophy," News Release (Sep. 19, 2016), <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm521263.htm>.

- Chairman Johnson’s leadership helped gain 42 bipartisan co-sponsors for his legislation to ensure terminally-ill patients have the freedom to access potentially lifesaving treatments where no alternative exists. The Chairman will continue to educate his colleagues about his bill, called the Trickett Wendler Right to Try Act, and work to gain more support to pass it next Congress.

The Committee also worked to find solutions to help prevent the over-prescription of pain medication. The U.S. drug czar, Michael Botticelli, told the Committee that “four out of five newer users to heroin started by misusing prescription pain medication.”⁵² To address this problem, on April 7, 2016, Chairman Johnson, along with Senators Manchin, Barrasso, and Blumenthal, introduced the Promoting Responsible Opioid Prescribing (PROP) Act to reduce the pressure doctors currently face that may lead to overprescribing.⁵³ During the Committee’s hearing in Wisconsin, Dr. Timothy Westlake, the Vice Chairman of the State of Wisconsin Medical Examining Board, testified that the PROP Act is “the single-most important piece of legislation reform that [policymakers] could do.”⁵⁴ Heeding these calls, in November 2016, the Administration issued a final rule to implement the policy.⁵⁵

The Committee examined the Patient Protection and Affordable Care Act (ACA) to determine how ACA tax credits were being awarded to ineligible recipients—individuals who failed to prove they were citizens or lawful residents of the United States. In 2016, Chairman Johnson released a majority staff report revealing that agencies are failing to recover this misspent taxpayer money.⁵⁶ The Committee also conducted oversight of failed state exchanges, including the Oregon state exchange, which received an estimated \$5 billion in taxpayer dollars,⁵⁷ and examined failed ACA CO-OPs, which received more than \$2.4 billion in loans from the American taxpayers,⁵⁸ and the ACA’s reinsurance program, which could cost taxpayers an additional \$4.5 billion.⁵⁹ In September 2016, the Committee convened a hearing titled *The State of Health Insurance Markets*, to examine how the ACA has affected state health insurance markets.

Finally, the Committee was proud to support its Permanent Subcommittee on Investigations’ (PSI) bipartisan investigation into child sex trafficking. The Committee voted unanimously to direct Senate Legal Counsel to seek a court order to enforce a PSI sub-

⁵² *America’s Insatiable Demand for Drugs: Assessing the Federal Response: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016) (statement of Michael P. Botticelli, Director, Office of National Drug Control Policy).

⁵³ S. 2578, PROP ACT of 2016, 114th Cong. (2016).

⁵⁴ *Border Security and America’s Heroin Epidemic: The Impact of the Trafficking and Abuse of Heroin and Prescription Opioids in Wisconsin: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016) (statement of Timothy Westlake).

⁵⁵ Federal Register (Nov. 1, 2016), <https://www.federalregister.gov/documents/2016/11/14/2016-26515/medicare-program-hospital-outpatient-prospective-payment-and-ambulatory-surgical-center-payment>.

⁵⁶ Majority Staff Report, S. Comm. on Homeland Sec. & Governmental Affairs, Affordable Care Act Premium Tax Credits: HHS and IRS Lack Plan to Recover Improperly Spent Taxpayers Dollars, 114th Cong. (Feb. 8, 2016).

⁵⁷ Letter from Ron Johnson, Chairman, to Andrew Slavitt, Acting Administrator, Centers for Medicare & Medicaid Servs. (May 31, 2016); Letter from Ron Johnson, Chairman, to Andrew Slavitt, Acting Administrator, Centers for Medicare & Medicaid Servs. (Sept. 16, 2015).

⁵⁸ Letter from Ron Johnson, Chairman, to Andrew Slavitt, Acting Administrator, Centers for Medicare & Medicaid Servs. (Jan. 19, 2016).

⁵⁹ Letter from Senators Ron Johnson & Ben Sasse, to Andrew Slavitt, Acting Administrator, Centers for Medicare & Medicaid Servs. (July 28, 2016).

poena issued to the Chief Executive Offices of Backpage.com, a company that had been under investigation by the subcommittee for alleged sex trafficking of children on the internet. The vote paved the way for a unanimous vote on the Senate floor, and for an historic victory in Federal court.

PROTECTING AMERICA'S SECRETS

During the 114th Congress, Chairman Johnson examined former Secretary of State Hillary Clinton's use of a private email account and server while she was at the State Department. The inquiry concerned the potential security risks created by Secretary Clinton's extremely careless actions, which ultimately resulted in the transmission of classified information on a non-secure, non-governmental email system.

In March 2015, days after the existence of the server became public, Chairman Johnson asked the State Department Inspector General to examine the issue.⁶⁰ This review resulted in the FBI's criminal investigation, and the resulting public awareness that over 190 emails on Secretary Clinton's server contained classified information.⁶¹

In the months that followed, the Committee conducted oversight of the State Department's awareness and approval of Secretary Clinton's private email system, ultimately showing that senior information technology professionals did not even know the system existed.⁶² Chairman Johnson sought information from the contractors and individual who maintained the server to understand the security specifications and management of the system.⁶³ The Committee also examined how Federal agencies mitigated the resulting security vulnerabilities posed by Secretary Clinton's non-secure email system and ensured that all Federal records are preserved.⁶⁴

G. REGULATORY REFORM

Chairman Johnson and the Chairman and Ranking Member of the Subcommittee on Regulatory Affairs and Federal Management made improving the regulatory process a focus of the Committee's work in the 114th Congress. The Committee held six hearings, conducted extensive outreach to private sector stakeholders, and moved bipartisan legislation to improve the regulatory process.

During the Obama Administration, from January 20, 2009, through December 31, 2015, there were approximately 25,000 new

⁶⁰ Letter from Ron Johnson, Chairman, to Steve A. Linick, Inspector Gen., U.S. Dep't of State (Mar. 18, 2015).

⁶¹ Fed. Bureau of Investigation, Clinton E-mail Investigation Mishandling of Classified—Unknown Subject or Country 20 (July 2016) (on file with Comm.).

⁶² Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, & Charles E. Grassley, Chairman, S. Comm. on the Judiciary, to John Kerry, Secretary, Dep't of State (Sept. 21, 2015). *See also, e.g.*, Fed. Bureau of Investigation, Summary of Interview of Lewis Lukens at 81 (June 15, 2016) (on file with Comm.).

⁶³ Letter from Ron Johnson, Chairman, to Treve Suazo, CEO, Platte River Networks (Aug. 11, 2015); Letter from Ron Johnson, Chairman, to Austin McChord, Chief Executive Officer, Datto, Inc. (Oct. 5, 2015); Letter from Ron Johnson, Chairman, to Victor Nappe, Chief Executive Officer SECNAP Network Security Corp. (Oct. 5, 2015); Letter from Charles E. Grassley, Chairman, S. Comm. on the Judiciary, & Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, to Brian Pagliano (Sept. 14, 2015); Letter from Charles E. Grassley, Chairman, S. Comm. on the Judiciary, & Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Affairs, to Brian Pagliano (Oct. 8, 2015).

⁶⁴ Letter from Ron Johnson, Chairman, to John Kerry, Secretary, Dep't of State (Sept. 16, 2015); Letter from Ron Johnson, Chairman, to James Clapper, Director of Nat'l Intelligence (Sept. 16, 2015).

regulations finalized—an average of 10 new regulations every day.⁶⁵ During that same period, there were 568 of the category of largest and most costly rules, amounting to \$665 million in new regulatory costs.⁶⁶ Some estimates put the total cost of regulations on the economy as high as \$2.028 trillion per year.⁶⁷ The Committee approved four bills on a bipartisan basis that help ensure all agency regulations are subject to the same scrutiny; require agencies to look back at old rules and reconsider those that are obsolete or ineffective; make permanent longstanding good-government principles for analyzing new rules; and ensure earlier public and stakeholder engagement so agencies consider all options before adopting new, costly rules. The Committee also approved, and the President signed, the Federal Permitting Improvement Act, included in broader transportation legislation, P.L. 114–94, to improve efficiency and coordination surrounding the Federal permitting of major infrastructure construction projects.

The Committee pressured the Administration to roll back costly regulations like the EPA’s Waters of the United States (WOTUS) and Clean Power Plan rules. The Committee held a hearing titled *The Impact of Federal Regulations: A Case Study of Recently Issued Rules* in Stevens Point, Wisconsin to highlight the significant costs these rules would have on farming, manufacturing, timber, and energy business, making it more difficult (and in some cases nearly impossible) to grow and hire. Chairman Johnson co-sponsored and was a strong advocate for a Congressional resolution to repeal WOTUS, which passed the Senate but was vetoed by the President.⁶⁸

Several majority staff reports highlighted the burden the regulatory state is placing on Americans. Chairman Johnson, Ranking Member Carper, and Senators Lankford and Heitkamp sent letters to private sector stakeholders, including industry representatives, think tanks, and environmental groups, to ask for their input about the regulatory process.⁶⁹ Chairman Johnson summarized and compiled these responses, and released them as part of a majority staff report.⁷⁰ The report provided Congress and the American people the opportunity to hear different perspectives on the regulatory process and understand the need for reform.

After obtaining relevant documents from the Labor Department, the Securities and Exchange Commission, the Treasury Department, the Office of Information and Regulatory Affairs, and the Financial Industry Regulatory Authority, Chairman Johnson issued a

⁶⁵ 74 Fed. Reg. 1 (Jan. 20, 2009)—80 Fed. Reg. 251 (Dec. 31, 2015). The Number is Based on a Document Search for Published Rules in the Date Range of 01/20/2009 to 12/31/2015; The Search Yielded 24,943 Rules.

⁶⁶ American Action Forum, Regulation Rodeo, <http://regrodeo.com/> (years 2009–2016; filter for “major regulations”); Cong. Research Service, Counting Regulations: An Overview of Rule-making, Types of Federal Regulations, and Pages in the Federal Register 8 (July 14, 2015), <https://fas.org/sgp/crs/misc/R43056.pdf>.

⁶⁷ W. Mark Crain and Nicole V. Crain, *The Cost of Federal Regulation to the U.S. Economy, Manufacturing and Small Business*, 1, Report, National Association of Manufacturers (Sep. 10, 2014).

⁶⁸ S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of “waters of the United States” under the Federal Water Pollution Control Act (vetoed Jan. 21, 2016).

⁶⁹ Letters from Ron Johnson, Thomas R. Carper, James Lankford, and Heidi Heitkamp to various stakeholders (Mar. 18, 2015).

⁷⁰ Majority Staff Report, Direct From the Source: Understanding Regulation From the Inside Out, S. Comm. on Homeland Sec. & Governmental Affairs, 114th Cong. (Jan. 15, 2016).

majority staff report detailing the Labor Department’s flawed process in crafting the so-called “fiduciary” rule, including how the Labor Department ignored the advice of subject matter experts from other agencies.⁷¹ Chairman Johnson also conducted oversight of the Federal Communications Commission (FCC)’s Open Internet Order in light of public concerns that political pressure influenced the decision-making process. A report issued by the majority staff concluded that President Obama’s statement during the regulatory process caused the FCC to change course to align with the President’s preferred policy, an approach that, for the first time, placed heavy-handed regulations on the Internet.⁷²

Additionally, Chairman Johnson conducted oversight of a proposed Energy Department rule that would have had a costly impact on small businesses that manufacture dehumidifiers.⁷³ One manufacturer in Wisconsin feared that it would have to decrease its workforce by half.⁷⁴ Following the Chairman’s oversight efforts, the final language of the rule was revised allowing this business to continue to produce and sell its dehumidifier without having to make significant business cuts.⁷⁵

H. WASTE, FRAUD, AND ABUSE

As the Senate’s lead oversight committee and the committee with direct legislative jurisdiction over governmental operations, the Committee is tasked with conducting oversight and passing legislation to combat waste, fraud, and abuse in the Federal Government to yield significant cost savings to taxpayers.

The Committee also works closely with government watchdogs, including inspectors general (IGs) and the Government Accountability Office (GAO), to identify needed reforms and strengthen their ability to conduct oversight. The GAO is a great partner to Congress in helping to locate wasteful, inefficient, and duplicative spending in Federal programs. GAO estimates its work has saved approximately \$40 billion over the last two years.⁷⁶ GAO has made 636 recommendations to address the findings of the reports; of those, 388 remain unaddressed or partially addressed.⁷⁷ Similarly, IGs estimate that they save at least \$21 for every one dollar Congress invests in them.⁷⁸ In October 2016, Chairman Johnson, along with Chairman Grassley of the Senate Judiciary Committee, issued a joint majority staff report finding that the Executive Branch has

⁷¹Majority Staff Report, *The Labor Department’s Fiduciary Rule: How a Flawed Process Could Hurt Retirement Savers*, S. Comm. on Homeland Sec. & Governmental Affairs, 114th Cong. (Feb. 24, 2016).

⁷²Majority Staff Report, *Regulating the Internet: How the White House Bowled Over FCC Independence*, S. Comm. on Homeland Sec. & Governmental Affairs, 114th Cong. (Feb. 29, 2016).

⁷³Letter from Ron Johnson, Chairman to the Honorable David Danielson, Assistant Secretary for Energy Efficiency and Renewable Energy (Sept. 25, 2015).

⁷⁴Various communications with Comm. staff (2015).

⁷⁵Email from company to Comm. staff (Sept. 19, 2016), referencing Federal Register (June 13, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-06-13/pdf/2016-12881.pdf>.

⁷⁶*Government Reform: Ending Duplication and Holding Washington Accountable: Hearing Before the S. Comm. on Homeland Sec. and Gov’t Affairs*, 114th Cong. 15 (2016) (statement of Gene Dodaro, Comptroller General of the United States).

⁷⁷*Id.*

⁷⁸*Improving The Efficiency, Effectiveness, and Independence of Inspectors General: Hearing Before The S. Comm. on Homeland Sec. and Gov’t Affairs*, 114th Cong. 15 (2015) (statement of Michael Horowitz, DOJ Inspector General).

failed to implement 15,222 open IG recommendations-reforms that could have saved taxpayers a total of \$87 billion.⁷⁹

Given the value GAO and IGs have for the taxpayer, it is important that IGs are in place and both IGs and GAO have the tools they need to succeed. At the start of the last Congress, there were eleven IG agency vacancies, totaling 15 percent of all IGs. The most troubling of which was the vacancy at the VA OIG. Through two hearings and numerous letters demanding action, the Committee kept the pressure on the President to nominate IGs for permanent positions.⁸⁰ The Chairman and Ranking Member moved six IGs through the Committee for full Senate consideration this Congress. The Committee also approved and the President signed into law the Inspector General Empowerment Act of 2016, P.L. 114–317, a bill that grants much-needed authorities to IGs to help them do their jobs better. The Chairman’s legislation to free GAO of some of its unnecessary reporting requirements was also signed into law, P.L. 114–301.

From 2013 to 2015, the improper payment total increased from \$105 billion to \$136.5 billion.⁸¹ The Committee approved seven bills that crack down on improper payments and fraud, including a bill that would prevent the Social Security Administration from paying hundreds of thousands of dollars to people who are deceased, legislation that would protect retired federal employees from having their retirement benefits stolen, and the Ranking Member’s legislation signed by the President, P.L. 114–186, that would require agencies to implement best practices in using data to identify fraud in its programs like Social Security and Medicare.

The Committee has also approved a number of bills that reduce Federal Government spending, prohibit and end duplicative programs, and ensure that agencies spend money more wisely. Eleven of these bills became law in the 114th Congress, including a bill to close out empty and expired grant accounts that cost taxpayers to maintain, P.L. 114–117; a bill to drastically limit the amount of time a Federal employee can be placed on administrative leave and paid for not working, P.L. 114–840; and other legislation to save money on Federal vehicles, P.L.114–65, and agency software licenses, P.L. 114–210.

The Chairman and Ranking Member also worked together to pass meaningful reform of the Government’s management of its real property portfolio to help dispose of unnecessary and costly properties. The Federal Assets Sale and Transfer Act, P.L. 114–287 was a Committee priority for years, and finally made it to the finish line in the 114th Congress. This bill will prevent taxpayer dollars from being wasted on unneeded buildings and generate revenue from the sale of these buildings. The Committee ensured the reform efforts of the past two Administrations will continue

⁷⁹J. Majority Staff Report, *Empowering Inspectors General: Supporting the IG Community Could Save Billions for American Taxpayers*, S. Comm. on Homeland Sec. & Governmental Affairs & S. Comm. on the Judiciary, 114th Cong. (Oct. 17, 2016).

⁸⁰*See, e.g.*, Letter from Ron Johnson, Chairman, Comm. on Homeland Sec. & Governmental Affairs, and John Thune, Chairman, Comm. on Commerce, Science, & Transportation, to President Barack H. Obama (Aug. 5, 2015); Letter from Ron Johnson, Thomas R. Carper, and all other Members of the Committee to President Barack H. Obama (Mar. 24, 2015); Letter from Ron Johnson to President Barack H. Obama (Jan. 22, 2015).

⁸¹Gov’t Accountability Office, *GAO–14–747T, Improper Payments: Government-Wide Estimates and Reduction Strategies* (July 9, 2014).

by passing the Federal Property Management Reform Act, P.L. 114–318.

Other bills approved by the Committee in the 114th Congress protect taxpayers from wasteful spending on the Government's own employees, such as a ban on politicians spending taxpayer money to pay for their own portraits or on bonuses paid to poor performing federal employee. Another Committee-approved bill, the Presidential Allowance Modernization Act, was passed unanimously by the House and Senate but vetoed by the President. The bill would have reduced the amount of money that former Presidents can be paid by taxpayers if they make over \$400,000 a year. At a time when former Presidents are making millions of dollars a year, the Committee believed it was a responsible piece of legislation to save taxpayer money.

The Committee worked to make Federal Government programs more efficient and transparent. Committee members may disagree on how big the Federal Government should be, but we all agree that what Government programs we have need to run efficiently and effectively for the American public. With that common ground in mind, the Committee approved and the President signed into law seven pieces of legislation that help Federal agencies hire employees more efficiently, help District of Columbia courts administer justice more efficiently and fairly, and help ensure efficient transitions of power from one new administration to the next after a presidential election to keep Americans safe.

Committee members also understand that by making more documents, data, and information available to the public, Federal agencies are held accountable for the decisions they make and the money they spend. That is why the Committee approved eight bills that, taken together, require agencies to make their programs, data and documents, spending, grant awards, and settlement agreements open to the public.

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

* * * * *

(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 73, 114TH CONGRESS

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Sec. 12. (a) * * *

* * * * *

(e) 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. 253, agreed to October 3, 2013 (113th Congress) are authorized to continue.

III. BILLS AND RESOLUTIONS REFERRED AND CONSIDERED

During the 114th Congress, 236 Senate bills and 141 House bills were referred to the Committee for consideration. In addition, 8 Senate Resolutions, 2 Senate Joint Resolutions, and 2 Senate Concurrent Resolutions were referred to the Committee.

The Committee reported 122 bills; an additional 26 measures were discharged.

Of the legislation received by the Committee, 82 measures became public laws, including 53 postal naming bills.

IV. HEARINGS

During the 114th Congress, the Committee held 85 hearings on legislation, oversight issues, and nominations. Hearing titles and dates follow.

The Committee also held 14 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 Web site, <http://hsgac.senate.gov/>.

Protecting America from Cyber Attacks: The Importance of Information Sharing. January 28, 2015. (S. Hrg. 114–412)

The purpose of this single-panel hearing was to examine the cybersecurity threats U.S. businesses and other organizations face, and consider ways to mitigate those threats from a private sector perspective. Witnesses first gave the Committee an overview of the scope and size of cybersecurity threats against U.S. businesses, then discussed the role of various cybersecurity legislative and non-legislative proposals. Witness proposals focused on improving information sharing and data breach notification in order to mitigate cybersecurity threats and filling gaps in current practices.

Witnesses: Marc D. Gordon, Executive Vice President and Chief Information Officer, American Express; Scott Charney, Corporate Vice President, Trustworthy Computing Group, Microsoft Corporation; Peter J. Beshar, Executive Vice President and General Counsel, Marsh & McLennan Companies, Inc.; Richard Bejtlich, Chief Security Strategist, FireEye; Greg Nojeim, Senior Counsel and Director, Freedom, Security & Technology Project, Center for Democracy & Technology.

Deferred Action on Immigration: Implications and Unanswered Questions. February 4, 2015. (S. Hrg. 114–516)

The purpose of this single-panel hearing was to examine the logistical, financial, and national security implications of the President's Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parental Accountability (DAPA) programs. Witness testimony focused on how the executive actions could impact border security, legal immigration processes, federal tax revenue, social security, and various other sectors.

Witnesses: Stephen C. Goss, Chief Actuary, U.S. Social Security Administration; Hon. Eileen J. O'Connor, Partner, Pillsbury Winthrop Shaw Pittman LLP; Luke P. Bellochi, Of Counsel, Wasserman, Mancini & Chang and Former Deputy Ombudsman for U.S. Citizenship and Immigration Services at the U.S. Department of Homeland Security; Shawn Moran, Vice President, National Border Patrol Council; Bo Cooper, Partner, Fragomen, Del Rey, Bernsen & Loewy LLP and Former General Counsel at the Immigration and Naturalization Service.

Risky Business: Examining GAO's 2015 List of High Risk Government Programs. February 11, 2015. (S. Hrg. 114–413)

The purpose of this single-panel hearing was to examine the Government Accountability Office's 2015 Edition of the High-Risk Series. The Comptroller General's testimony focused on two areas that were added this year: improving Veterans Affairs (VA) health

care and the management of information technology (IT) acquisitions and operations; as well as two expanded areas: enforcement of tax laws and ensuring and protecting federal information systems, cyber critical infrastructure, and privacy of personally identifiable information. The hearing also discussed efforts that have led to notable progress in addressing High Risk areas, and how to apply those best practices to other areas.

Witnesses: Hon. Eugene L. Dodaro, Comptroller General of the United States; U.S. Government Accountability Office, accompanied by Cynthia Bascetta, Managing Director, Health Care; Deborah Draper, Director, Health Care; Phillip Herr, Director, Physical Infrastructure Issues; Dave Maurer, Director, Homeland Security and Justice; J. Chris Mihm, Managing Director, Strategic Issues; Dave Powner, Director, Information Technology; James White, Director, Strategic Issues; Gregory Wilshusen, Director, Information Technology.

Improving the Efficiency, Effectiveness, and Independence of Inspectors General. February 24, 2015. (S. Hrg. 114–414)

The purpose of this single-panel hearing was to examine how Congress can improve the efficiency, effectiveness, and independence of Inspectors General. Witness testimony focused on upcoming work of their respective offices; challenges faced performing efficient, effective and independent audits, investigations and other reports; and suggestions for tools Congress could provide to help with their mission to combat waste, fraud, and abuse in the federal government.

Witnesses: Hon. Michael E. Horowitz, Inspector General, U.S. Department of Justice and Chair, Council of the Inspectors General on Integrity and Efficiency; Hon. Steve A. Linick, Inspector General, U.S. Department of State; Hon. John Roth, Inspector General, U.S. Department of Homeland Security; Hon. Patrick P. O'Carroll Jr., Inspector General, U.S. Social Security Administration.

Toward a 21st Century Regulatory System. February 25, 2015. (S. Hrg. 114–418)

The purpose of this single-panel hearing was to provide an overview of the current state of the federal regulatory process and give lawmakers a framework with which to consider ways to assess rulemaking procedures and ultimately improve outcomes. Witness testimony focused on suggestions for improving the regulatory process.

Witnesses: Douglas Holtz-Eakin, Ph.D., President, American Action Forum; Jerry Ellig, Ph.D., Senior Research Fellow, Mercatus Center, George Mason University; Michael Mandel, Ph.D., Chief Economic Strategist, Progressive Policy Institute; Hon. Sally Katzen, Former Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget.

Visa Waiver Program: Implications for U.S. National Security. March 12, 2015. (S. Hrg. 114–516)

The purpose of this two-panel hearing was to examine the Visa Waiver Program and its implications for U.S. national security. Witnesses described the current structure of the program, including the security standards currently in place to prevent terrorist

travel, an assessment of the structure and current capabilities of the Electronic Systems for Travel Authorizations, and analysis of any gaps in the program that could be used by foreign travelers to exploit the benefits of the Visa Waiver Program. Further witness testimony focused on recommendations for how Congress can strengthen the Visa Waiver Program while maintaining the program's benefits.

Witnesses: Panel I: Hon. Michael Chertoff, Executive Chairman and Co-Founder, The Chertoff Group; Marc Frey, Ph.D., Senior Director, Steptoe & Johnson LLP; Brian Jenkins, Senior Adviser to the President, RAND Corporation. Panel II: Mark Koumans, Deputy Assistant Secretary for International Affairs, U.S. Department of Homeland Security; Maureen Dugan, Deputy Executive Director of the National Targeting Center, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Edward Ramotowski, Deputy Assistant Secretary for Visa Services, U.S. Department of State.

Examining Federal Improper Payments and Errors in the Death Master File. March 16, 2015. (S. Hrg. 114–419)

The purpose of this single-panel hearing was to discuss the federal improper payments and their root causes. Specifically, the hearing will focus on errors in the Social Security Administration's death data, which has a history of mistakenly including both living people as deceased and deceased people as living. Witness testimony focused on the root causes of improper payments and the drivers behind this year's growth in the government-wide improper payment rate after years of steady decline.

Witnesses: Judy Rivers, Logan, Alabama; Sean Brune, Senior Advisor to the Deputy Commissioner for Budget, Finance, Quality and Management, U.S. Social Security Administration; Hon. Patrick P. O'Carroll, Jr., Inspector General, U.S. Social Security Administration; Hon. David Mader, Controller, Office of Management and Budget; Beryl H. Davis, Director, Financial Management and Assurance, U.S. Government Accountability Office; Daniel Bertoni, Director, Education, Workforce, and Income Security.

Securing the Southwest Border: Perspectives from Beyond the Beltway. March 17, 2015. (S. Hrg. 114–516)

The purpose of this single-panel hearing was to examine the current state of the security along the Southwest border by hearing from those with first-hand knowledge of the region. Witnesses drew upon their personal experiences living and working along the Southwest border and offered suggestions on how to increase the security of border communities and prevention of illegal border crossing.

Witnesses: Chris Cabrera, Border Patrol Agent, Rio Grande Valley Sector, U.S. Customs and Border Protection (testifying on behalf of the National Border Patrol Council); Hon. Mark J. Dannels, Sheriff, Cochise County, Arizona; Howard G. Buffet, Chairman and CEO, Howard G. Buffett Foundation and Arizona Landowner; Othal Brand, Farmer, McAllen, Texas; Monica Weisberg-Stewart, Chairwoman, Committee on Immigration and Border Security, Texas Border Coalition.

Securing the Border: Assessing the Impact of Transnational Crime.
March 24, 2015. (S. Hrg. 114–516)

The purpose of this single-panel hearing was to examine the transnational criminal and national security threats along the borders and their impacts on border communities and the nation at large. Witness testimony focused on current transnational and drug-related crimes at our borders and how these threats affect the entire country.

Witnesses: General Barry R. McCaffrey, USA (Ret.), Former Director (1996–2001) of the Office of National Drug Control Policy; John P. Torres, Former Acting Director and Former Deputy Assistant Director for Smuggling and Public Safety at U.S. Immigration and Customs Enforcement at the U.S. Department of Homeland Security; Elizabeth Kempshall, Executive Director, Arizona High Intensity Drug Trafficking Area, Office of National Drug Control Policy; Benny Martinez, Chief Deputy Sheriff, Brooks County, Texas; Bryan E. Costigan, Director, Montana All-Threat Intelligence Center, Division on Criminal Investigation, Montana Department of Justice.

Securing the Border: Understanding and Addressing the Root Causes of Central American Migration to the United States.
March 25, 2015. (S. Hrg. 114–516)

The purpose of this two-panel hearing was to examine what is driving Central American migration to the U.S., particularly by unaccompanied minors and family units, what the Department of Homeland Security and other federal agencies are doing to stem the migration, and what further measures may be needed by Congress and the Administration. Witness testimony focused on efforts to address the root causes that drove so many Central American migrants to leave their home countries, thoughts on the Alliance for Prosperity that was recently established by the governments of El Salvador, Guatemala, and Honduras, and recommendations of steps Congress can take to address the pull factors driving migration of unaccompanied minors to the U.S.

Witnesses: Panel I: William Kandel, Analyst in Immigration Policy, Congressional Research Service, U.S. Library of Congress; Hon. Roger F. Noriega, Visiting Fellow, American Enterprise Institute and Former Assistant Secretary for Western Hemisphere Affairs at the U.S. Department of State; Hon. Adolfo A. Franco, Former Assistant Administrator for Latin America and Caribbean at the U.S. Agency for International Development; Eric L. Olson, Associate Director, Latin American Program, Woodrow Wilson International Center for Scholars. Panel II: Hon. Alan D. Bersin, Acting Assistant Secretary and Chief Diplomatic Officer, Office of Policy, U.S. Department of Homeland Security; Francisco Palmieri, Deputy Assistant Secretary for Central America and the Caribbean, Bureau of Western Hemisphere Affairs, U.S. Department of State; Lieutenant General Kenneth E. Tovo, USA, Military Deputy Commander, U.S. Southern Command, U.S. Department of Defense.

Securing the Border: Defining the Current Population Living in the Shadows and Addressing Future Flows. March 26, 2015. (S. Hrg. 114–516)

The purpose of this one-panel hearing was to define the scope of those who are currently residing unlawfully in the United States, including by entering the United States unlawfully or entering the country legally but overstaying a visa, and to gain more information about this population. The hearing also examined future migration into the United States and explored ways to ensure legal migration into this country, resulting in decreased pressures at our border. Witness testimony focused on ways to incentivize orderly legal migration, how guest worker programs can affect immigration flows and the U.S. economy, and legal measures that might be needed to address future workforce needs and reduce pressures for unauthorized immigration.

Witnesses: Jeffrey S. Passel, Ph.D., Senior Demographer, Hispanic Trends Project, Pew Research Center; Daniel Garza, Executive Director, The LIBRE Initiative; Madeline Zavodny, Ph.D., Professor of Economics, Agnes Scott College and Adjunct Scholar, American Enterprise Institute; Randel K. Johnson, Senior Vice President, Labor, Immigration, and Employee Benefits, U.S. Chamber of Commerce; Marc R. Rosenblum, Ph.D., Deputy Director on Immigration Policy Program, Migration Policy Institute.

Tomah VAMC: Examining Quality, Access, and a Culture of Over-reliance on High-Risk Medications. March 30, 2015. (S. Hrg. 114–427)

The purpose of this two-panel field hearing, held jointly with the House Committee on Veterans Affairs in Tomah, Wisconsin, was to examine access and quality of care at the Department of Veterans Affairs Medical Center in Tomah, Wisconsin (Tomah VAMC). Witness testimony focused on veterans' deaths due to over-prescription of high-risk medication at the Tomah VAMC, the VA Inspector General's (IG) nonpublic healthcare inspection of the facility, and allegations regarding quality of care and a culture of fear at the facility.

Witnesses: Panel I: Candace Delis, Auburndale, WI; Noelle Johnson, Pharm. D., BCACP, CGP, Urbandale, IA; Ryan Honl, Tomah, WI; Heather Simcakowski, Stevens Point, WI; Marvin Simcakowski, Stevens Point, WI. Panel II: John Daigh, M.D., Assistant Inspector General for Healthcare Inspections, Office of the Inspector General, U.S. Department of Veterans Affairs (Dr. Daigh was accompanied by Alan Mallinger, M.D., Senior Physician, Office of Healthcare Inspections); Carolyn Clancy, M.D., Interim Under Secretary for Health, U.S. Department of Veterans Affairs (Dr. Clancy was accompanied by Renee Oshinski, Acting Network Director, VISN 12, Veterans Health Administration, and Mario V. Desanctis, FACHE, Medical Center, Director, Tomah VAMC Medical Center).

Reducing Unnecessary Duplication in Federal Programs: Billions More Could be Saved. April 14, 2015. (S. Hrg. 114–435)

The purpose of this one-panel hearing was to examine the Government Accountability Office (GAO)'s report titled, "2015 Annual Report of the Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits."

The Comptroller General provided an assessment of the GAO's Annual Report and provided recommendations as to how the 114th Congress can strengthen the efficiency and effectiveness of government programs and activities. Additional testimony focused on the progress and implementation of the previous recommendations, the documented and potential savings if all the recommendations are implemented, as well as the recommendations that require an act of Congress to remedy.

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; Cynthia Bascetta, Managing Director, Health Care; Paul Francis, Managing Director, Acquisitions and Sourcing Management; Barbara Bovbjerg, Managing Director, Education, Workforce and Income Security; Mark Gaffigan, Managing Director, Natural Resources and Environment; David Powner, Director, Information Technology; Phillip Herr, Managing Director, Physical Infrastructure Issues; James McTigue, Director, Strategic Issues (Tax).

IRS Challenges in Implementing the Affordable Care Act. April 15, 2015. (S. Hrg. 114-423)

The purpose of this one-panel hearing was to examine the current state of Affordable Care Act implementation at the IRS, specifically the enforcement of the individual shared responsibility provisions and the advanced premium tax credits reconciliation process. Commissioner Koskinen provided an assessment of the past filing season, in light of the challenges faced by the IRS in implementing new provisions of the Affordable Care Act.

Witnesses: Hon. John A. Koskinen, Commissioner, Internal Revenue Service, U.S. Department of the Treasury.

2020 Census: Challenges Facing the Bureau for a Modern, Cost-Effective Survey. April 20, 2015. (S. Hrg. 114-436)

The purpose of this one-panel hearing was to examine the Census Bureau's preparation for the 2020 Census. Witness testimony focused on the major initiatives being undertaken for the 2020 Census, particularly in information technology, as well as potential opportunities for cost savings. The panel also discussed the American Community Survey, the Bureau's efforts to include hard-to-count and underserved populations in the 2020 Census, and actions Congress can take to ensure a cost-effective yet accurate 2020 Census.

Witnesses: Hon. John H. Thompson, Director, U.S. Census Bureau, U.S. Department of Commerce; Robert Goldenkoff, Director of Strategic Issues, U.S. Government Accountability Office; Carol R. Cha, Director of IT Acquisition Management Issues, U.S. Government Accountability Office.

Securing the Border: Understanding Threats and Strategies for the Northern Border. April 22, 2015. (S. Hrg. 114-516)

The purpose of this one-panel hearing was to examine security challenges, including transnational criminal and national security threats, along the U.S.—Canada border and the impact they have on border communities and the nation. Witness testimony focused on threats at the northern border and how agencies are working

to investigate, identify and address these threats, as well as ways to increase cross-border law enforcement collaboration.

Witnesses: Michael J. Fisher, Chief, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security; John Wagner, Deputy Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, U.S. Department of Homeland Security; James Spero, Special Agent in Charge - Buffalo, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; David Rodriguez, Director, Northwest High Intensity Drug Trafficking Area, Office of National Drug Control Policy; Hon. Richard S. Hartunian, U.S. Attorney for the Northern District of New York, U.S. Attorney's Office, U.S. Department of Justice.

The Homeland Security Department's Budget Submission for Fiscal Year 2016. April 29, 2015. (S. Hrg. 114-437)

The purpose of this annual, one-panel hearing was to discuss the Department of Homeland Security (DHS) budget request for fiscal year 2016. Specifically, it examined how the DHS budget request meets the current and future homeland security needs of the nation.

Witness: Hon. Jeh C. Johnson, Secretary, Department of Homeland Security.

Jihad 2.0: Social Media in the Next Evolution of Terrorist Recruitment. May 7, 2015. (S. Hrg. 114-438)

The purpose of this one-panel hearing was to provide the public with an understanding of terrorists' evolving recruitment methods, especially through social media. Witness testimony provided an overview of the threat posed by those radicalized through social media in the United States and who subsequently travel to a foreign nation to fight with terrorist organizations, or remain in their country to conduct an attack. Witnesses gave expert testimony on their research into the use of social media as a recruitment tool by terrorist groups like ISIS, and recommendations on how to counter the messaging used by terrorist organizations.

Witnesses: Peter Bergen, Director, National Security Studies Program, New America Foundation; J.M. Berger, Nonresident Fellow, Project on U.S. Relations with the Islamic World, the Brookings Institution; Mubin Shaikh, Author, "Undercover Jihadi"; Daveed Gartenstein-Ross, Senior Fellow, Foundation for Defense of Democracies.

Securing the Border: Fencing, Infrastructure, and Technology Force Multipliers. May 13, 2015. (S. Hrg. 114-516)

The purpose of this one-panel hearing was to examine the current state of fencing, infrastructure, and technology along our borders and explore what additional resources may be necessary. Witnesses provided a general overview of what technology and tactical infrastructure is currently available along our borders and what new technologies and additional tactical infrastructure should be deployed. Discussion also focused on understanding the costs, timelines, and effectiveness of these resources and lessons learned from past investments.

Witnesses: Randolph D. Alles, Assistant Commissioner, Office of Air and Marine, U.S. Customs and Border Protections, U.S. Department of Homeland Security; Mark S. Borkowski, Assistant Commissioner, Office of Technology Innovation and Acquisition, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Ronald D. Vitiello, Deputy Chief, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Anh N. Duong, Director, Borders and Maritime Security Division, Directorate of Science and Technology, U.S. Department of Homeland Security; Rebecca Gambler, Director, Homeland Security and Justice, U.S. Government Accountability Office; Michael Garcia, Legislative Attorney, Congressional Research Service, U.S. Library of Congress.

The IRS Data Breach: Steps to Protect Americans' Personal Information. June 2, 2015. (S. Hrg. 114-428)

The purpose of this two-panel hearing was to examine the recently-announced unauthorized access of more than 100,000 taxpayer accounts at IRS.gov. Witnesses provided their thoughts on the IRS' use of knowledge-based authentication (KBA) to verify visitors' identities and any weaknesses in KBA; the pros and cons of alternatives to KBA, such as two-factor authentication; and what alternatives would look like in practice. Discussion also focused on the means attackers used to gain access to these accounts; when IRS first became aware of these attempts; what IRS did in response to these attempts; and future plans to improve security at IRS.gov.

Witnesses: Panel I: Michael Kasper, Poughkeepsie, New York; Kevin Fu, Ph.D., Associate Professor, Department of Electrical Engineering and Computer Science, University of Michigan; Jeffrey E. Greene, Director, Government Affairs North America, Symantec Corporation. Panel II: Hon. John A. Koskinen, Commissioner, Internal Revenue Service, U.S. Department of the Treasury; Terence V. Millholland, Chief Technology Officer, Internal Revenue Service, U.S. Department of the Treasury.

Watchdogs Needed: Top Government Investigator Positions Left Unfilled for Years. June 3, 2015. (S. Hrg. 114-486)

The purpose of this one-panel hearing was to examine the need for permanent Inspectors General (IGs), including through case-studies of the experiences with previous acting IGs, and explore why many of these critical positions remain unfilled. Witness testimony focused on the seven presidentially-appointed IG vacancies, with particular attention to the Department of Veterans' Affairs IG vacancy, reasons why they remain unfilled, and the importance of swiftly taking action to address the vacancies.

Witnesses: Hon. Michael E. Horowitz, Chair, Council of the Inspectors General on Integrity and Efficiency and Inspector General, U.S. Department of Justice; Danielle Brian, Executive Director, Project on Government Oversight; Daniel Z. Epstein, Executive Director, Cause of Action. Two other witnesses were invited but declined to appear: Valerie Green, Director of the Office of Presidential Personnel, and Jonathan McBride, former director of the Office of Presidential Personnel.

Oversight of the Transportation Security Administration: First-Hand and Government Watchdog Accounts of Agency Challenges. June 9, 2015. (S. Hrg. 114–439)

The purpose of this one-panel hearing was to examine the operations and effectiveness of the Transportation Security Administration (TSA) through first-hand accounts of current and former TSA employees. Witnesses discussed the fact that despite developing efficiencies in the passenger screening process, recent reports issued by the Government Accountability Office and the Department of Homeland Security Office of Inspector General have identified shortcomings within the agency that raise questions about how effectively TSA is fulfilling its mission. Witnesses specifically reported allegations about mismanagement, wasteful procedures, retaliations against whistleblowers, low morale, and security gaps within the agency.

Witnesses: Hon. John Roth, Inspector General, U.S. Department of Homeland Security; Jennifer Grover, Director, Transportation and Coast Guard Issues, Homeland Security and Justice Team, U.S. Government Accountability Office; Robert J. MacLean, Federal Air Marshal, Los Angeles Field Office, Federal Air Marshal Service; Rebecca Roering, Assistant Federal Security Director, Minneapolis-St. Paul International Airport, U.S. Transportation Security Administration, U.S. Department of Homeland Security.

Nomination of Peter V. Neffenger to be Assistant Secretary (Transportation Security Administration), U.S. Department of Homeland Security and David S. Shapira to be a Governor, United States Postal Service Board of Governors. June 10, 2015. (S. Hrg. 114–332)

This two-panel hearing considered the nomination of Peter V. Neffenger to be Assistant Secretary (Transportation Security Administration), U.S. Department of Homeland Security and David S. Shapira to be a Governor, United States Postal Service Board of Governors. Mr. Shapira was introduced by Sens. Robert P. Casey, Jr. and Patrick J. Toomey.

Blowing the Whistle on Retaliation: Accounts of Current and Former Federal Agency Whistleblowers. June 11, 2015. (S. Hrg. 114–447)

The purpose of this one-panel hearing was to highlight the stories of whistleblowers from different agencies who allege they faced retaliation because they brought attention to government wrongdoing. Witnesses discussed the difficulties whistleblowers face after a disclosure, the laws and procedures in place to protect and assist whistleblowers, and recommendations on further improvements.

Witnesses: Jason Luke Amerine, Lieutenant Colonel, United States Army; Taylor Johnson, Senior Special Agent, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; Michael Keegan, Former Associate Commissioner for Facilities and Supply Management at the U.S. Social Security Administration; Jose R. Ducos-Bello, Chief Officer, U.S. Customs and Border Protections, U.S. Department of Homeland Security; Thomas M. Devine, Legal Director, Government Accountability Project.

Federal Real Property Reform: How Cutting Red Tape and Better Management Could Achieve Billions in Savings. June 16, 2015. (S. Hrg. 114–440)

The purpose of this one-panel hearing was to examine the reasons why federal real property management remains a high-risk issue and discuss the ways Congress can help eliminate the real property portfolio of excess, surplus, or unused properties and ensure better management of the federal real estate portfolio. Witnesses focused on data management issues as well as highlighted agencies who have succeeded in property disposals through more disciplined management and the incentive provided by the retention of property sale proceeds.

Witnesses: Hon. David Mader, Controller, Office of Management and Budget; Norman Dong, Commissioner, Public Buildings Service, U.S. General Services Administration; David J. Wise, Director, Physical Infrastructure Issues, U.S. Government Accountability Office.

Governing Through Goal Setting: Enhancing the Economic and National Security of America. June 17, 2015. (S. Hrg. 114–448)

The purpose of this one-panel hearing was to identify problems facing the nation and to identify bipartisan goals to address them. This hearing provided an opportunity for lawmakers from both sides of the aisle to discuss long and short term solutions to the nation's biggest problems. Witnesses from the private sector and state leaders provided valuable insight by sharing their own experiences in problem solving. The hearing served to reaffirm the Committee's commitment to finding common ground among Republicans and Democrats, and hopefully create a better working relationship between members of Congress and the Administration.

Witnesses: Hon. Joseph I. Lieberman, Co-Chair, No Labels; Hon. Jon M. Huntsman, Jr., Co-Chair, No Labels; Andrew H. Tisch, Co-Chairman of the Board, Loews Corporation; Andrea Hogan, President and Chief Executive Officer, Merchant Metals, Inc.

Nomination of Carol F. Ochoa to be Inspector General, U.S. General Services Administration. June 17, 2015. (S. Hrg. 114–402)

This one-panel hearing considered the nomination of Carol F. Ochoa to be Inspector General, U.S. General Services Administration. Senator James Lankford, Chairman of the Subcommittee on Regulatory Affairs and Federal Management, presided.

Accounting for the True Cost of Regulation: Exploring the Possibility of a Regulatory Budget. June 23, 2015. (S. Hrg. 114–443)

The purpose of this one-panel hearing was to provide perspectives from regulatory experts on regulatory budget mechanisms as a means to better take control of and account for the flow of regulatory costs. Witnesses discussed different innovative regulatory systems that measure the costs of regulations and reduce burdens that slow the growth of economies.

Witnesses: Hon. Tony Clement, President of the Treasury Board, Government of Canada; Hon. Susan E. Dudley, Director, Regulatory Studies Center and Distinguished Professor of Practice, George Washington University; Richard J. Pierce, Jr., Lyle T.

Alverson Professor of Law, George Washington University Law School.

Under Attack: Federal Cybersecurity and the OPM Data Breach.
June 25, 2015. (S. Hrg. 114–449)

The purpose of this one-panel hearing was to examine the recent data breaches involving the Office of Personnel Management (OPM) and the state of information security at OPM now and before the breaches. Witnesses walked the Committee through the timeline of events, detailing when OPM learned about the breaches, how and when they were remediated, and what data the attackers may have accessed. Further discussion centered on the programs and activities that are available to help other agencies increase their defenses and ensure compliance with relevant security requirements, as well as new information security changes that are being implemented at OPM as a result of the breaches.

Witnesses: Hon. Katherine Archuleta, Director, Office of Personnel Management; Tony Scott, U.S. Chief Information Officer, Office of Management and Budget; Andy Ozment, Ph.D., Assistant Secretary, Office of Cybersecurity and Communications, National Protection and Programs Directorate, U.S. Department of Homeland Security; Hon. Patrick E. McFarland, Inspector General, Office of Personnel Management.

The 2014 Humanitarian Crisis at our Border: A Review of the Government's Response to Unaccompanied Minors One Year Later.
July 7, 2015. (S. Hrg. 114–516)

The purpose of this one-panel hearing was to examine the Federal Government's response to the 2014 surge of Central American Unaccompanied Alien Children (UACs). Particularly, the Committee examined how the responsibilities of caring for the minors and resolving their immigration status is divided and coordinated among different federal agencies. Witnesses discussed their agency's involvement in processing UACs and how they manage the child's information during and after the case passes through their agency.

Witnesses: Juan P. Osuna, Director, Executive Office of Immigration Review, U.S. Department of Justice; Mark H. Greenberg, Acting Assistant Secretary, Administration for Children and Families, U.S. Department of Health and Human Services; Philip T. Miller, Assistant Director of Field Operations, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; Joseph E. Langlois, Associate Director, Refugee, Asylum, and International Operations, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security.

Stopping an Avian Influenza Threat to Animal and Public Health.
July 8, 2015. (S. Hrg. 114–452)

The purpose of this one-panel hearing was to examine the current outbreak of H5N2 and other highly pathogenic avian influenza strains nationwide, including the response of federal and industry stakeholders. Witnesses discussed the devastating impact of this highly pathogenic avian influenza strain on American farms and the broader economic disruption it has caused. Discussion focused

on the broader threat of highly pathogenic avian influenza to the poultry industry going forward, steps being taken to prepare for and mitigate any impact of this pathogen, and recommendations for how the federal response to this outbreak could be improved.

Witnesses: John R. Clifford, DVM, Chief Veterinary Officer, U.S. Department of Agriculture; Anne Schuchat, M.D., Director, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention and Assistant Surgeon General, U.S. Public Health Service, U.S. Department of Health and Human Services; Christopher P. Currie, Director, Homeland Security and Justice, U.S. Government Accountability, accompanied by Steve D. Morris, Director, Natural Resources and Environment; Jack Gelb, Jr., Ph.D., Director, Avian Biosciences Center, College of Agriculture and Natural Resources, University of Delaware; Scott Schneider, Owner, Nature Link Farm, Jefferson, Wisconsin and President, Wisconsin Poultry and Egg Industries Association.

Understanding America's Long-Term Fiscal Picture. July 9, 2015. (S. Hrg. 114–459)

This one-panel hearing focused on ways to better understand the country's often complex "balance sheet", the uncertainty involved in projecting the budget out 30 years or more, and reconciling the policy choices necessary to address long-term imbalances to what is politically possible. The director of the Congressional Budget Office discussed the fact that without major policy changes, the amount of federal debt held by the public would be larger than the entire economy by 2039, and would only increase from there. Dr. Hall and members of the committee discussed what this actually means for taxpayers and the sustainability of the major entitlements.

Witnesses: Hon. Keith Hall, Ph.D., Director, Congressional Budget Office.

Securing the Border: Understanding Threats and Strategies for the Maritime Border. July 15, 2015. (S. Hrg. 114–516)

The purpose of this one-panel hearing was to examine the security challenges, including transnational crime and national security threats, along the United States' maritime borders. Witnesses discussed how agencies use air and marine technologies to protect the maritime borders of the United States, efforts to disrupt drug and human trafficking, and steps being taken to prevent illegal immigration. Testimony also focused on how agencies such as CBP, the U.S. Coast Guard, and ICE are better coordinating to stop the trafficking of narcotics and other illicit substances through our nation's coastlines, waterways, and ports.

Witnesses: Rear Admiral Peter J. Brown, Assistant Commandant for Response Policy, U.S. Coast Guard; Randolph D. Alles, Assistant Commissioner, Office of Air and Marine, U.S. Customs and Border Protections, U.S. Department of Homeland Security; Peter Edge, Executive Associate Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security.

The Milwaukee Parental Choice Program: A Pioneer for School Choice Programs Nationwide. July 20, 2015. (S. Hrg. 114–460)

The purpose of this one-panel hearing was to examine the Milwaukee Parental Choice Program as an educational option for Milwaukee families and as a guide for school choice programs nationwide. Established in 1990, the Milwaukee Parental Choice program is the oldest and largest urban school choice program in the nation. There are over 21 school choice programs across the country as of the 2013–2014 school year, including the D.C. Opportunity Scholarship Program. Witnesses discussed their experience with the Milwaukee Parental Choice Program and challenges the program faces in its administration and from involvement by the Department of Justice.

Witnesses: Justice Shorter, Former MPCP Student and Graduate of Messmer High School, Washington, District of Columbia; Diana Lopez, Former MPCP Student and Graduate of St. Anthony High School, Milwaukee, Wisconsin; Brother Robert Smith, Former Principal, Messmer High School, Milwaukee, Wisconsin; John Witte, Ph.D., Professor Emeritus, University of Wisconsin-Madison; Richard Komer, Senior Attorney, Institute for Justice; Henry Tyson, Superintendent, St. Marcus Lutheran School.

Protecting the Electric Grid from the Potential Threats of Solar Storms and Electromagnetic Pulse. July 22, 2015. (S. Hrg. 114–483)

The purpose of this one-panel hearing was to examine the extent to which electromagnetic pulses and severe solar storms may pose a threat to the electric grid in the United States, the U.S. grid's readiness for such events, and potential opportunities for mitigation. Witnesses gave their perspectives on the relative likelihood, and anticipated impact, of a geomagnetic disturbance (GMD) to the U.S. electric grid, compared with that of an electromagnetic pulse (EMP) attack. Further discussion focused on the EMP Commission's recommendations to address the risks from potential EMP and solar storms events, the costs and benefits of mitigating against these threats, and recommendations for next steps the government and industry can take to increase the U.S. grid's readiness for such events.

Witnesses: Hon. R. James Woolsey, Former Director of Central Intelligence and Chairman, Foundation for Defense of Democracies; Joseph H. McClelland, Director, Office of Energy Infrastructure Security, Federal Energy Regulatory Commission; Richard L. Garwin, Ph.D., Fellow Emeritus, IBM Thomas J. Watson Research Center (testifying in a personal capacity); Christopher P. Currie, Director, Homeland Security and Justice, U.S. Government Accountability Office; Bridgette L. Bourge, Senior Principal, Legislative Affairs, National Rural Electric Cooperative Association.

Nomination of Denise T. Roth to be Administrator, U.S. General Services Administration. July 23, 2015. (S. Hrg. 114–405)

This one-panel hearing considered the nomination of Denise T. Roth to be Administrator, U.S. General Services Administration.

Avoiding Duplication: An Examination of the State Department's Proposal to Construct a New Diplomatic Security Training Facility. July 28, 2015. (S. Hrg. 114–461)

The purpose of this one-panel hearing was to examine the State Department's reduced scope proposal for the Foreign Affairs Security Training Center and the process for its selection. Witness testimony focused on what specific or unique infrastructure requirements the State Department needs to provide appropriate training to Diplomatic Security agents and other State Department personnel. Further discussion focused on the specific costs associated with the existing facility and its training capacity in comparison to the proposals presented by the State Department and the Department of Homeland Security.

Witnesses: Hon. Gregory B. Starr, Assistant Secretary, Bureau of Diplomatic Security, U.S. Department of State; Hon. David Mader, Acting Deputy Director for Management and Controller, Office of Federal Financial Management, Office of Management and Budget; Connie L. Patrick, Director, Federal Law Enforcement Training Center, U.S. Department of Homeland Security.

Oversight of the Bureau of Prisons: First-Hand Accounts of Challenges Facing the Federal Prison System. August 4, 2015. (S. Hrg. 114–475)

The Bureau of Prisons (BOP) has experienced a significant increase in population since the 1980s and as a result, the BOP's budget has grown significantly. In FY 1980, Congress appropriated \$330 million for the BOP, while for FY2014 Congress appropriated \$6.859 billion. Recent reports issued by the Department of Justice Office of the Inspector General have identified shortcomings within the Bureau that include, shortfalls in inmate programming, the safety and security of inmates, and a lack of support after reentry. The purpose of this two-panel hearing was to examine how effectively the BOP is fulfilling its core mission and to discuss what reforms are necessary to improve the criminal justice system. Witnesses shared their personal experiences with the criminal justice system and dialogue focused on the need to eliminate the practice of solitary confinement and to drastically improve rehabilitation programming and reentry programs.

Witnesses: Panel I: Piper Kerman, Author, *Orange is the New Black: My Year in a Women's Prison*; Jerome Dillard, Reentry Coordinator, Dane County, Wisconsin; Udi Ofer, Executive Director, American Civil Liberties Union of New Jersey. Panel II: Charles E. Samuels, Jr., Director, Federal Bureau of Prisons, U.S. Department of Justice; Hon. Michael E. Horowitz, Inspector General, U.S. Department of Justice.

Field Hearing: All Hands on Deck: Working Together to End the Trafficking and Abuse of Prescription Opioids, Heroin, and Fentanyl. September 14, 2015. (S. Hrg. 114–516)

The purpose of this hearing was to examine the illicit trafficking and abuse of prescription opioids, heroin, and fentanyl and their adverse and enduring effects on lives, families, communities, and our national security. This hearing also examined efforts to prevent and treat those suffering from addiction to these substances. Witnesses discussed trends observed in New Hampshire with regard to

the availability of prescription opioids, heroin, and fentanyl; trends in overdoses and fatal overdoses related to these substances; and trafficking routes specific to New England. Further testimony focused on the importance of effective treatment options for those struggling with substance use disorders and law enforcement efforts to prevent and treat those suffering from addiction to these substances.

Witnesses: Panel I: Enoch “Nick” Willard, Chief, Manchester Police Department; Doug Griffin, Father of Courtney Griffin, Newton, NH; Heidi Moran, Clinical Administrator, Southeastern New Hampshire Services, Dover, NH. Panel II: Hon. Michael P. Botticelli, Director, Office of National Drug Control Policy; Hon. R. Gil Kerlikowske, Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security; John “Jack” Riley, Acting Deputy Administrator, Drug Enforcement Agency, U.S. Department of Justice.

A Review of Regulatory Reform Proposals. September 16, 2015. (S. Hrg. 114–480)

This hearing was held as part of the Committee’s ongoing efforts to examine the federal regulatory process and explore ways to improve it. Specifically, this hearing focused on existing legislative reform proposals under consideration by the Committee. Members were given an opportunity to discuss their own proposals, developed based on information gathered through prior hearings, roundtables, and expert consultation, and heard from experts on ways to further improve these proposals before proceeding on to formal legislative consideration by the Committee.

Witnesses: Hon. Susan E. Dudley, Director, Regulatory Studies Center and Distinguished Professor of Practice, George Washington University; Sidney A. Shapiro, Frank U. Fletcher Chair in Administrative Law, Wake Forest University and Vice President, Center for Progressive Reform.

Improving VA Accountability: Examining First-Hand Accounts of Department of Veterans Affairs Whistleblowers. September 22, 2015. (S. Hrg. 114–484)

Although whistleblower protections have been in place for decades, an alarming number of employees at the Department of Veterans Affairs (VA) have reported facing hardships after exposing wrongdoing that threatens the care and well-being of our nation’s veterans. This hearing highlighted the stories of VA employees who reported experiencing difficulties for bringing to light issues that compromised patient care and exposed official misconduct. Testimony focused on ways that Congress and relevant agencies can further encourage federal employees to come forward with allegations of waste, fraud, and abuse.

Witnesses: Panel I: Sean Kirkpatrick, Chicago, IL; Brandon Coleman, Ph.D. (c), LISAC, Addiction Therapist, Phoenix VA Health Care System, Phoenix, AZ; Joseph Colon, Credentialing Program Support, VA Caribbean Healthcare System, San Juan, PR; Shea Wilkes, Licensed Clinical Social Worker, Overton Brooks VA Medical Center, Shreveport, LA. Panel II: Hon. Carolyn N. Lerner, Special Counsel, Office of Special Counsel; Linda Halliday, Deputy Inspector General, U.S. Department of Veterans Affairs; Carolyn

Clancy, M.D., Chief Medical Officer, Veterans Health Administration; U.S. Department of Veterans Affairs; Dr. Clancy was accompanied by Mr. Michael Culpepper, Acting Director, Office of Accountability Review.

A Review of the Department of Education and Student Achievement. September 30, 2015. (S. Hrg. 114–530)

This hearing took a macro look at the country’s education system and reviewed the Department of Education’s role in determining outcomes for America’s students. In particular, the committee examined the longitudinal measures of student achievement and determined areas where the Department of Education has succeeded as well as fallen short in accomplishing key priorities.

Witnesses: Panel I: Richard K. Vedder, Ph.D., Director, Center for College Affordability and Productivity; Kevin Carey, Director, Education Policy Program, New America Foundation. Panel II: Hon. Theodore R. Mitchell, Under Secretary, U.S. Department of Education.

Threats to the Homeland. October 8, 2015. (S. Hrg. 114–487)

The purpose of this hearing was to provide the public with an understanding of the prevailing threats to the security of the United States of America. The witnesses discussed, to the extent applicable, threats as they relate to the Committee’s stated priorities: border security, critical infrastructure protection, cyber security, and countering violent extremism.

Witnesses: Hon. Jeh C. Johnson, Secretary, U.S. Department of Homeland Security; Hon. James B. Comey, Jr., Director, Federal Bureau of Investigation, U.S. Department of Justice; and Hon. Nicholas J. Rasmussen, Director, National Counterterrorism Center, Office of the Director of National Intelligence.

Ongoing Migration from Central America: An Examination of FY2015 Apprehensions. October 21, 2015. (S. Hrg. 114–516)

The purpose of this hearing was to examine the causes behind the ongoing migration from Central America, including the recent influx of family units and unaccompanied minors arriving at the southwest border outside the usual seasonal pattern. Witnesses discussed their visits to Central America, experiences with migrants at the U.S. border, and other relevant experiences. The discussion examined DHS’s public announcement efforts in the sending countries, as well as U.S. programming in Guatemala, El Salvador, and Honduras aimed at deterring future migration surges.

Witnesses: Kimberly M. Gianopoulos, Director, International Affairs and Trade, U.S. Government Accountability Office; Chris Cabrera, Border Patrol Agent, Rio Grande Valley Sector, U.S. Customs and Border Protection, on behalf of the National Border Patrol Council; Kevin Casas-Zamora, D.Phil., Senior Fellow and Program Director, Peter D. Bell Rule of Law Program, Inter-American Dialogue; Duncan Wood, Ph.D., Director, Mexico Institute, Woodrow Wilson International Center for Scholars; The Most Reverend Mark J. Seitz, Bishop, Diocese of El Paso, Texas, on behalf of the U.S. Conference of Catholic Bishops.

Assessing the State of Our Nation's Biodefense. October 28, 2015. (S. Hrg. 114–515)

This hearing examined the findings of a report published by the Blue Ribbon Study Panel on Biodefense, co-chaired by former Secretary of Homeland Security Tom Ridge and former Senator Joseph Lieberman. The hearing covered the Blue Ribbon Panel's investigation of our nation's biodefense capabilities and strategies, particularly as it pertains to the conclusions and recommendations reached by the Panel. The witnesses also discussed how Congress, the Administration, and stakeholders can work together to better address biological threats facing our nation.

Witnesses: Hon. Thomas J. Ridge, Co-Chair, Blue Ribbon Study Panel on Biodefense; Hon. Joseph I. Lieberman, Co-Chair, Blue Ribbon Study Panel on Biodefense.

The Value of Education Choices for Low-Income Families: Reauthorizing the D.C. Opportunity Scholarship Program. November 4, 2015. (S. Hrg. 144–525)

This two-panel hearing examined the D.C. Opportunity Scholarship Program as an educational option for low-income families in the District of Columbia. Witnesses discussed the history of the program, the different educational opportunities available to students in the District of Columbia, and student achievement in the program. The hearing also touched on recommendations for improving the D.C. Opportunity Scholarship Program through the SOAR Reauthorization Act of 2015.

Witnesses: Panel I: Hon. Dianne Feinstein; Hon. Tim Scott; Hon. Eleanor Holmes Norton. Panel II: Hon. Kevin Chavous; Mary Elizabeth Blaufuss; Gary Jones; Linda Cruz Catalan; Christopher Lubienski, Ph.D.

The Impact of ISIS on the Homeland and Refugee Resettlement. November 19, 2015. (S. Hrg. 114–543)

The purpose of this two-panel hearing was to provide the public with an understanding of the threat posed by the Islamic State of Iraq and Syria (ISIS) to the U.S. homeland. It examined how the terrorist attacks in Paris and across the globe impact the United States' Syrian refugee resettlement program and current vulnerabilities in the program. Witnesses also discussed other vulnerabilities the U.S. faces, such as the Visa Waiver Program, student visas, and threats along the northern and southwest borders.

Witnesses: Panel I: Hon. Anne C. Richard, Assistant Secretary for Population, Refugees, and Migration, U.S. Department of State; Hon. Leon Rodriguez, Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security. Panel II: Peter Bergen, Director, National Security Studies Program, New America Foundation; Brian Michael Jenkins, Senior Advisor to the President, RAND Corporation; Daveed Gartenstein-Ross, Senior Fellow, Foundation for Defense of Democracies; Hon. Eric P. Schwartz, Dean, Humphrey School of Public Affairs, University of Minnesota and Former Assistant Secretary for Population, Refugees, and Migration at the U.S. Department of State (2009–2011); Lavinia Limon, President and Chief Executive Officer, U.S. Committee for Refugees and Immigrants.

America's Heroin Epidemic at the Border: Local, State, and Federal Law Enforcement Efforts to Combat Illicit Narcotic Trafficking. November 23, 2015. (S. Hrg. 114–516)

The purpose of this two-panel field hearing was to examine the illicit trafficking of narcotics crossing the Arizona border, particularly heroin, prescription opioids, and methamphetamine, and their adverse and enduring effects on lives, families, communities, and our national security. The witnesses also discussed the threats posed to Arizonans by transnational criminal organizations (TCOs) smuggling heroin and other illicit narcotics across the Arizona border, the level of federal funding available to prosecute drug cases, and how coordination between state, local, and federal law enforcement to combat illicit narcotic trafficking can be improved.

Witnesses: Panel I: Hon. Douglas A. Ducey, Governor, State of Arizona, Accompanied by Colonel Frank Milstead, Director, Arizona Department of Public Safety; Hon. R. Gil Kerlikowske, Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security. Panel II: Hon. Bill Montgomery, County Attorney, Maricopa County; Hon. Mark J. Dannels, Sheriff, Cochise County; Dawn Mertz, Executive Director, Arizona HIDTA, Office of National Drug Control Policy; Brandon Judd, President, National Border Control Council; Jeff Taylor, Member, Public Advisory Board/Public Policy, The Salvation Army.

Nomination of Hon. Carol Waller Pope to be a Member, Federal Labor Relations Authority, and Robert A. Salerno and Darlene M. Soltys to be Associate Judges, Superior Court of the District of Columbia. December 3, 2015. (S. Hrg. 114–411)

This one-panel hearing considered the nominations of the Honorable Carol Waller Pope to be a Member of the Federal Labor Relations Authority and Robert A. Salerno and Darlene M. Soltys to be Associate Judges of the Superior Court of the District of Columbia. Ms. Pope, Mr. Salerno, and Ms. Soltys were introduced by Delegate Eleanor Holmes Norton. Senator James Lankford, Chairman of the Subcommittee on Regulatory Affairs and Federal Management, presided.

Nomination of Michael J. Missal to be Inspector General, U.S. Department of Veterans Affairs, and the Honorable Carolyn N. Lerner to be Special Counsel, Office of Special Counsel. January 12, 2016.

This one-panel hearing considered the nominations of Michael J. Missal to be Inspector General, U.S. Department of Veterans Affairs, and the Honorable Carolyn N. Lerner to be Special Counsel, Office of Special Counsel. Mr. Missal was introduced by Senator Jon Tester. Ms. Lerner was introduced by Senator Benjamin L. Cardin.

Inside the Mind of ISIS: Understanding Its Goals and Ideology to Better Protect the Homeland. January 20, 2016. (S. Hrg. 114–566)

The purpose of this one panel hearing was to provide the public with an understanding of how ISIS sets its goals, derives its strategy, and motivates its followers. Witnesses testified about why ISIS's ideology resonates with its followers and supporters, what

motivates ISIS-inspired mobilization in America, and how religious extremism influences ISIS's goals, strategy, and cultivation of supporters. The hearing also provided a broad overview of ISIS's ideology and discussed what the United States Government can do to discourage homegrown violent extremists that might be vulnerable to the group's ideological message.

Witnesses: Bernard Haykel, D.Phil., Director, The Institute Of Transregional Studies and Professor of Near Eastern Studies, Princeton University; Jessica Stern, Ph.D., Research Professor, Pardee School for Global Studies, Boston University; Lorenzo G. Vidino, Ph.D., Director, Program on Extremism, Center for Cyber And Homeland Security, George Washington University; Hedieh Mirahmadi, President, World Organization for Resource Development and Education.

Laying Out the Reality of the United States Postal Service. January 21, 2016. (S, Hrg. 114–579)

This two-panel hearing examined the state of the USPS, including USPS finances, changes to USPS business in the past 5 years, and the impact of the legislative and regulatory burdens placed on the USPS, including the Universal Service Obligation, the mandate to prefund the Retiree Health Benefits Fund, rate caps and requirements, and limits to new businesses. Witnesses also discussed how companies have adapted to the problems facing the USPS, and restructuring opportunities within the USPS.

Witnesses: Panel I: Megan J. Brennan, Postmaster General and Chief Executive Officer, U.S. Postal Service; Hon. Robert G. Taub, Acting Chairman, Postal Regulatory Commission; Lori Rectanus, Director, Physical Infrastructure, U.S. Government Accountability Office; Hon. David C. Williams, Inspector General, U.S. Postal Service; James E. Millstein, Former Chief Restructuring Officer at the U.S. Department Of The Treasury and Founder And Chief Executive Officer, Millstein & Co. Panel II: Fredric V. Rolando, President, National Association Of Letter Carriers, John “Chip” Hutcheson III, President, National Newspaper Association; Kathy Collins, General Manager, Rothschild Mill Domtar Paper Company.

Frontline Response to Terrorism in America. February 2, 2016.

The purpose of this single-panel hearing was to examine the state and local response to the recent terror attacks in the United States, as well as explore how first responders across the country are preparing for the next attack. The hearing also highlighted the successes, failures, and areas that need improvement when coordinating with federal agencies during emergencies.

Witnesses: Wally Sparks, Chief of Police, Everest Metro Police Department, Weston, Wisconsin; Hon. William J. Bratton, Police Commissioner, New York City Police Department, New York, New York; Rhoda Mae Kerr, President and Chair of the Board, International Association of Fire Chiefs, Austin, Texas; Edward F. Davis III, Chief Executive Officer, Edward Davis, LLC, and Former Commissioner of the Boston Police Department, Boston, Massachusetts; Mark S. Ghilarducci, Director, California Office of Emergency Services and the Governor's Homeland Security Advisor, Mather, California.

Canada's Fast-Track Refugee Plan: Unanswered Questions and Implications for U.S. National Security. February 3, 2016.

The purpose of this single-panel hearing was to examine Canada's plan to resettle 25,000 Syrian refugees by the end of February 2016. Witnesses discussed the Canadian Government's progress in meeting its deadline and provided a description of how Canada currently vets its refugees to verify their identity, nationality, and whether they pose a security risk. The hearing also examined the tools the U.S. Border Patrol currently has to prevent illegal crossings along our northern border, as well as issues of information sharing between the U.S. and Canada.

Witnesses: Guidy Mamann, Senior Partner, Mamann, Sandaluk & Kingwell, LLP, Toronto, Canada; David B. Harris, Director, International Intelligence Program, Insignis Strategic Research, Inc., Ottawa, Canada; Dean Mandel, Border Patrol Agent, Buffalo Sector, U.S. Customs and Border Protection (Testifying On Behalf Of The National Border Patrol Council); Laura Dawson, Ph.D., Director, Canada Institute, Woodrow Wilson International Center For Scholars.

Nomination of the Honorable Beth F. Cobert to be Director, Office of Personnel Management. February 4, 2016.

This one-panel hearing considered the nomination of the Honorable Beth F. Cobert to be Director, Office of Personnel Management.

Connecting Patients to New and Potential Life Saving Treatments. February 25, 2016.

This one-panel hearing focused on identifying possible barriers that prevent patients from accessing new and potentially lifesaving therapies, often in the face of terminal or debilitating conditions. Patients and experts discussed the steps Congress can take to reduce impediments and help connect willing patients and potential medical innovations.

Witnesses: Darcy Olsen, President and Chief Executive Officer, Goldwater Institute; Laura McLinn, Indianapolis, IN; Diego Morris, Phoenix, AZ; Joseph V. Gulfo, M.D., Executive Director, Rothman Institute of Innovation and Entrepreneurship, Fairleigh Dickinson University; Nancy Goodman, Executive Director, Kids v Cancer.

Nomination of the Honorable Patrick Pizzella to be a Member, Federal Labor Relations Authority, and Julie H. Becker, Steven N. Berk, and Elizabeth C. Wingo to be Associate Judges, Superior Court of the District of Columbia. March 2, 2016.

This one-panel hearing considered the nominations of the Honorable Patrick Pizzella to be a Member, Federal Labor Relations Authority, and Julie H. Becker, Steven N. Berk, and Elizabeth C. Wingo to be Associate Judges, Superior Court of the District of Columbia.

How Canine Programs Contribute to Homeland Security. March 3, 2016.

The purpose of this one-panel hearing was to understand how the Department of Homeland Security utilizes canine units to execute its security operations. Witnesses described TSA's and CBP's

training programs and how the agencies deploy their canine units as part of airport and border security operations. The hearing also covered the conditions necessary to provide suitable dogs for security programs, and future demand for additional canine units. Witnesses from DHS were accompanied by three canines and their handlers who conducted a demonstration of their specialized skills.

Witnesses: Kimberly S. Hutchinson, Deputy Assistant Administrator, Office of Training and, Development, Transportation Security Administration, U.S. Department of Homeland Security; Damian Montes, Director, Canine Program, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Jennifer Grover, Director, Homeland Security and Justice, U.S. Government Accountability Office; Cindy Otto, D.V.M., Ph.D., Executive Director, Penn Vet Working Dog Center, University of Pennsylvania.

The Homeland Security Department's Budget Submission for Fiscal Year 2017. March 8, 2016.

The purpose of this one-panel hearing was to discuss the Department of Homeland Security's budget request for fiscal year 2017. The witness discussed how the DHS budget request meets the current and future homeland security needs of the nation.

Witness: Hon. Jeh C. Johnson, Secretary, U.S. Department of Homeland Security.

The Security of U.S. Visa Programs. March 15, 2016.

The purpose of this one-panel hearing was to understand the security of U.S. visa programs, including policies and procedures for screening visa applicants, adjudicating and overseeing visa benefits, and enforcing immigration laws. Witnesses discussed opportunities for Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS) to strengthen programs related to visa screening, immigration benefits management, and immigration law enforcement, including the status of the Inspector General's recommendations regarding visa security. The hearing also covered efforts to increase collaboration between the State Department, USCIS, and ICE.

Witnesses: David Donahue, Principal Deputy Assistant Secretary for Consular Affairs, U.S. Department of State; Hon. León Rodríguez, Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security; Hon. Sarah R. Saldaña, Director, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; Hon. John Roth, Inspector General, U.S. Department of Homeland Security.

DHS Management and Acquisition Reform. March 16, 2016.

The purpose of this one-panel hearing was to examine critical management and acquisition functions at the U.S. Department of Homeland Security. The hearing will highlight management and acquisition challenges historically faced by the Department, progress made in addressing these challenges, and potential reforms to address outstanding challenges.

Witnesses: Hon. Russell C. Deyo, Under Secretary for Management, U.S. Department of Homeland Security; Hon. Charles H. Fulghum, Deputy Under Secretary for Management and Chief Financial Officer, U.S. Department of Homeland Security; Hon. John

Roth, Inspector General, U.S. Department of Homeland Security; Rebecca Gambler, Director, Homeland Security and Justice, U.S. Government Accountability Office; Michele Mackin, Director, Acquisition and Sourcing Management, U.S. Government Accountability Office.

Terror in Europe: Safeguarding U.S. Citizens at Home and Abroad.
April 5, 2016.

The purpose of this one-panel hearing was to examine the current terrorism threat environment in Europe, to understand its causes and the challenges facing European nations, and to understand the security implications for the United States. Witnesses discussed how the European counterterrorism efforts differ from the United States' counterterrorism system and how those differences impact both European and American security.

Witnesses: Hon. Juan C. Zarate, Senior Advisor, Center for Strategic and International Studies; Julianne Smith, Senior Fellow and Director of the Strategy and Statecraft Program, Center for a New American Security; Daveed Gartenstein-Ross, Senior Fellow, Foundation for Defense of Democracies; Clinton Watts, Robert A. Fox Fellow, Foreign Policy Research Institute.

America's Insatiable Demand for Drugs. April 13, 2016.

The purpose of this one-panel hearing was to examine how America's insatiable demand for drugs affects U.S. border security and local communities across the nation, and to assess strategies to reduce that demand. Witnesses discussed the public health challenge of reducing demand for illegal drugs, how treatment reduces the demand for drugs, and the value of media and peer-to-peer campaigns to combat drug use. The hearing also covered the path various drugs take to reach the United States, how these smuggling routes impact the regions that are transited, and how a reduction in demand may impact the illegal trafficking of narcotics across the United States' borders.

Witnesses: General John F. Kelly, USMC (Ret.), Former Commander of the United States Southern Command (2012–2016); Jonathan P. Caulkins, Stever Professor of Operations Research & Public Policy, Heinz College, Carnegie Mellon University; Cheryl Heaton, Dean, College of Global Public Health, New York University; Tony Sgro, Chief Executive Officer, EdVenture Partners; Robert Budsock, President and Chief Executive Officer, Integrity House, Inc.

The Federal Perspective on the State of Our Nation's Biodefense.
April 14, 2016.

The purpose of this one-panel hearing was to examine the current capabilities of key federal departments and agencies to assist the nation in preventing, detecting, responding to, and recovering from major biological incidents, both natural and intentional. Witnesses discussed how their organizations assess the nation's current preparedness and biosurveillance capabilities, and what opportunities may exist for improvement in coordination among federal partners. Witnesses also discussed the October 2015 report issued by the Blue Ribbon Study Panel on Biodefense, and the federal government's response to the Zika virus.

Witnesses: Richard J. Hatchett, M.D., Acting Director, Biomedical Advanced Research and Development Authority, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services; Stephen C. Redd, M.D., Director, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention; Kevin Shea, Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture; Aaron M. Firoved, Ph.D., Director, National Biosurveillance Integration Center, Office of Health Affairs, U.S. Department of Homeland Security; Christopher P. Currie, Director, Homeland Security and Justice, U.S. Government Accountability Office.

Border Security and America's Heroin Epidemic: The Impact of the Trafficking and Abuse of Heroin and Prescription Opioids in Wisconsin. April 15, 2016.

The purpose of this two-panel hearing was to examine the illicit trafficking of narcotics crossing the border and transiting into Wisconsin, particularly heroin, prescription opioids, and methamphetamine, and their adverse and enduring effects on the lives, families, and communities across Wisconsin. Witnesses discussed efforts to reduce both the availability of and the demand for drugs throughout Wisconsin, as well as interdiction efforts at our nation's borders and ports of entry. Panelists also described their personal experiences with addiction and recovery, and ways that federal, state, and local governments and organizations can improve education, prevention, and treatment options to help prevent and reduce opioid addiction.

Witnesses: Panel I: James F. Bohn, Director, Wisconsin HIDTA, Office of National Drug Control Policy; Timothy Westlake, M.D., Vice Chairman, State of Wisconsin Medical Examining Board and Chairman, Controlled Substance Committee; Tyler Lybert, Accompanied by Ashleigh Nowakowski, Your Choice-Live, Hartland, Wisconsin; Lauri Badura, Mother of Archie Badura, Oconomowoc, Wisconsin. Panel II: Hon. R. Gil Kerlikowske, Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security, Hon. Brad Schimel, Attorney General, Department of Justice, State of Wisconsin; Hon. Jon Erpenbach, State Senator, District 27, State of Wisconsin; Hon. John Nygren, State Representative, District 89, State of Wisconsin.

The Administrative State: An Examination of Federal Rulemaking. April 20, 2016.

The purpose of this one-panel hearing was to examine administrative rulemaking in the United States, including the rulemaking process, the economic impact of final regulations, and rulemakings by independent agencies. Specifically, this hearing centered on three case studies—the FCC's net neutrality rule, the Labor Department's fiduciary rule, and the EPA's Waters of the United States rule.

Witnesses: Jonathan Turley, Professor of Public Interest Law, The George Washington University Law School; Randolph J. May, President, The Free State Foundation; Hon. Bradford P. Campbell, Counsel, Drinker Biddle & Reath, LLP and Former Assistant Secretary for Employee Benefits at the U.S. Department of Labor; Wil-

liam Kovacs, Senior Vice President for the Environment, Technology & Regulatory Affairs, U.S. Chamber of Commerce; Robert Weissman, President, Public Citizen.

Nomination of the Honorable Jeffrey A. Rosen to be a Governor, United States Postal Service. April 21, 2016.

This one-panel hearing considered the nomination the Honorable Jeffrey A. Rosen to be a Governor, United States Postal Service. Mr. Rosen was introduced by Senator Rob Portman.

Examining the Impact of the Opioid Epidemic in Ohio. April 22, 2016.

The purpose of this two-panel hearing was to examine the abuse of prescription opioids, heroin, and fentanyl and their adverse and enduring effects on lives, families, and communities. The hearing also examined efforts to prevent and treat those suffering from addiction to these substances, including babies born with Neonatal Abstinence Syndrome. Witnesses discussed the role of the federal government and the importance of a cohesive national strategy that takes into account prevention, education, treatment, and support for individuals in recovery.

Witnesses: Panel I: Hon. R. Michael DeWine, Attorney General, State of Ohio; Carole S. Rendon, Acting U.S. Attorney, Northern District of Ohio, United States Attorney's Office, U.S. Department of Justice; Tracy Plouck, Director, Ohio Department of Mental Health and Addiction Services. Panel II: Michele Walsh, M.D., Division Chief, Neonatology, UN Case Medical Center, UH Rainbow Babies and Children's Hospital, Nancy K. Young, Ph.D., Director, Children and Family Futures, Inc.; Margaret Kotz, D.O., Director, Addiction Recovery Services, UH Case Medical Center, University Hospitals, Emily Metz, Program Coordinator, Project DAW; Rob Brandt, Founder, Robby's Voice.

Government Reform: Ending Duplication and Holding Washington Accountable. April 27, 2016.

The purpose of this one-panel hearing was to examine the need for oversight and reform to improve the federal government's operations and achieve cost savings. The hearing primarily focused on the Government Accountability Office (GAO)'s report titled, "2016 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits." Witnesses provided an assessment of the GAO's Annual Report and recommendations as to how the 114th Congress can strengthen the efficiency and effectiveness of government programs and activities through legislation and oversight of Executive Branch activities.

Witnesses: Hon. Tom Coburn, M.D., Former U.S. Senator from the State of Oklahoma; Hon. Eugene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office.

America's Insatiable Demand for Drugs: Assessing the Federal Response. May 17, 2016.

The purpose of this one-panel hearing is to examine how the U.S. is allocating funds to fight the war on drugs. Witnesses discussed the more than \$2.5 billion annual to combat illicit drug use, how resources are currently directed, what programs and strategies ap-

pear to be working, and what can be improved upon. Witnesses also provided information on the costs of prevention and treatment, the risks of failing to treat individuals suffering from substance use disorders and the success rate of treatments addressing substance use disorders.

Witnesses: Hon. Michael P. Botticelli, Director, Office of National Drug Control Policy; Kana Enomoto, Principal Deputy Administrator, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services; Diana Maurer, Director, Homeland Security and Justice, U.S. Government Accountability Office.

Assessing the Security of Critical Infrastructure: Threats, Vulnerabilities, and Solutions. May 18, 2016.

The purpose of this one-panel hearing was to examine current threats to critical infrastructure across the United States, initiatives underway among the sectors and states, and any opportunities to improve how the federal government is working with the private sector on these issues. Witnesses discussed the current top threats to different sectors, and identified best practices that if implemented can improve information sharing between stakeholders.

Witnesses: Major General Donald P. Dunbar, Adjutant General, State of Wisconsin; Tom Farmer, Chair, Partnership for Critical Infrastructure Security; Ted Koppel, Author, *Lights Out: A Cyberattack, a Nation Unprepared, Surviving the Aftermath*; Scott Aaronson, Managing Director, Cyber and Infrastructure Security, Edison Electric Institute.

Protecting America from the Threat of ISIS. May 26, 2016.

The purpose of this one-panel hearing was to examine steps taken by the Department of Homeland Security and the Department of State to mitigate the threat to the homeland from ISIS and affiliated terrorist groups in the wake of the Brussel terror attacks that occurred on March 22, 2016. Witnessed provided an overview of the steps taken by the Departments to increase security in the aftermath of these terrorist attacks as well as the challenges that these kinds of coordinated terrorist attacks create for the U.S. homeland. Additionally, Senators asked about ways to improve the screening of both visa applicants and those travelers seeking to come to the United States through the Visa Waiver Program.

Witnesses: Hon. Alejandro N. Mayorkas, Deputy Secretary, U.S. Department of Homeland Security; Justin Siberell, Acting Coordinator of Counterterrorism, Bureau of Counterterrorism, U.S. Department of State.

Tomah VAMC: Examining Patient Care and Abuse of Authority. May 31, 2016.

This one-panel hearing focused on the Committee's investigation into the over prescription of high-risk medication including opioids, patient deaths, and abuse of authority at the Tomah VAMC; the Department of Veterans Affairs Inspector General's healthcare inspection of the facility; and concerns regarding the culture and quality of care at the facility. Witnesses also discussed the steps taken by the VA to respond to these issues.

Witnesses: Hon. Sloan D. Gibson, Deputy Secretary, U.S. Department of Veterans Affairs; Hon. Michael J. Missal, Inspector General, U.S. Department of Veterans Affairs. Mr. Gibson was accompanied by Dr. Gavin West, Senior Medical Advisor, Clinical Operations, and Mr. Missal was accompanied by Dr. John D. Daigh, Jr., Assistant IG for Healthcare Inspections.

Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation. June 7, 2016.

The purpose of this one-panel hearing was to examine TSA operations. Witnesses discussed steps being taken to address security vulnerabilities at airport checkpoints discovered through covert testing conducted by the DHS Office of Inspector General in June 2015. Additionally, panelists described the steps TSA is taking to address wait times at many U.S. airports without compromising security, and how to work with private sector stakeholders in order to address the problem.

Witnesses: Hon. Peter V. Neffenger, Administrator, Transportation Security Administration, U.S. Department of Homeland Security; Hon. John Roth, Inspector General, U.S. Department of Homeland Security; Jennifer Grover, Director, Homeland Security and Justice, U.S. Government Accountability Office.

America's Insatiable Demand for Drugs: Examining Solutions. June 15, 2016.

The purpose of this roundtable was to examine potential alternative approaches to address America's insatiable demand for drugs. Witnesses discussed the effects of policies such as decriminalization, legalization, and safe injection sites would impact on global drug consumption. Panelists also provided a brief history and current status of illicit drug consumption in the U.S., law enforcement and treatment programs, and how Congress can direct Federal funding to address this problem.

Witnesses: D. Scott Macdonald, M.D., Physician Lead, Providence Crosstown Clinic; Ethan Nadelmann, Ph.D., Executive Director, Drug Policy Alliance; David W. Murray, Senior Fellow, Hudson Institute; Frederick Ryan, Chief of Police, Arlington, Massachusetts.

The Ideology of ISIS. June 21, 2016.

The purpose of this one panel hearing was to examine ISIS's poisonous ideology and how it targets specific populations with terrorism and persecution, as we saw in the recent terrorist attack in Orlando. Two witnesses were human rights activists with first-hand experience of Islamic extremist persecution because their communities are specifically targeted for execution by ISIS. The other witnesses were subject matter experts on ISIS and Islamic law and provided broader context.

Witnesses: Hassan Hassan, Resident Fellow, Tahrir Institute for Middle East Policy and Co-Author, *ISIS: Inside the Army of Terror*; Tarek Elgawhary, Ph.D., Director, Religious Studies Programs, World Organization for Resource Development and Education; Subhi Nahas, Chairman of the Board, Spectra Project; Nadia Murad, Human Rights Activist.

Renewing Communities and Providing Opportunities Through Innovative Solutions to Poverty. June 22, 2016.

The purpose of this one-panel hearing was to examine how community leaders across America are finding innovative solutions to address needs in their communities. Witnesses spoke of the need for civil society to provide community-based solutions and gave examples of leaders renewing communities. Panelists also discussed long-term federal spending, spending on the War on Poverty, poverty statistics, and evidence-based evaluation of federal programs.

Witnesses: Robert Woodson, Founder and President, Center for Neighborhood Enterprise; Peter L. Ochs, President, Capital III, Inc.; Ron Haskins, Ph.D., Senior Fellow, Brookings Institution; Olivia Golden, Executive Director, Center for Law and Social Policy.

Nomination of Andrew Mayock to be Deputy Director for Management, Office of Management and Budget. June 28, 2016.

This one-panel hearing considered the nomination of Andrew Mayock to be Deputy Director for Management, Office of Management and Budget.

From Crop to Craft Beer: Federal Regulation's Impact on America's Food and Agriculture. August 17, 2016.

The purpose of this single-panel field hearing was to examine the nexus between federal regulatory activity and its impact on businesses in the agriculture sector and connected industries. Witnesses included principals at small and medium-sized enterprises directly engaged in businesses affected by regulations applicable to food and agriculture issues.

Witnesses: Jim Zimmerman, Farmer, Rosedale, Wisconsin; Rick Vaughan, Chief Executive Officer, Innovative Ag Services; David Fritz, President and Volunteer Director, Potosi Foundation, Inc.; and Richard Williams, Ph.D., Director, Regulatory Studies Program, Mercatus Center, George Mason University.

The State of Health Insurance Markets. September 15, 2016.

The purpose of this single-panel hearing was to examine the status of the health insurance market in states across the country. The witnesses described their states' projected rates for 2017 and the overall market for insurance in their state in recent years.

Witnesses: Hon. Mary Taylor, Lieutenant Governor and Director, Ohio Department of Insurance, State of Ohio; J.P. Wieske, Deputy Commissioner, Office of the Commissioner of Insurance, State of Wisconsin; Nick Gerhart, Commissioner, Iowa Insurance Division, State of Iowa; and the Honorable Mike Kreidler, Commissioner, Office of the Insurance Commissioner, State of Washington.

Exploring a Right to Try for Terminally Ill Patients, September 22, 2016.

In the last few years, more than 30 states have adopted "right to try" laws which are intended to authorize doctors, patients, and medical manufacturers to administer treatments that have demonstrated safety but are not yet approved for general use in the United States. S. 2912, the Trickett Wendler Right to Try Act, is intended to provide additional support for efforts by clarifying the

federal government's role in allowing access to experimental treatments. This two-panel hearing examined the right to try movement from multiple perspectives within the medical ecosystem and provided the committee with a better understanding of how these laws may affect patients, doctors, and the clinical trial process.

Witnesses: Panel I: Matthew Bellina, Lieutenant Commander, U.S. Navy (Retired); Hon. Ian Calderon, Majority Leader, State Assembly, State of California; Hon. Jim Neely, D.O., Member, House of Representatives, State of Missouri; Richard Garr, Former President and Chief Executive Officer, Neuralstem, Inc.; and Andrew McFadyen, Executive Director, The Isaac Foundation. Panel II: Peter Lurie, M.D., M.P.H., Associate Commissioner for Public Health Strategy and Analysis, Food and Drug Administration, U.S. Department of Health and Human Services.

Fifteen Years After 9/11: Threats to the Homeland. September 27, 2016.

The purpose of this single-panel hearing was to examine the most critical security threats facing our nation for the American public, discuss how threats have evolved, and discuss what law enforcement and intelligence agencies, specifically the Department of Homeland Security, the Federal Bureau of Investigation, and the National Counterterrorism Center, are doing to counteract them.

Witnesses: Hon. Jeh C. Johnson, Secretary, U.S. Department of Homeland Security; Hon. James B. Comey, Jr., Director, Federal Bureau of Investigation, U.S. Department of Justice; and Hon. Nicholas J. Rasmussen, Director, National Counterterrorism Center, Office of the Director of National Intelligence.

Nominations of the Honorable Robert G. Taub and the Honorable Mark D. Acton to be Commissioners, Postal Regulatory Commission. November 15, 2016.

This one-panel hearing considered the nominations of the Honorable Robert G. Taub and the Honorable Mark D. Acton to be Commissioners, Postal Regulatory Commission.

Initial Observations of the New Leadership at the U.S. Border Patrol. November 30, 2016.

The purpose of this single-panel hearing was to understand the current state of the security of the U.S. borders and the top priorities for improving the U.S. Border Patrol in the future. The witnesses explained their initial observations on what is working, what they hope to improve upon, and what they see as opportunities to enhance security across all U.S. borders. Witnesses also discussed the current surge in apprehensions occurring along the southwest border, policies associated with this surge, and how the Border Patrol's multilayer strategy of fencing, technology, and manpower is addressing the crisis.

Witnesses: Mark Morgan, Chief, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security, and Carla Provost, Deputy Chief, U.S. Border Patrol, U.S. Customs and Border Protection, U.S. Department of Homeland Security.

V. REPORTS, PRINTS, AND GAO REPORTS

During the 114th Congress, the Committee prepared and issued 81 reports and 5 Committee Prints on the following topics. Reports issued by Subcommittees are listed in their respective sections of this document.

COMMITTEE REPORTS

Grant Reform and New Transparency Act of 2016. S. Rept. 114-407.

Bonuses for Cost Cutters Act of 2015. S. Rept. 114-406.

Open Government Data Act. S. Rept. 114-396.

Federal Cybersecurity Enhancement Act of 2015. S. Rept. 114-378.

Countering Online Recruitment of Violent Extremists Act of 2015. S. Rept. 114-365.

Construction Consensus Procurement Improvement Act of 2015. S. Rept. 114-366.

Federal Information Systems Safeguards Act of 2016. S. Rept. 114-361.

Office of Special Counsel Reauthorization Act of 2016. S. Rept. 114-360.

District of Columbia Judicial Financial Transparency Act. S. Rept. 114-359.

GAO Access and Oversight Act of 2016. S. Rept. 114-356.

Early Participation in Regulations Act of 2015. S. Rept. 114-343.

Principled Rulemaking Act of 2015. S. Rept. 114-342.

To amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's air and marine operations. S. Rept. 114-344.

National Urban Search and Rescue Response System Act of 2016. S. Rept. 114-307.

Biodefense Strategy Act of 2016. S. Rept. 114-306.

GAO Mandates Revision Act of 2016. S. Rept. 114-305.

Federal Property Management Act of 2016. S. Rept. 114-304.

Cross-Border Trade Enhancement Act of 2015. S. Rept. 114-303.

Secret Service Improvements Act of 2015. S. Rept. 114-302.

Federal Employee Antidiscrimination Act of 2015. S. Rept. 114-300.

Department of Homeland Security Insider Threat and Mitigation Act of 2015. S. Rept. 114-297.

Combat Terrorist Use of Social Media Act of 2016. S. Rept. 114-295.

Amending the Homeland Security Act of 2002 to build partnerships to prevent violence by extremists. S. Rept. 114-296.

Federal Asset Sale and Transfer Act of 2015. S. Rept. 114-291.

Administrative Leave Act of 2016. S. Rept. 114-292.

DHS Accountability Act of 2016. S. Rept. 114-287.

Making Electronic Government Accountable by Yielding Tangible Efficiencies Act of 2015. S. Rept. 114-289.

Smarter Regs Act of 2015. S. Rept. 114-282.

To express the sense of the Senate regarding the success of operation streamline and the importance of prosecuting first time illegal border crossers. S. Rept. 114-279.

Presidential Allowance Modernization Act of 2016. S. Rept. 114–271.

To enhance whistleblower protection for contractor and grantee employees. S. Rept. 114–270.

Dr. Chris Kirkpatrick Whistleblower Protection Act of 2015. S. Rept. 114–262.

First Responder Anthrax Preparedness Act. S. Rept. 114–251.

Stopping Improper Payments to Deceased People Act. S. Rept. 114–249.

Critical Infrastructure Protection Act of 2015. S. Rept. 114–250.
Security Clearance Accountability, Reform and Enhancement Act of 2015. S. Rept. 114–246.

DHS IT Duplication Reduction Act of 2015. S. Rept. 114–247.

Border Security Technology Accountability Act of 2015. S. Rept. 114–234.

Fraud Reduction and Data Analytics Act of 2015. S. Rept. 114–229.

To direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain federal property located in the state of Alaska to the municipality of Anchorage, Alaska. S. Rept. 114–228.

Department of Homeland Security Headquarters Consolidation Accountability Act of 2015. S. Rept. 114–227.

Stop Wasteful Federal Bonuses Act of 2015. S. Rept. 114–226.

Fair Access to Science and Technology Research Act of 2015. S. Rept. 114–224.

Resolution directing the Senate Legal Counsel to bring a civil action to enforce a subpoena of the Permanent Subcommittee on Investigations. S. Rept. 114–214.

Fair Chance Act. S. Rept. 114–200.

Preclearance Authorization Act of 2015. S. Rept. 114–180.

Saving Federal Dollars through Better Use of Government Purchase and Travel Cards Act of 2015. S. Rept. 114–174.

Directing Dollars to Disaster Relief Act of 2015. S. Rept. 114–173.

Grants Oversight and New Efficiency Act. S. Rept. 114–169.

Inspector General Mandates Reporting Act of 2015. S. Rept. 114–171.

Appointment of federal directors to the Board of Directors of the Washington Metropolitan Area Transit Authority. S. Rept. 114–170.

Program Management Improvement Accountability Act. S. Rept. 114–162.

Quarterly Financial Reporting Reauthorization Act of 2015. S. Rept. 114–157.

Northern Border Security Review Act. S. Rept. 114–155.

Department of Homeland Security Border Security Metrics Act. S. Rept. 114–152.

Evidence-Based Policymaking Commission Act. S. Rept. 114–151.

Arizona Borderlands Protection and Preservation Act. S. Rept. 114–150.

Social Media Working Group Act of 2015. S. Rept. 114–145.

Breast Cancer Research Stamp Reauthorization Act of 2015. S. Rept. 114–144.

Emergency Information Improvement Act of 2015. S. Rept. 114–142.
 Competitive Service Act of 2015. S. Rept. 114–143.
 Land Management Workforce Flexibility Act. S. Rept. 114–123.
 Border Jobs for Veterans Act of 2015. S. Rept. 114–116.
 Federal Permitting Improvement Act of 2015. S. Rept. 114–113.
 DC Court Services and Offender Supervision Agency Act of 2015. S. Rept. 114–110.
 Presidential Transitions Improvements Act of 2015. S. Rept. 114–94.
 Representative Payee Fraud Prevention Act of 2015. S. Rept. 114–95.
 Eliminating Government-Funded Oil-Painting Act. S. Rept. 114–93.
 Wounded Warriors Federal Leave Act of 2015. S. Rept. 114–89.
 Response Act of 2015. S. Rept. 114–85.
 Federal Improper Payments Act. S. Rept. 114–86.
 Truth in Settlements Act of 2015. S. Rept. 114–76.
 IPAWS Modernization Act of 2015. S. Rept. 114–73.
 Taxpayers Right-to-Know Act. S. Rept. 114–71.
 Presidential Library Donations Act. S. Rept. 114–65.
 Federal Vehicle Repair Costs Savings Act. S. Rept. 114–59.
 DHS Interoperable Communications Act. S. Rept. 114–53.
 Human Trafficking Detection Act of 2015. S. Rept. 114–46.
 Gold Star Fathers Act of 2015. S. Rept. 114–35.
 Inspector General Empowerment Act of 2015. S. Rept. 114–36.
 Activities of the Committee on Homeland Security and Governmental Affairs. S. Rept. 114–33.

COMMITTEE PRINTS

The Committee issued the following Committee Prints during the 114th Congress:

United States Government Policy and Supporting Positions. Committee on Homeland Security and Governmental Affairs. (Printed. 236 pp. S. Prt. 114–26.)

Combating the Opioid Epidemic: A Review of Anti-Abuse Efforts in Medicare and Private Health Insurance Systems. Senate Permanent Subcommittee on Investigations. (Printed. 32 pp. S. Prt. 114–29.)

Review of U.S. State Department Grants to OneVoice. Senate Permanent Subcommittee on Investigations. (Printed. 509 pp. S. Prt. 114–24.)

Rules of Procedure. Committee on Homeland Security and Governmental Affairs. (Printed. 44 pp. S. Prt. 114–12.)

Rules of Procedure. Senate Permanent Subcommittee on Investigations. (Printed. 23 pp. S. Prt. 114–13.)

GAO REPORTS

Also during the 114th Congress, the Government Accountability Office (GAO) issued 193 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.

Antipsychotic Drug Use: HHS Has Initiatives to Reduce Use Among Older Adults in Nursing Homes, but Should Expand Efforts to Other Settings. GAO-15-211. January 30, 2015.

Medicaid Information Technology: CMS Supports Use of Program Integrity Systems but Should Require States to Determine Effectiveness. GAO-15-207. January 30, 2015.

2020 Census: Key Challenges Need to be Addressed to Successfully Enable Internet Response. GAO-15-225. February 5, 2015.

Federal Workforce: Improved Supervision and Better Use of Probationary Periods Are Needed to Address Substandard Employee Performance. GAO-15-191. February 6, 2015.

Crop Insurance: In Areas with Higher Crop Production Risks, Costs Are Greater, and Premiums May Not Cover Expected Losses. GAO-15-215. February 9, 2015.

GAO's 2015 High-Risk Series: An Update. GAO-15-371T. February 11, 2015.

Geospatial Data: Progress Needed on Identifying Expenditures, Building and Utilizing a Data Infrastructure, and Reducing Duplicative Efforts [Reissued 18, 2015]. GAO-15-193. February 12, 2015.

Contingency Contracting: Contractor Personnel Tracking System Needs Better Plans and Guidance. GAO-15-250. February 18, 2015.

Higher Education: Better Management of Federal Grant and Loan Forgiveness Programs for Teachers Needed to Improve Participant Outcomes. GAO-15-314. February 24, 2015.

Financial Audit: U.S. Government's Fiscal Years 2014 and 2013 Consolidated Financial Statements. GAO-15-341R. February 26, 2015.

Defense Major Automated Information Systems: Cost and Schedule Commitments Need to be Established Earlier. GAO-15-282. February 26, 2015.

Healthcare.gov: CMS Has Taken Steps to Address Problems, but Needs to Further Implement Systems Development Best Practices. GAO-15-238. March 4, 2015.

Homeland Security Acquisitions: DHS Should Better Define Oversight Roles and Improve Program Reporting to Congress. GAO-15-292. March 12, 2015.

Improper Payments: Government-Wide Estimates and Use of Death Data to Help Prevent Payments to Deceased Individuals. GAO-15-482T. March 16, 2015.

Crop Insurance: Reducing Subsidies for Highest Income Participants Could Save Federal Dollars with Minimal Effect on the Program. GAO-15-356. March 18, 2015.

Information Security: IRS Needs to Continue Improving Controls over Financial and Taxpayer Data. GAO-15-336SU. March 19, 2015.

Information Security: IRS Needs to Continue Improving Controls over Financial and Taxpayer Data. GAO-15-337. March 19, 2015.

Medicare: Potential Uses of Electronically Readable Cards for Beneficiaries and Providers. GAO-15-319. March 25, 2015.

Budgeting for Disasters: Approaches to Budgeting for Disasters in Selected States. GAO-15-424. March 26, 2015.

2014 Lobbying Disclosure: Observations on Lobbyists' Compliance with Disclosure Requirements. GAO-15-310. March 26, 2015.

Federal Chief Information Officers: Reporting to OMB Can be Improved by Further Streamlining and Better Focusing on Priorities. GAO-15-106. April 2, 2015.

Management Report: Areas for Improvement in the Federal Reserve Banks' Information Systems Controls. GAO-15-396RSU. April 3, 2015.

Management Report: Areas for Improvement in the Federal Reserve Banks' Information Systems Controls. GAO-15-413R. April 6, 2015.

Fragmentation, Overlap, and Duplication: An Evaluation and Management Guide. GAO-15-49SP. April 14, 2015.

2015 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits. GAO-15-404SP. April 14, 2015.

Government Efficiency and Effectiveness: Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits. GAO-15-522T. April 14, 2015.

Information Technology: Additional OMB and Agency Actions Needed to Ensure Portfolio Savings Are Realized and Effectively Tracked. GAO-15-296. April 16, 2015.

2020 Census: Recommended Actions Need to be Implemented Before Potential Cost Savings Can be Realized. GAO-15-546T. April 20, 2015.

Homeland Security Acquisitions: Major Program Assessments Reveal Actions Needed to Improve Accountability. GAO-15-171SP. April 22, 2015.

Personnel Security Clearances: Funding Estimates and Government-Wide Metrics Are Needed to Implement Long-standing Reform Efforts. GAO-15-179SU. April 23, 2015.

U.S. Postal Service: Improved Management Procedures Needed for Parcel Select Contracts. GAO-15-408. April 23, 2015.

Management Report: Improvements Needed in SEC's Internal Controls and Accounting Procedures. GAO-15-387R. April 30, 2015.

Whistleblower Protection: DOD Needs to Enhance Oversight of Military Whistleblower Reprisal Investigations. GAO-15-477. May 7, 2015.

Border Security: Progress and Challenges in DHS's Efforts to Implement and Assess Infrastructure and Technology. GAO-15-595T. May 13, 2015.

Information Management: Additional Actions Are Needed to Meet Requirements of the Managing Government Records Directive. GAO-15-339. May 14, 2015.

Financial Audit: Congressional Award Foundation's Fiscal Years 2014 and 2013 Financial Statements. GAO-15-552. May 15, 2015.

Human Capital: Update on Strategic Management Challenges for the 21st Century. GAO-15-619T. May 20, 2015.

Management Report: Improvements Are Needed to Enhance the Internal Revenue Service's Internal Control over Financial Reporting. GAO-15-480R. May 29, 2015.

Aviation Security: TSA Has Taken Steps to Improve Oversight of Key Programs, but Additional Actions Are Needed. GAO-15-678T. June 9, 2015.

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Disaster Recovery: FEMA Needs to Assess Its Effectiveness in Implementing the National Disaster Recovery Framework. GAO-16-476. May 26, 2016.

Federal Air Marshal Service: Actions Needed to Better Incorporate Risk in Deployment Strategy. GAO-16-582. May 31, 2016.

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Earthquakes: Additional Actions Needed to Identify and Mitigate Risks to Federal Buildings and Implement an Early Warning System. GAO-16-680. August 31, 2016.

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Renewable Fuel Standard: Program Unlikely to Meet Its Targets for Reducing Greenhouse Gas Emissions. GAO-17-94. November 28, 2016.

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Data Act: Implementation Progresses but Challenges Remain. GAO-17-282T. December 8, 2016.

Permanent Funding Authorities: Some Selected Entities Should Review Financial Management, Oversight, and Transparency Policies. GAO-17-59. December 9, 2016.

VI. OFFICIAL COMMUNICATIONS

During the 114th Congress, 960 official communications were referred to the Committee. Of these, 948 were Executive Communications, and 10 were Petitions or Memorials. Of the official communications, 355 dealt with the District of Columbia.

VII. LEGISLATIVE ACTIONS

During the 114th Congress, the Committee reported significant legislation that was approved by Congress and signed into law by the President.

The following are brief legislative histories of measures to the Committee and, in some cases, drafted by the Committee, which became public law. In addition to the measures listed below, the Committee received during the 114th Congress numerous legislative proposals that were 1) favorably reported from the Committee and passed by the Senate, but did not become law, 2) not considered or reported, or 3) reported but not passed by the Senate. Additional information on these measures appears in the Committee's Legislative Calendar for the 114th 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. 313.—Wounded Warriors Federal Leave Act of 2015. (Public Law 114–75). November 5, 2015.

(Sec. 2) Entitles any federal employee who is a veteran with a service-connected disability rated at 30% or more, during the 12-month period beginning on the first day of employment, to up to 104 hours of leave, without loss or reduction in pay, for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used. Requires the forfeiture of any such leave that is not used during such 12-month period.

Requires such employee to submit to the head of the employing agency certification that such employee used such leave for purposes of being furnished treatment for such disability by a health care provider.

H.R. 615.—Department of Homeland Security Interoperable Communications. (Public Law 114–29). July 6, 2015.

(Sec. 3) Amends the Homeland Security Act of 2002 to make the Under Secretary for Management of the Department of Homeland Security (DHS) responsible for policies and directives to achieve and maintain interoperable communications among DHS components. (Sec. 4) Requires the Under Secretary to submit to the House and Senate homeland security committees a strategy for achieving and maintaining such communications, including for daily operations, planned events, and emergencies, that includes:

- an assessment of interoperability gaps in radio communications among the DHS components;
- information on DHS efforts and activities, since November 1, 2012, and planned, to achieve and maintain interoperable communications;

- an assessment of obstacles and challenges to achieving and maintaining interoperable communications;
- information on, and an assessment of, the adequacy of mechanisms available to the Under Secretary to enforce and compel compliance with interoperable communications policies and directives of DHS;
- guidance provided to DHS components to implement such policies and directives;
- the total amount of DHS expenditures since November 1, 2012, and projected future expenditures to achieve interoperable communications; and
- dates upon which DHS-wide interoperability is projected to be achieved for voice, data, and video communications, respectively, and interim milestones.

Directs the Under Secretary to submit with such strategy information on: (1) any intra-agency effort or task force that has been delegated responsibilities relating to achieving and maintaining interoperable communications by such dates; and (2) who, within each component, is responsible for implementing policies and directives issued by the Under Secretary to achieve and maintain interoperable communications.

(Sec. 5) Directs the Under Secretary, within 100 days after the strategy is submitted and every 2 years thereafter for 6 years, to submit reports on the status of efforts to implement such strategy, including: (1) progress on interim milestones; (2) information on establishment by the Under Secretary of, and compliance of DHS components with, policies, directives, guidance, and training to achieve and maintain interoperable communications; and (3) information on any additional resources or authorities needed by the Under Secretary.

H.R. 623.—DHS Social Media Improvement Act of 2015. (Public Law 114–80). November 5, 2015.

(Sec. 2) Amends the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to establish within the Department of Homeland Security (DHS) a social media working group (the Group) to identify, and provide guidance and best practices to the emergency preparedness and response community on, the use of social media technologies before, during, and after a natural disaster or an act of terrorism or other man-made disaster. Requires the Group to submit an annual report that includes:

- a review and analysis of social media technologies used to support preparedness and response activities;
- a review of best practices and lessons learned;
- recommendations to improve DHS's use of social media technologies for emergency management purposes, recommendations to improve public awareness of the type of information disseminated through such technologies, and recommendations on how to access such information during a disaster;
- a review of available training for government officials on the use of social media technologies in response to a disaster; and
- a review of coordination efforts with the private sector to discuss and resolve legal, operational, technical, privacy, and security concerns.

Terminates the Group five years after the enactment of this Act unless the chairperson renews it for a successive five-year period by submitting a certification that the continued existence of the Group is necessary. Provides for successive five-year renewal periods.

H.R. 710.—Essential Transportation Worker Identification Credential Assessment Act. (Public Law 114–278). December 16, 2016.

(Sec. 1) This bill directs the Transportation Security Administration (TSA) to commence actions to improve its process for vetting individuals with access to secure areas of vessels and maritime facilities. These actions shall include:

- conducting a comprehensive risk analysis of security threat assessment procedures, including identifying procedures that need additional internal controls as well as best practices for quality assurance at every stage of the assessment;
- implementing such internal controls and best practices;
- improving fraud detection techniques;
- updating the guidance provided to Trusted Agents (Credentialing Office) regarding the vetting process and related regulations;
- finalizing a manual for such agents and adjudicators on the vetting process; and
- establishing quality controls to ensure consistent procedures to review adjudication decisions and terrorism vetting decisions.

The Department of Homeland Security (DHS) shall commission a national laboratory, a university-based center within the Science and Technology Directorate's centers of excellence network, or a qualified federally-funded research and development center to conduct an assessment of the effectiveness of the Transportation Worker Identification Credential (TWIC) Program at enhancing security and reducing security risks for maritime facilities and vessels that pose a high risk of being involved in a transportation security incident. The assessment shall review:

- the credentialing process,
- the process for renewing TWIC applications, and
- the security value of the TWIC program.

If the assessment identifies a deficiency in effectiveness of the TWIC Program, DHS shall submit to Congress a corrective action plan that:

- responds to assessment findings and includes an implementation plan with benchmarks, and
- shall be considered in any DHS rulemaking with respect to the TWIC Program.

The DHS Inspector General must review and report on the corrective action plan.

H.R. 1531.—Land Management Workforce Flexibility Act. (Public Law 114–47). August 28, 2015.

(Sec. 2) Makes an employee of specified land management agencies in the Department of the Interior serving under a time-limited, including a temporary, appointment in the competitive service eligible to compete for a permanent appointment in any land management agency or any other agency if: (1) the original appointment

was competitive, (2) the employee has served under one or more time-limited appointments totaling more than 24 months without a break of two or more years, and (3) the employee's performance has been at an acceptable level.

Requires the Office of Personnel Management or other examining agency, in determining the eligibility of a time-limited employee to be examined for or appointed in the competitive service, to waive requirements as to age, unless the requirement is essential to the performance of the duties of the position. Provides that an individual appointed under the provisions of this Act becomes a career-conditional employee and acquires competitive status upon appointment.

Deems a former employee of a land management agency who served under a time-limited appointment and who otherwise meets applicable requirements to be a time-limited employee for purposes of this Act if: (1) such employee applies for a position covered by this Act within two years after the most recent date of separation, and (2) such employee's most recent separation was for reasons other than misconduct or performance.

H.R. 1626.—DHS IT Duplication Reduction Act of 2015. (Public Law 114–43). August 6, 2015.

(Sec. 2) Directs the Chief Information Officer of the Department of Homeland Security (DHS) to report on:

- the number of information technology systems at DHS;
- the number of such systems exhibiting duplication or fragmentation (i.e., where there are two or more systems or programs that deliver similar functionality to similar user populations);
- a strategy for reducing such duplicative systems, including an assessment of potential cost savings; and
- a methodology for determining which system should be eliminated when there is duplication or fragmentation.

H.R. 3116.—Quarterly Financial Report Reauthorization Act. (Public Law 114–72). October 22, 2015.

(Sec. 2) This bill extends the authority of the Department of Commerce to conduct the quarterly financial report program through September 30, 2030, under which Commerce collects and publishes quarterly financial statistics of business operations, organization, practices, management, and relation to other businesses, including data on sales, expenses, assets, liabilities, and other measures of financial condition.

(Sec. 3) Commerce must conduct and report to specified congressional committees on a review of the data security procedures of the Bureau of the Census. Such report shall:

- identify all Bureau information systems that contain sensitive information;
- describe any actions carried out by Commerce or the Bureau to secure sensitive information since the data breaches of Office of Personnel Management systems were announced in 2015;
- identify any known data breaches of Bureau information systems that contain sensitive information; and

- identify whether the Bureau stores any information that, if combined with other information, would comprise classified information.

H.R. 4902.—To amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection’s Air and Marine Operations. (Public Law 114–250). December 8, 2016.

This bill applies provisions governing availability pay for criminal investigators to any employee of the U.S. Customs and Border Protection’s Air and Marine Operations who is a law enforcement officer.

H.R. 4904.—Making Electronic Government Accountable By Yielding Tangible Efficiencies Act of 2016. (Public Law 114–210). July 29, 2016.

(Sec. 2) This bill requires the Office of Management and Budget (OMB) to issue a directive to require the Chief Information Officer (CIO) of each executive agency to develop a comprehensive software licensing policy, which shall: (1) require the CIO of each agency to establish a comprehensive inventory of software licenses; (2) track and maintain such licenses; (3) analyze software usage to make cost-effective decisions; (4) provide software license management training; (5) establish goals and objectives of the agency’s software license management program; and (6) consider the software license management life cycle phases to implement effective decision making and incorporate existing standards, processes, and metrics.

The CIO of each executive agency must report to the OMB, beginning in the first fiscal year after this Act’s enactment and in each of the following five fiscal years, on the savings from improved software license management.

S. 136.—Gold Star Fathers Act of 2015. (Public Law 114–62). October 7, 2015.

(Sec. 2) Includes as a preference eligible for federal employment purposes a parent (currently, the mother only) of either an individual who lost his or her life under honorable conditions while serving in the Armed Forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955, or a service-connected permanently and totally disabled veteran, if: (1) the spouse of such parent is totally and permanently disabled; or (2) such parent, when preference is claimed, is unmarried or legally separated from his or her spouse.

S. 546.—RESPONSE Act of 2016. (Public Law 114–321). December 16, 2016.

(Sec. 2) This bill amends the Homeland Security Act of 2002 to direct the Federal Emergency Management Agency (FEMA) to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee of the National Advisory Council.

The RESPONSE Subcommittee shall develop recommendations for improving emergency responder training and resource allocation for hazardous materials (hazmat) incidents involving railroads after evaluating the following topics:

- the quality and application of training for state and local emergency responders related to rail hazmat incidents, in-

- cluding training for emergency responders serving small communities near railroads;
- the availability and effectiveness of federal, state, local, and nongovernmental funding levels related to training emergency responders for rail hazmat incidents, including emergency responders serving small communities near railroads; and
 - the strategy for integrating commodity flow studies, mapping, and rail and hazmat databases for state and local emergency responders and increasing the rate of access to the individual responder in existing or emerging communications technology.

The RESPONSE Subcommittee shall terminate within 90 days after the council submits a report approving the RESPONSE Subcommittee recommendations.

S. 565.—Federal Vehicle Repair Cost Savings Act of 2015. (Public Law 114–65). October 7, 2015.

(Sec. 3) Defines “remanufactured vehicle component” as a vehicle component (including an engine, transmission, alternator, starter, turbocharger, steering, or suspension component) that has been returned to same-as-new, or better, condition and performance by a standardized industrial process that incorporates technical specifications (including engineering, quality, and testing standards) to yield fully warranted products.

(Sec. 4) Directs the head of each federal agency to: (1) encourage the use of remanufactured vehicle components to maintain federal vehicles if using such components reduces the cost of maintaining such vehicles while maintaining quality; and (2) not encourage the use of remanufactured vehicle components if using such components does not reduce the cost of maintenance, lowers the quality of vehicle performance, or delays the return to service of a vehicle.

S. 614.—Federal Improper Payments Coordination Act of 2015. (Public Law 114–109). December 18, 2015.

(Sec. 2) Amends the Improper Payments Elimination and Recovery Improvement Act of 2012 to extend the availability of the Do Not Pay Initiative to states, any contractor, subcontractor, or agent of a state, and the judicial and legislative branches of the United States. Authorizes the Office of Management and Budget (OMB) to issue guidance for establishing privacy and other requirements for incorporation into Do Not Pay Initiative access agreements with states and judicial and legislative branches.

(Sec. 3) Modifies such Act to require each federal agency to review the death records maintained by the Social Security Administration (SSA) (currently, the Death Master File of SSA).

Directs the Departments of Defense and State to establish a procedure for submitting information on the deaths of individuals to federal agencies promptly and on a regular basis.

Requires the OMB and the heads of other relevant governmental entities to issue guidance on the implementation of the Do Not Pay Initiative to the Department of the Treasury and each agency and component of an agency: (1) that operates or maintains a database of information; or (2) for which the OMB determines improved data matching would be relevant, necessary, or beneficial.

(Sec. 4) Directs Treasury to submit a report to Congress that describes: (1) data analytics performed as part of the Do Not Pay

Business Center operated by Treasury, (2) metrics used in determining whether analytic and investigatory efforts have reduced improper payments or awards, and (3) the target dates for implementing the data analytics operations.

S. 795.—A bill to enhance whistleblower protection for contractor and grantee employees. (Public Law 114–261). December 14, 2016.

(Sec. 1) This bill extends federal contractor whistle-blower protections to employees of: (1) personal services contractors working on defense contracts (currently, the protections apply to employees of defense contractors, subcontractors, grantees, or subgrantees); and (2) personal services contractors or subgrantees working on federal civilian contracts (currently, the protections apply to employees of civilian contractors, subcontractors, or grantees). The civilian contractor protections, which are currently in effect as a pilot program, are made permanent.

The bill extends the prohibition against reimbursement of legal fees incurred in defending against reprisal claims brought by whistle-blowers to defense and civilian subcontractors and personal services contractors.

S. 1090.—Emergency Information Improvement Act of 2015. (Public Law 114–111). December 18, 2015.

(Sec. 2) Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include broadcasting facilities within the definition of a “private nonprofit facility” that provides essential services of a governmental nature to the general public, and to include broadcast and telecommunications within the definition of “critical services” provided by such a facility, for purposes of eligibility for certain disaster assistance.

S. 1115.—GONE Act. (Public Law 114–117). January 28, 2016.

(Sec. 2) This bill requires the Office of Management and Budget to instruct each agency, in coordination with the Department of Health and Human Services (HHS), to submit to Congress and HHS by December 31 of the first calendar year beginning after this Act’s enactment a report that:

- lists each federal grant award held by such agency;
- provides the total number of federal grant awards, including the number of grants by time period of expiration, the number with zero dollar balances, and the number with undisbursed balances;
- describes the challenges leading to delays in grant closeout; and
- explains, for the 30 oldest federal grant awards, why each has not been closed out.

If an agency head is unable to submit all of such information, the report shall include an explanation of why the information was not available, including any shortcomings with and plans to improve existing grant systems, including data systems.

Each agency, within one year after submitting such report, shall provide notice to HHS specifying: (1) whether it has closed out all of the federal grant awards in the report, and (2) which awards have not been closed out. HHS, within 90 days after all of such notices have been provided or by March 31 of the calendar year following the first calendar year beginning after this Act’s enactment,

whichever is sooner, shall compile, and report to Congress on, such notices.

The Inspector General of an agency with more than \$500 million in annual grant funding, within one year after such agency has provided the notice to Congress, shall conduct a risk assessment to determine if an audit or review of the agency's grant closeout process is warranted.

The OMB, within six months after the second such report on notices is submitted, shall report to Congress on recommendations for legislation to improve accountability and oversight in grants management, including the timely closeout of a federal grant award.

The bill defines "federal grant award" as a grant, including a cooperative agreement, in an agency cash payment management system held by the U.S. government for which: (1) the grant award period of performance has been expired for more than two years, and (2) closeout has not yet occurred.

S. 1170.—Breast Cancer Research Stamp Reauthorization Act of 2015. (Public Law 114–99). December 11, 2015.

(Sec. 2) This bill reauthorizes through December 31, 2019, provisions requiring the U.S. Postal Service to issue a special postage stamp for first-class mail that costs more than the regular first-class stamp to raise funds for breast cancer research.

(Sec. 3) Agencies receiving these funds from the Postal Service must use them on breast cancer research.

S. 1172.—Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015. (Public Law 114–136). March 18, 2016.

(Sec. 2) This bill amends the Presidential Transition Act of 1963 to direct the President to plan and coordinate activities to facilitate an efficient transfer of power to a successor President, including by: (1) not later than six months before a presidential election, establishing and operating a White House transition coordinating council; and (2) establishing and operating an agency transition directors council.

The General Services Administration (GSA) must designate a senior career appointee to: (1) carry out the duties and authorities of GSA relating to presidential transitions, (2) serve as the Federal Transition Coordinator to coordinate transition planning across agencies; (3) ensure that agencies comply with all statutory requirements relating to transition planning and reporting, and (4) act as a liaison to eligible candidates.

Each executive agency shall designate a senior career employee to oversee transition activities. The Federal Transition Coordinator shall: (1) negotiate a memorandum of understanding with the transition representative of each eligible candidate on the conditions of access to employees, facilities, and documents of agencies by transition staff; and (2) submit reports to specified congressional committees on the activities undertaken by the current administration and executive agencies to prepare for the transfer of power to a new President.

(Sec. 3) This section requires the President's annual budget request to Congress to include funding for the management and custody of presidential records by the National Archives and Records Administration for each fiscal year in which the term of office of the President will expire.

(Sec. 4) This section directs the Office of Personnel Management to submit to specified congressional committees annual reports on requests by agencies to appoint political appointees or former political appointees to nonpolitical civil service positions. These reports shall be submitted quarterly in the last year of a presidential term or in the last year of the second consecutive term of a President.

(Sec. 5) This section directs the Government Accountability Office to report to specified congressional committees on final significant regulatory actions promulgated during the last 120-day period of presidential administrations ending in 2001, 2009, and 2017. A significant regulatory action means any regulatory action that is likely to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, the environment, productivity, competition, jobs, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an agency action; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or (4) raise novel legal or policy issues.

(Sec. 6) This section directs the Department of Homeland Security to submit, not later than February 15, 2016, a report to specified congressional committees analyzing the threats and vulnerabilities facing the United States during a presidential transition.

S. 1180.—Integrated Public Alert and Warning System Modernization Act of 2015. (Public Law 114–143). April 11, 2016.

(Sec. 2) Amends the Homeland Security Act of 2002 to direct the Federal Emergency Management Agency (FEMA) to: (1) modernize the integrated U.S. public alert and warning system to help ensure that under all conditions the President, federal agencies, and state, tribal, and local governments can alert and warn the civilian population in areas endangered by natural disasters, acts of terrorism, and other man-made disasters or threats to public safety; and (2) implement such system to disseminate timely and effective warnings.

Directs FEMA to: (1) establish common alerting and warning protocols, standards, terminology, and operating procedures for the system; (2) include in such system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication technologies and to alert, warn, and provide equivalent information to individuals with disabilities, access and functional needs, or limited English proficiency; (3) ensure that specified training, tests, and exercises for such system are conducted and that the system is resilient, secure, and can withstand external attacks; and (4) conduct public education efforts and a general market awareness campaign about the system.

Requires the system to: (1) be designed to adapt to and incorporate future technologies for communicating directly with the public, provide alerts to the largest portion of the affected population feasible, and improve the ability of remote areas to receive alerts; (2) promote local and regional public and private partnerships to enhance community preparedness and response; (3) provide redundant alert mechanisms; and (4) protect individual privacy.

Requires FEMA to make available on its public website and submit to Congress an annual report of the performance of the system.

Directs FEMA to establish the Integrated Public Alert and Warning System Subcommittee to develop and submit recommendations for an integrated public alert and warning system to the National Advisory Council, which shall report the recommendations it approves to agencies represented on the Subcommittee and to specified congressional committees. Terminates the Subcommittee not later than three years after this Act's enactment.

Authorizes appropriations to carry out this Act for FY2016–FY2018.

S. 1492.—A bill to direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain Federal property located in the State of Alaska to the Municipality of Anchorage, Alaska. (Public Law 114–161). May 20, 2016.

This bill directs the General Services Administration, on behalf of the Archivist of the United States, to offer to convey to the city of Anchorage, Alaska, for not less than fair market value, a parcel of U.S. property in such city consisting of approximately nine acres and improvements located at 400 East Fortieth Avenue that is administered by the National Archives and Records Administration.

The city shall be responsible for paying the costs of a survey, an appraisal, and any other costs relating to the conveyance of the federal property.

Any net proceeds received by the Archivist as a result of the conveyance shall be deposited in the Treasury and used for deficit reduction.

S. 1550.—Program Management Improvement Accountability Act. (Public Law 114–264). December 14, 2016.

(Sec. 2) This bill establishes as additional functions of the Deputy Director for Management of the Office of Management and Budget (OMB) requirements to:

- adopt and oversee implementation of government-wide standards, policies, and guidelines for program and project management for executive agencies;
- chair the Program Management Policy Council (established by this Act);
- establish standards and policies for executive agencies consistent with widely accepted standards for program and project management planning and delivery;
- engage with the private sector to identify best practices in program and project management that would improve federal program and project management;
- conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office (GAO);
- conduct portfolio reviews of agency programs at least annually to assess the quality and effectiveness of program management; and
- establish a five-year strategic plan for program and project management.

The bill exempts the Department of Defense (DOD) from such provisions to the extent that they are substantially similar to: (1) federal provisions governing the defense acquisition workforce; or

(2) policy, guidance, or instruction of DOD related to program management.

The head of each federal agency that is required to have a Chief Financial Officer shall designate a Program Management Improvement Officer to implement agency program management policies and develop a strategy for enhancing the role of program managers within the agency. The OMB must submit a report containing such strategy within one year after enactment of this bill. The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be considered the Program Management Improvement Officer for DOD.

The Program Management Policy Council is established within OMB to act as the principal interagency forum for improving agency practices related to program and project management. The Office of Personnel Management must issue regulations that: (1) identify key skills and competencies needed for an agency program and project manager, (2) establish a new job series or update and improve an existing job series for program and project management within an agency, and (3) establish a new career path for program and project managers.

The GAO must issue a report within three years of enactment, in conjunction with its high risk list, examining the effectiveness of the following (as required or established under this Act) on improving federal program and project management:

- the standards, policies, and guidelines for program and project management;
- the strategic plan;
- Program Management Improvement Officers; and
- the Program Management Policy Council.

S. 1580.—Competitive Service Act of 2015. (Public Law 114–137). March 18, 2016.

(Sec. 2) This bill authorizes an appointing authority (i.e., a federal agency appointing an individual to a position in the competitive service), other than the appointing authority that requested a certificate of eligibles for filling a position, to select an individual from that certificate for appointment to a position that is: (1) in the same occupational series as the position for which the certificate of eligibles was issued, and (2) at a similar grade level as the original position. The appointing authority must select an individual from the certificate of eligibles within 240 days after the issuance of the certificate. The bill sets forth further requirements relating to the sharing of certificates by agencies, notice to agency employees of available positions, and alternative ranking and selection procedures for job applicants.

S. 1629.—District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015. (Public Law 114–118). January 28, 2016.

(Sec. 2) Amends the District of Columbia Code to authorize the Executive Officer of the District of Columbia courts to:

- collect debts owed to the District of Columbia courts because of erroneous payments made to current and former court employees, or any other debt; and
- purchase uniforms to be worn by certain nonjudicial employees of the District courts, so long as the cost of furnishing

a uniform during a year does not exceed the amount applicable to the uniform allowance for federal employees.

(Sec. 3) Amends the National Capital Revitalization and Self-Government Improvement Act of 1997 to authorize the Director of the Court Services and Offender Supervision Agency to develop and operate intermediate incentive programs for sentenced offenders.

Makes permanent the Director's authority to accept, solicit, and use on behalf of the Agency: (1) any monetary or nonmonetary gift, donation, bequest, or use of facilities, property, or services to aid or facilitate the work of the Agency; and (2) reimbursements from the District government for space and services provided, on a cost reimbursable basis.

(Sec. 4) Amends the District of Columbia Court Reform and Criminal Procedure Act of 1970 to:

- authorize the Public Defender Service, upon approval of the Board of Trustees, to accept (as currently allowed) and use public grants, private contributions, and voluntary and uncompensated (gratuitous) services to assist it; and
- deem members of the Board of Trustees, as of October 21, 1998, to be employees of the Service instead of District employees for purposes of any action brought against them.

S. 1638.—Department of Homeland Security Headquarters Consolidation Accountability Act of 2015. (Public Law 114–150). April 29, 2016.

(Sec. 2) This bill directs the Department of Homeland Security (DHS), in coordination with the General Services Administration (GSA), to submit information on the implementation of the enhanced plan for the DHS headquarters consolidation project within the National Capital Region, approved by the Office of Management and Budget and included in the budget of the President for FY2016, that includes:

- a proposed occupancy plan that includes specific information about which DHS-wide operations, component operations, and support offices will be located at the site, the aggregate number of full time equivalent employees projected to occupy the site, the seat-to-staff ratio at the site, and schedule estimates for migrating operations to the site;
- a comprehensive assessment of the difference between the current real property and facilities needed by DHS in the Region to carry out its mission and its future needs;
- an analysis of the difference between the current and needed capital assets and facilities of DHS;
- a current plan for construction of the headquarters consolidation at the St. Elizabeths campus that includes the estimated costs and schedule for the current plan and any estimated cost savings associated with reducing the scope of the project and increasing the use of existing capacity developed under the project;
- a current plan for the leased portfolio of DHS in the Region that includes an end-state vision that identifies which DHS-wide operations, component operations, and support offices do not migrate to the St. Elizabeths campus and continue to operate at a property in the leased portfolio, the number of

full-time equivalent employees who are expected to operate at each property, component, or office for each year until the consolidation project is completed, the anticipated total rentable square feet leased per year between the date of this Act's enactment and the date on which the consolidation project is completed, and the timing and anticipated lease terms for leased space; and

- an analysis that identifies the costs and benefits of leasing and construction alternatives for the remainder of the consolidation project, including a comparison of the long-term cost that would result from leasing to the cost of consolidating functions on government-owned space and the identification of any cost impacts in terms of premiums for short-term lease extensions or holdovers due to the uncertainty of funding for, or delays in, completing construction required for the consolidation.

The bill directs the Government Accountability Office to evaluate the quality and reliability of the cost and schedule estimates submitted and report on the results.

S. 1808.—Northern Border Security Review Act. (Public Law 114–267). December 14, 2016.

(Sec. 3) This bill directs the Secretary of Homeland Security to submit to specified congressional committees a northern border threat analysis, which shall include analyses of:

- terrorism and criminal threats posed by individuals and organized groups seeking to enter the United States through the northern border or to exploit border vulnerabilities on such border;
- improvements needed at and between ports of entry along the northern border to prevent terrorists and instruments of terrorism from entering the United States and to reduce criminal activity, as measured by the total flow of illegal goods, illicit drugs, and smuggled and trafficked persons moved in either direction across such border;
- gaps in law, policy, cooperation between state, tribal, and local law enforcement, international agreements, or tribal agreements that hinder border security, counterterrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along the northern border; and
- whether additional U.S. Customs and Border Protection preclearance and preinspection operations at ports of entry along the northern border could help prevent terrorists and instruments of terror from entering the United States.

The Secretary, for such analysis, must consider and examine:

- technology needs and challenges;
- personnel needs and challenges;
- the role of state, tribal, and local law enforcement in general border security activities;
- the need for cooperation among federal, state, tribal, local, and Canadian law enforcement entities relating to border security;
- the terrain, population density, and climate along the northern border; and

- the needs and challenges of Department of Homeland Security facilities, including the physical approaches to such facilities.

S. 1915.—First Responder Anthrax Preparedness Act. (Public Law 114–268). December 14, 2016.

(Sec. 2) This bill requires the Department of Homeland Security (DHS), in coordination with the Department of Health and Human Services (HHS), to carry out a pilot program to provide eligible anthrax vaccines nearing the end of their labeled dates of use from the strategic national stockpile to emergency response providers who would be at high risk of exposure to anthrax if an attack should occur and who voluntarily consent.

HHS shall determine whether an anthrax vaccine is eligible to be provided to DHS for the program based on determinations that: (1) the vaccine is not otherwise allotted for other purposes; and (2) the provision of the vaccine will not reduce or otherwise adversely affect the capability to meet projected requirements for such product during a public health emergency. DHS shall establish a communication platform, develop and deliver education and training, conduct an economic analysis, create a logistical platform, establish goals and desired outcomes for the program, and establish a mechanism to reimburse HHS for the costs of shipment and transportation of such vaccines provided to DHS under such program and the amount by which the warehousing costs of the stockpile are increased in order to operate such program.

DHS must: (1) select between two and five states for voluntary participation in the program; (2) provide guidance to participating states and local governments on identifying providers who are at high risk of exposure; and (3) require each participating state to submit a written certification that each participating emergency response provider is provided with disclosures and educational materials regarding the associated benefits and risks of any vaccine provided and of exposure to anthrax, additional material consistent with the Centers for Disease Control and Prevention’s clinical guidance, and notice that the federal government is not obligated to continue providing anthrax vaccine after the program ends.

Each state that participates in the program shall ensure that such participation is consistent with the state’s All-Hazards Public Health Emergency Preparedness and Response Plan.

DHS shall enter into a memorandum of understanding with HHS to: (1) define each department’s roles and responsibilities, and (2) establish appropriate performance metrics and policies for the program.

DHS must submit annual reports on program progress and results, which shall include the costs to administer the program, the number and percentage of eligible providers that volunteer to participate, the degree to which participants complete the vaccine regimen, the total number of doses of vaccine administered, and recommendations to improve participation.

The final report shall consider whether the program should continue beyond five years after enactment of this bill and shall include: (1) an analysis of the costs and benefits of continuing the program; (2) an explanation of the economic, health, and other risks and benefits of administering vaccines through the program

rather than post-event treatment; and (3) a plan under which the program could be continued.

S. 2109.—Directing Dollars to Disaster Relief Act of 2015. (Public Law 114–132). February 29, 2016.

(Sec. 3) This bill directs the Federal Emergency Management Agency (FEMA) to:

- develop and implement an integrated plan to control and reduce administrative costs incurred by FEMA in support of the delivery of assistance for major disasters;
- compare the costs and benefits of tracking the administrative cost data for major disasters by the public assistance, individual assistance, hazard mitigation, and mission assignment programs;
- track such information; and
- clarify FEMA guidance and minimum documentation requirements for a direct administrative cost claimed by a grantee or subgrantee of a public assistance grant program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(Sec. 4) FEMA must submit to Congress, by November 30 of each year for seven years beginning on the date of this Act’s enactment, and make publicly available on its website, a report on the development and implementation of the plan for the previous fiscal year, with three-year and five-year updates. Each report shall contain:

- the total amount spent on administrative costs and the average annual percentage of administrative costs for the fiscal year period for which the report is being submitted;
- an assessment of the effectiveness of the plan;
- an analysis of whether FEMA is achieving its strategic goals for the average annual percentage of administrative costs of major disasters for each fiscal year and, in the case of it not achieving such goals, what is preventing it from doing so;
- any actions FEMA has identified as useful in improving upon and reaching those goals; and
- any administrative cost data for major disasters, if FEMA determines it is feasible to track such data.

S. 2133.—Fraud Reduction and Data Analytics Act of 2015. (Public Law 114–186). June 30, 2016.

(Sec. 3) This bill requires the Office of Management and Budget (OMB) to establish guidelines for federal agencies to establish financial and administrative controls to identify and assess fraud risks and design and implement control activities in order to prevent, detect, and respond to fraud, including improper payments.

The guidelines shall incorporate the leading practices identified in the report published by the Government Accountability Office on July 28, 2015, entitled “Framework for Managing Fraud Risks in Federal Programs.”

The financial and administrative controls shall include:

- conducting an evaluation of fraud risks and using a risk-based approach to design and implement financial and administrative control activities to mitigate identified fraud risks;

- collecting and analyzing data from reporting mechanisms on detected fraud to monitor fraud trends and using that data and information to continuously improve fraud prevention controls; and
- using the results of monitoring, evaluation, audits, and investigations to improve fraud prevention, detection, and response.

Each agency shall submit as part of its annual financial report a report on its progress in:

- implementing such financial and administrative controls, the fraud risk principle in the Standards for Internal Control in the Federal Government, and OMB Circular A–123 leading practices for managing fraud risk;
- identifying risks and vulnerabilities to fraud; and
- establishing steps to curb fraud.

(Sec. 4) The OMB must establish a working group to: (1) improve the sharing of financial and administrative controls and other best practices and techniques for detecting, preventing, and responding to fraud, and the sharing and development of data analytics techniques; and (2) submit a plan for a federal interagency library of data analytics and data sets for use by agencies and Offices of Inspectors General to facilitate the detection, prevention, and recovery of fraud.

S. 2971.—National Urban Search and Rescue Response System Act of 2016. (Public Law 114–326). December 16, 2016.

(Sec. 2) This bill amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Federal Emergency Management Agency (FEMA) to: (1) continue to administer the National Urban Search and Rescue Response System; (2) provide for a national network of standardized search and rescue resources to assist states and local governments in responding to hazards; (3) designate urban search and rescue teams to participate in the system, determine participation criteria, and enter into an agreement with the state or local government agency sponsoring each team with respect to such participation; and (4) maintain management and technical teams necessary to administer the system.

FEMA may appoint a system member for a period of federal service to provide for the participation of such member in exercises, pre-incident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by FEMA.

FEMA shall enter into: (1) an annual preparedness cooperative agreement under which amounts shall be made available to a sponsoring agency for training and exercises, acquisition and maintenance of equipment, and medical monitoring required for responder safety and health; and (2) a response cooperative agreement under which FEMA shall reimburse a sponsoring agency for costs incurred in responding to a major disaster or emergency.

FEMA shall submit a report on the development of a plan to finance, maintain, and replace system equipment.

B. POSTAL NAMING BILLS

H.R. 136—To designate the facility of the United States Postal Service located at 1103 USPS Building 1103 in Camp Pendleton, California, as the “Camp Pendleton Medal of Honor Post Office”. (Public Law 114–166). June 13, 2016.

H.R. 322—To designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the “Sgt. Zachary M. Fisher Post Office”. (Public Law 114–76). November 5, 2015.

H.R. 323—To designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the “Sgt. Amanda N. Pinson Post Office”. (Public Law 114–77). November 5, 2015.

H.R. 324—To designate the facility of the United States Postal Service located at 11662 Gravois Road in St. Louis, Missouri, as the “Lt. Daniel P. Riordan Post Office”. (Public Law 114–78). November 5, 2015.

H.R. 433—To designate the facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, as the “Specialist Ross A. McGinnis Memorial Post Office”. (Public Law 114–167). June 13, 2016.

H.R. 558—To designate the facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, as the “Richard ‘Dick’ Chenault Post Office Building”. (Public Law 114–79). November 5, 2015.

H.R. 651—To designate the facility of the United States Postal Service located at 820 Elmwood Avenue in Providence, Rhode Island, as the “Sister Ann Keefe Post Office”. (Public Law 114–15). May 22, 2015.

H.R. 728—To designate the facility of the United States Postal Service located at 7050 Highway BB in Cedar Hill, Missouri, as the “Sergeant First Class William B. Woods, Jr. Post Office”. (Public Law 114–32). July 20, 2015.

H.R. 891—To designate the facility of the United States Postal Service located at 141 Paloma Drive in Floresville, Texas, as the “Floresville Veterans Post Office Building”. (Public Law 114–33). July 20, 2015.

H.R. 1132—To designate the facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton, California, as the “W. Ronald Coale Memorial Post Office Building”. (Public Law 114–168). June 13, 2016.

H.R. 1326—To designate the facility of the United States Postal Service located at 2000 Mulford Road in Mulberry, Florida, as the “Sergeant First Class Daniel M. Ferguson Post Office”. (Public Law 114–34). July 20, 2015.

H.R. 1350—To designate the facility of the United States Postal Service located at 442 East 167th Street in Bronx, New York, as the “Herman Badillo Post Office Building”. (Public Law 114–35). July 20, 2015.

H.R. 1442—To designate the facility of the United States Postal Service located at 90 Cornell Street in Kingston, New York, as the “Staff Sergeant Robert H. Dietz Post Office Building”. (Public Law 114–82). November 5, 2015.

H.R. 1884—To designate the facility of the United States Postal Service located at 206 West Commercial Street in East Rochester, New York, as the “Officer Daryl R. Pierson Memorial Post Office Building”. (Public Law 114–83). November 5, 2015.

H.R. 2458—To designate the facility of the United States Postal Service located at 5351 Lapalco Boulevard in Marrero, Louisiana, as the “Lionel R. Collins, Sr. Post Office Building”. (Public Law 114–169). June 13, 2016.

H.R. 2607—To designate the facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, as the “Jeanne and Jules Manford Post Office Building”. (Public Law 114–200). July 29, 2016.

H.R. 2928—To designate the facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, as the “Harold George Bennett Post Office”. (Public Law 114–170). June 13, 2016.

H.R. 3059—To designate the facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, as the “James Robert Kalsu Post Office Building”. (Public Law 114–84). November 5, 2015.

H.R.3082—To designate the facility of the United States Postal Service located at 5919 Chef Menteur Highway in New Orleans, Louisiana, as the “Daryle Holloway Post Office Building”. (Public Law 114–171). June 13, 2016.

H.R. 3218—Designate the facility of the United States Postal Service located at 1221 State Street, Suite 12, Santa Barbara, California, as the “Special Warfare Operator Master Chief Petty Officer (SEAL) Louis ‘Lou’ J. Langlais Post Office Building”. (Public Law 114–283). December 5, 2016.

H.R. 3274—To designate the facility of the United States Postal Service located at 4567 Rockbridge Road in Pine Lake, Georgia, as the “Francis Manuel Ortega Post Office”. (Public Law 114–172). June 13, 2016.

H.R. 3601—To designate the facility of the United States Postal Service located at 7715 Post Road, North Kingstown, Rhode Island, as the “Melvoid J. Benson Post Office Building”. (Public Law 114–173). June 13, 2016.

H.R. 3735—To designate the facility of the United States Postal Service located at 200 Town Run Lane in Winston Salem, North Carolina, as the “Maya Angelou Memorial Post Office”. (Public Law 114–174). June 13, 2016.

H.R. 3866—To designate the facility of the United States Postal Service located at 1265 Hurffville Road in Deptford Township, New Jersey, as the “First Lieutenant Salvatore S. Corma II Post Office Building”. (Public Law 114–175). June 13, 2016.

H.R. 3931—To designate the facility of the United States Postal Service located at 620 Central Avenue Suite 1A in Hot Springs National Park, Arkansas, as the “Chief Petty Officer Adam Brown United States Post Office”. (Public Law 114–202). July 29, 2016.

H.R. 3953—To designate the facility of the United States Postal Service located at 4122 Madison Street, Elfers, Florida, as the “Private First Class Felton Roger Fussell Memorial Post Office”. (Public Law 114–203). July 29, 2016.

H.R. 4010—To designate the facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona,

as the “Ed Pastor Post Office”. (Public Law 114–204). July 29, 2016.

H.R. 4046—To designate the facility of the United States Postal Service located at 220 East Oak Street, Glenwood City, Wisconsin, as the “Second Lt. Ellen Ainsworth Memorial Post Office”. (Public Law 114–176). June 13, 2016.

H.R. 4372—To designate the facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, as the “Barry G. Miller Post Office”. (Public Law 114–192). July 15, 2016.

H.R. 4425—To designate the facility of the United States Postal Service located at 110 East Powerhouse Road in Collegeville, Minnesota, as the “Eugene J. McCarthy Post Office”. (Public Law 114–205). July 29, 2016.

H.R. 4605—To designate the facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa as the “Sgt. 1st Class Terryl L. Pasker Post Office Building”. (Public Law 114–177). June 13, 2016.

H.R. 4747—To designate the facility of the United States Postal Service located at 6691 Church Street in Riverdale, Georgia, as the “Major Gregory E. Barney Post Office Building”. (Public Law 114–206). July 29, 2016.

H.R. 4761—To designate the facility of the United States Postal Service located at 61 South Baldwin Avenue in Sierra Madre, California, as the “Louis Van Iersel Post Office”. (Public Law 114–207). July 29, 2016.

H.R. 4777—To designate the facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama as the “Amelia Boynton Robinson Post Office Building”. (Public Law 114–208). July 29, 2016.

H.R. 4877—To designate the facility of the United States Postal Service located at 3130 Grants Lake Boulevard in Sugar Land, Texas, as the “LCpl Garrett W. Gamble, USMC Post Office Building”. (Public Law 114–209). July 29, 2016.

H.R. 4887—To designate the facility of the United States Postal Service located at 23323 Shelby Road in Shelby, Indiana, as the “Richard Allen Cable Post Office”. (Public Law 114–290). December 16, 2016.

H.R. 4925—To designate the facility of the United States Postal Service located at 229 West Main Cross Street, in Findlay, Ohio, as the “Michael Garver Oxley Memorial Post Office Building”. (Public Law 114–211). July 29, 2016.

H.R. 4960—To designate the facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, as the “Kenneth M. Christy Post Office Building”. (Public Law 114–193). July 15, 2016.

H.R. 4975—To designate the facility of the United States Postal Service located at 5720 South 142nd Street in Omaha, Nebraska, as the “Petty Officer 1st Class Caleb A. Nelson Post Office Building”. (Public Law 114–212). July 29, 2016.

H.R. 4987—To designate the facility of the United States Postal Service located at 3957 2nd Avenue in Laurel Hill, Florida, as the “Sergeant First Class William ‘Kelly’ Lacey Post Office”. (Public Law 114–213). July 29, 2016.

H.R. 5028—To designate the facility of the United States Postal Service located at 10721 E Jefferson Ave in Detroit, Michigan, as

the “Mary E. McCoy Post Office Building”. (Public Law 114–214). July 29, 2016.

H.R. 5150—To designate the facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, as the “Leonard Montalto Post Office Building”. (Public Law 114–295). December 16, 2016.

H.R. 5309—To designate the facility of the United States Postal Service located at 401 McElroy Drive in Oxford, Mississippi, as the “Army First Lieutenant Donald C. Carwile Post Office Building”. (Public Law 114–296). December 16, 2016.

H.R. 5356—To designate the facility of the United States Postal Service located at 14231 TX–150 in Coldspring, Texas, as the “E. Marie Youngblood Post Office”. (Public Law 114–297). December 16, 2016.

H.R. 5591—To designate the facility of the United States Postal Service located at 810 N US Highway 83 in Zapata, Texas, as the “Zapata Veterans Post Office”. (Public Law 114–298). December 16, 2016.

H.R. 5612—To designate the facility of the United States Postal Service located at 2886 Sandy Plains Road in Marietta, Georgia, as the “Marine Lance Corporal Squire ‘Skip’ Wells Post Office Building”. (Public Law 114–299). December 16, 2016.

H.R. 5676—To designate the facility of the United States Postal Service located at 6300 N. Northwest Highway in Chicago, Illinois, as the “Officer Joseph P. Cali Post Office Building”. (Public Law 114–300). December 16, 2016.

H.R. 5798—To designate the facility of the United States Postal Service located at 1101 Davis Street in Evanston, Illinois, as the “Abner J. Mikva Post Office Building”. (Public Law 114–303). December 16, 2016.

H.R. 5889—To designate the facility of the United States Postal Service located at 1 Chalan Kanoa VLG in Saipan, Northern Mariana Islands, as the “Segundo T. Sablan and CNMI Fallen Military Heroes Post Office Building”. (Public Law 114–305). December 16, 2016.

S. 179—A bill to designate the facility of the United States Postal Service located at 14 3rd Avenue, NW, in Chisholm, Minnesota, as the “James L. Oberstar Memorial Post Office Building”. (Public Law 114–37). July 20, 2015.

S. 994—A bill to designate the facility of the United States Postal Service located at 1 Walter Hammond Place in Waldwick, New Jersey, as the “Staff Sergeant Joseph D’Augustine Post Office Building”. (Public Law 114–66). October 7, 2015.

S. 1596—A bill to designate the facility of the United States Postal Service located at 2082 Stringtown Road in Grove City, Ohio, as the “Specialist Joseph W. Riley Post Office Building”. (Public Law 114–134). March 9, 2016.

S. 1826—A bill to designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the “Lieutenant Colonel James ‘Maggie’ Megellas Post Office”. (Public Law 114–138). March 18, 2016.

VIII. ACTIVITIES OF THE SUBCOMMITTEES
 SUBCOMMITTEE ON REGULATORY AFFAIRS AND
 FEDERAL MANAGEMENT

CHAIRMAN: JAMES LANKFORD (R–OK)

RANKING MEMBER: HEIDI HEITKAMP (D–ND)

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 which will, in turn, work to ensure efficient and effective management of Federal programs.

II. ACTIVITY

During the 114th Congress, the Subcommittee on Regulatory Affairs and Federal Management held 21 hearings or roundtables.

A. HEARINGS

Examining Federal Rulemaking Challenges and Areas of Improvement within the Existing Regulatory Process. March 19, 2015. (S. Hrg. 114–32)

The purpose of the hearing was to examine the patchwork of statutes that comprise today’s regulatory process, including the Administrative Procedure Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, and the Information Quality Act. The hearing also addressed OIRA review procedures, as mandated through various executive orders.

Witnesses: Hon. John Graham, Dean of Indiana University School of Public and Environmental Affairs and Former Director of OIRA; Neil Eisner, Senior Fellow with Administrative Conference of the United States and Former Assistant General Counsel for Regulation and Enforcement with the U.S. Department of Transportation; Drew Greenblatt, President and Owner of Marlin Steel Wire Products, LLC and Executive Board Member of National Association of Manufacturers; Pamela Gilbert, Partner with Cuneo Gilbert and LaDuca, LLP and Former Executive Director of Consumer Product Safety Commission.

Examining the Proper Roles of Judicial Review in the Federal Regulatory Process. April 28, 2015. (S. Hrg. 114–33)

The purpose of the hearing was to examine issues associated with judicial review of administrative agency action. This hearing served as a forum to examine the proper role of the judiciary in reviewing agency action, as well as the various deference regimes de-

veloped by the courts—specifically deference to an agency’s interpretation of its own ambiguous rules.

Witnesses: Ronald M. Levin, William R. Orthwein Distinguished Professor of Law at Washington University in St. Louis and Chair of Judicial Review Committee for the Administrative Conference of the United States; Andrew M. Grossman, Associate with Baker and Hostetler, LLP and Adjunct Scholar at The Cato Institute.

21st Century Ideas for the 20th Century Federal Civil Service. May 20, 2015. (S. Hrg. 114–52)

The purpose of the hearing was to examine the most pressing modernization issues facing the federal workforce today. Topics discussed included: challenges to recruitment, retention, performance management, termination, and compensation of the federal workforce.

Witnesses: Hon. Dan G. Blair, President and Chief Executive Officer of the National Academy of Public Administration, Chairman of the Postal Regulatory Commission (2006–2009), and Deputy Director of the Office of Personnel Management (2002–2006); Yvonne D. Jones, Director, Strategic Issues, U.S. Government Accountability Office; Patricia J. Niehaus, National President, Federal Managers Association; J. David Cox, Sr., National President, American Federation of Government Employees, AFL–CIO.

Roundtable: Examining Practical Solutions to Improve the Federal Regulatory Process. June 4, 2015.

The purpose of the roundtable was to bring Senators and experts together to discuss common sense ideas that could garner bipartisan support and provide immediate improvement to the federal regulatory process. Through an open and frank discussion, members of the Subcommittee were able to discuss current legislation as well as ideas for future legislation with the goal of identifying common ground.

Witnesses: Susan Dudley, Director, The George Washington University Regulatory Studies Center; Michael Greenstone, Ph.D., The Milton Friedman Professor of Economics and Director of the Interdisciplinary Energy Policy Institute, University of Chicago.

Re-examining EPA’s Management of the Renewable Fuel Standard Program. June 18, 2015. (S. Hrg. 114–71)

The proposed 2014, 2015, and 2016 Renewable Fuel Standard program’s mandates were released by the Environmental Protection Agency (EPA) on May 29, 2015. These numbers were finalized by November 30, 2015. The purpose of the hearing was to examine the EPA’s past, present, and future management of the Renewable Fuel Standard program.

Witness: Janet McCabe, Acting Assistant Administrator, Office of Air and Radiation, U.S. Environmental Protection Agency.

Reviewing the Office of Information and Regulatory Affairs’ Role in the Regulatory Process. July 16, 2015. (S. Hrg. 114–84)

The purpose of the hearing was to draw on the witness’s expertise in order to explore the current state of the federal regulatory process, and the ways in which OIRA leverages its role to improve

agency regulatory actions and facilitate greater transparency, as well as opportunities to strengthen those efforts.

Witness: Hon. Howard Shelanski, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Examining the Use of Agency Regulatory Guidance. September 23, 2015. (S. Hrg. 114–167)

The purpose of the hearing was to discuss if and how agencies improperly issue guidance, its effects on regulated parties and the public at large, and ways to ensure its proper use going forward.

Witnesses: Michelle A. Sager, Director, Strategic Issues, U.S. Government Accountability Office; Mary Beth Maxwell, Principal Deputy Assistant Secretary for Policy, U.S. Department of Labor; Amy McIntosh, Principal Deputy Assistant Secretary Delegated the Duties of the Assistant Secretary, Office of Planning, Evaluation, and Policy Development, U.S. Department of Education.

Improving Pay Flexibilities in the Federal Workforce. October 22, 2015. (S. Hrg. 114–139)

The purpose of the hearing was to examine if current federal employee pay system laws, regulations and policies are flexible enough to meet the challenges the federal workforce faces today and will face in the future. The hearing mainly covered scenarios wherein unique economic situations strike, leading to upheaval in local and regional employment markets in which federal workforce leaders must have the tools they need to maintain an effective workforce.

Witnesses: Brenda Roberts, Deputy Associate Director for Pay and Leave, U.S. Office of Personnel Management; Debra A. Warner, Director of Civilian Force Management and Deputy Chief of Staff for Manpower, Personnel, and Services with Headquarters, U.S. Air Force; Linda Jacksta, Assistant Commissioner, Office of Human Resources Management, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Anthony M. Reardon, National President, National Treasury Employees Union; William R. Dougan, National President, National Federation of Federal Employees.

Agency Progress in Retrospective Review of Existing Regulations. November 5, 2015. (S. Hrg. 114–241)

Without careful oversight, regulations may not achieve initial goals, may become outdated, or may unnecessarily burden regulated entities. Regulations may also change the behaviors of regulated entities and the public in ways that cannot be predicted by prospective analysis prior to implementation. As a result, in this hearing, the subcommittee examined the number of regulations reviewed and the results of the reviews, as well as how agencies have prioritized their reviews and how they are planning for retrospective reviews as they draft new regulations.

Witnesses: Elizabeth Klein, Associate Deputy Secretary, U.S. Department of the Interior; Christopher Zehren, Deputy Director, Office of Budget and Program Analysis, U.S. Department of Agriculture; Megan J. Uzzell, Associate Deputy Secretary, U.S. Department of Labor; Bill Nickerson, Acting Director, Office of Regulatory

Policy and Management, Office of Policy, U.S. Environmental Protection Agency.

Examining On-going Challenges at the U.S. Secret Service and Their Government-Wide Implications. November 17, 2015. (Serial No. 114-43)

This joint subcommittee hearing, conducted with the Subcommittee on Oversight and Management Efficiency of the Committee on Homeland Security, U.S. House of Representatives, examined how the U.S. Secret Service, a top federal law enforcement agency, could fail to identify a series of unauthorized accesses of sensitive personal information. In light of issues at the United States Secret Service, the Subcommittee also focused upon what is being done to protect the millions of individuals whose private information is housed on other federal government databases.

Witnesses: Joseph P. Clancy, Director, United States Secret Service, U.S. Department of Homeland Security; Hon. John Roth, Inspector General, Office of Inspector General, U.S. Department of Homeland Security; Joel C. Willemsen, Managing Director, Information Technology Issues, U.S. Government Accountability Office.

Implementing Solutions: The Importance of Following Through on GAO and OIG Recommendations. December 10, 2015. (S. Hrg. 114-265)

The purpose of the hearing was to examine the differences by which agencies follow up on Government Accountability Office (GAO) and Inspector General (IG) recommendations, to discuss methods for simplifying the oversight of open recommendations, and to discuss the adequacy of GAO and IG authorities. The hearing lead to an open dialogue on how Congress can work with agencies, the GAO and IGs to improve Congressional oversight of recommendations.

Witnesses: Hon. Gene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office; Hon. Michael E. Horowitz, Inspector General of the U.S. Department of Justice and Chair of the Council of the Inspectors General on Integrity and Efficiency; Jim H. Crumpacker, Director, Departmental GAO-OIG Liaison Office, U.S. Department of Homeland Security.

Examining Agency Discretion in Setting and Enforcing Regulatory Fines and Penalties. February 11, 2016. (S. Hrg. 114-325)

The purpose of this hearing was to examine the varying degrees of enforcement flexibility that Congress has delegated to regulatory agencies to set penalties for regulatory violations. When properly used, this authority is a powerful tool for agencies to encourage compliance and achieve regulatory goals. However, this authority is also susceptible to abuse if not properly administered. To that end, this hearing examined the process by which agencies set and enforce regulatory fines and penalties, the amount of discretion agencies have in assessing fines and penalties, and the efforts that agencies have taken to ensure consistency and transparency over regulatory enforcement decisions.

Witnesses: Jordan Barab, Deputy Assistant Secretary, Occupational Safety and Health Administration, U.S. Department of

Labor; Susan Shinkman, Director, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency.

The Unfunded Mandates Reform Act: Opportunities for Improvement to Support State and Local Governments. February 24, 2016. (S. Hrg. 114–266)

The purpose of this hearing was to examine the original intent of the Unfunded Mandates Reform Act of 1995, identify strengths and weaknesses of the original legislation, and assess the effects on state and local governments. The Subcommittee also discussed the content of S.189, the Unfunded Mandates Information and Transparency Act of 2015.

Witnesses: Hon. Virginia Foxx, a Representative in Congress from the State of North Carolina; Hon. Curt Bramble, President Pro Tempore of the Utah Senate and President of the National Conference of State Legislators; Hon. Bryan Desloge, Commissioner of Leon County, Florida and First Vice President of the National Association of Counties; Paul Posner, Ph.D., Director of the Center on the Public Service at George Mason University and Former Director of Intergovernmental Affairs at the U.S. Government Accountability Office; Richard J. Pierce, Jr., Lyle T. Alverson Professor of Law, George Washington University School of Law.

Examining Agency Use of Deference, Part II. March 17, 2016. (S. Hrg. 114–284)

The purpose of this hearing was to follow up on a previous Subcommittee hearing held to examine the role of judicial review in the regulatory process and the various deference regimes utilized by federal courts. This hearing focused on the Chevron doctrine, its use by the courts, and its impact on agency rulemaking. It also explored Chevron deference’s methodology, as well as the praises and criticisms levied by constitutional and administrative law scholars.

Witnesses: Neomi Rao, Associate Professor of Law, George Mason University School of Law; Charles J. Cooper, Partner, Cooper & Kirk, PLLC; Michael Herz, Arthur Kaplan Professor of Law, Cardozo School of Law.

Roundtable: Improving the USAJOBS Website. April 12, 2016.

The purpose of this roundtable was to follow up on discussions the Subcommittee has had regarding challenges in the federal hiring process, such as the USAJOBS website. The roundtable covered the Office of Personnel Management’s ongoing efforts to improve the USAJOBS platform, federal efforts to attract and maintain millennial workers, and analyzed what additional improvements are needed in order to increase the efficiency of federal government hiring.

Witnesses: Lina E. Brooks Rix, President and Co-Chief Executive Officer, Avue Technologies Corporation; Max Stier, President and Chief Executive Officer, Partnership for Public Service; Mark Reinhold, Associate Director for Employee Services and Chief Human Capital Officer, U.S. Office of Personnel Management.

Examining Due Process in Administrative Hearings. May 12, 2016. (S. Hrg. 114–424)

The purpose of this hearing was to focus on the independence of federal agency judges and the due process afforded to individuals appearing before them. Recently the Social Security Administration (SSA) proposed the removal of two classes of adjudicatory hearings from the purview of SSA’s Administrative Law Judges (ALJs) and to transfer them to Administrative Appeals Judges and Attorney Examiners within SSA’s Appeals Council. This change would impact tens of thousands of cases and must be justified. The hearing discussed the current ALJ issues at SSA and the broader issues of independence and agency control of officials who conduct administrative hearings throughout the federal government.

Witnesses: Theresa L. Gruber, Deputy Commissioner, Disability Adjudication and Review, U.S. Social Security Administration; Marilyn D. Zahm, Administrative Law Judge, Buffalo, New York Office of Disability Adjudication and Review, U.S. Social Security Administration; Joseph Kennedy, Associate Director for Human Resources Solutions, U.S. Office of Personnel Management.

Examining the Use of Agency Regulatory Guidance, Part II. June 30, 2016. (S. Hrg. 114–517)

The purpose of this hearing was to build on the previous guidance hearing held September 23, 2015 by providing the perspectives of non-governmental witnesses with expertise in administrative law, institutional experience in overseeing and coordinating guidance processes, and familiarity with how guidance fits in to the larger regulatory apparatus. Topics for the hearing included discussion of agency use of regulatory guidance cross-government; how agencies utilize guidance to interface with the public; current and former Administration efforts to ensure that this guidance is issued appropriately and the success of these efforts; and potential legislative solutions and safeguards.

Witnesses: Clyde Wayne Crews, Vice President for Policy, Competitive Enterprise Institute; Paul Noe, Vice President, Public Policy, American Forest and Paper Association & American Wood Council; Amit Narang, Regulatory Policy Advocate, Public Citizen.

Reviewing Independent Agency Rulemaking. September 8, 2016. (S. Hrg. 114–477)

The purpose of this hearing was to examine how independent regulatory agencies could improve their regulatory processes through quality analysis of the rules they propose, compliance with applicable statutory requirements, retrospective review efforts, and potential improvements that could be implemented to improve the overall independent agency regulatory process.

Witnesses: Robert R. Gasaway, Of Counsel, Kirkland & Ellis, LLP; Adam White, Fellow, Hoover Institution; Cary Coglianese, Ph.D., Edward B. Shils Professor of Law and Professor of Political Science and Director of the Penn Program on Regulation, University of Pennsylvania Law School.

Continued Review of Agency Regulatory Guidance, Part III. September 22, 2016. (S. Hrg. 114–545)

The purpose of this hearing was to build on the Subcommittee's previous guidance hearings held on September 23, 2015 and June 30, 2016. Topics for the hearing included a discussion on lingering concerns and developments arising from specific guidance documents; agency initiatives to address U.S. Government Accountability Office recommendations on internal controls for good guidance practices; and a discussion of the role of the Office of Information and Regulatory Affairs (OIRA) in advising and implementing its cross-government good guidance practices, including ways in which OIRA could ensure review of agency determinations of non-significance and non-economic significance.

Witnesses: Hon. Howard Shelanski, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; Hon. M. Patricia Smith, Solicitor of Labor, U.S. Department of Labor; Amy McIntosh, Principal Deputy Assistant Secretary Delegated the Duties of the Assistant Secretary for the Office of Planning, Evaluation, and Policy Development, U.S. Department of Education.

Understanding the Millennial Perspective in Deciding to Pursue and Remain in Federal Employment. September 29, 2016. (S. Hrg. 114–548)

The purpose of this hearing was to examine the efforts of the Office of Personnel Management to address hiring challenges and also to examine individual agency efforts to address recruitment and retention challenges, especially in relation to individuals identified as millennials, who are defined as those between the ages of 18 and 35.

Witnesses: Mark Reinhold, Associate Director for Employee Services and Chief Human Capital Officer, U.S. Office of Personnel Management; Angela Bailey, Chief Human Capital Officer, U.S. Department of Homeland Security; Lauren Leo, Assistant Administrator, Office of Human Capital Management, National Aeronautics and Space Administration; Robert Goldenkoff, Director for Strategic Issues, U.S. Government Accountability Office.

Examining Two GAO Reports Regarding the Renewable Fuel Standard. December 1, 2016. (S. Hrg. 114–555)

This hearing served as a forum to examine the Environmental Protection Agency's management of the Renewable Fuel Standard and discussed the two Government Accountability Office reports from November 28, 2016 on the program.

Witnesses: Frank Rusco, Director, National Resources and Environment, U.S. Government Accountability Office; Janet McCabe, Acting Assistant Administrator, Office of Air and Radiation, U.S. Environmental Protection Agency.

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 contrib-

utes to the development of legislative initiatives. During the 114th Congress, Chairman Lankford introduced the following legislative proposals in his capacity as a Senator:

S. 1817—The Smarter Regulations Through Advance Planning and Review Act (Smarter Regs Act)—Requires agencies promulgating new major regulations to plan for retrospective review to ensure the regulation met its objectives and did not incur unanticipated significant costs. Senator Heitkamp introduced this bill and Senator Lankford served as an original co-sponsor.

S. 1818—The Principled Rulemaking Act—Requires a federal agency to promulgate only a rule that is required by law, necessary to interpret a law, or made necessary by compelling public need. Codifies the non-partisan requirements in Executive Orders 12866 and 13563 and extends those requirements to independent agencies.

S. 1820—The Early Participation in Regulations Act—Requires agencies to publish an advance notice of proposed rulemaking for major rules.

IV. GAO REPORTS

The following reports were issued by the Government Accountability Office at the request of the Chairman/Ranking Member of the Subcommittee on Regulatory Affairs and Federal Management during the 114th Congress:

On July 16, 2015, Senator Lankford sent a letter to the Government Accountability Office requesting an audit of the Fish and Wildlife Service’s American Burying Beetle Conservation Fund in Oklahoma and a report on similar conservation funds and banks nationwide.

On December 18, 2015, Senator Lankford signed on to a request to the Government Accountability Office’s ongoing work on improving federal hiring initiatives originally requested by Ranking Member Cummings and Representative Lynch of the House Committee on Oversight and Government Reform.

On November 13, 2015, Senator Lankford sent a letter to the Government Accountability Office to request a review of agency processes for addressing and removing employees for misconduct.

On December 11, 2015, Senators Lankford and Heitkamp sent a letter to the Government Accountability Office requesting a review of the challenges agencies encounter when hiring and retaining “millennial” employees.

On April 6, 2015, Senator Lankford requested a Government Accountability Office review of the Environmental Protection Agency’s Renewable Fuel Standard.

On October 28, 2015, Senator Lankford signed on to a request to the Government Accountability Office’s ongoing work on the Internal Revenue Service’s rulemaking process originally requested by the House Committee on Oversight and Government Reform.

On January 20, 2016, Senator Lankford sent a letter to the Government Accountability Office requesting a review of agency regulatory compliance assistance and enforcement.

On January 20, 2016, Senator Lankford sent a letter to the Government Accountability Office requesting a review of agency Paperwork Reduction Act burden efforts.

On January 15, 2016, Senator Lankford sent a letter to the Government Accountability Office requesting a review of agency conflict mitigation and prevention efforts.

On July 12, 2016, Senators Lankford, Carper, Leahy, and Grassley sent a letter to the Government Accountability Office requesting a review of federal judiciary adherence to the Ethics in Government Act.

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND
EMERGENCY MANAGEMENT

CHAIRMAN: RAND PAUL (R-KY)

RANKING MEMBER: TAMMY BALDWIN (D-WI)

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 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 114th Congress, the Subcommittee on Federal Spending Oversight and Emergency Management held 3 hearings; released 70 waste reports examining federal spending practices and highlighting nearly \$3 billion in wasted taxpayer money; and introduced three related pieces of legislation.

A. HEARINGS

Wasteful Spending in the Federal Government: An Outside Perspective. June 10, 2015. (S. Hrg. 114-59)

The purpose of the hearing was to provide consideration for the ideas and proposals from representatives of the major outside groups investigating inefficient, unnecessary, and wasteful federal spending in the federal government, particularly in the areas of discretionary spending. Particular emphasis was placed on recommendations for consensus proposals that could gain traction in Congress.

Witnesses: Romina Boccia, Grover M. Herman Research Fellow in Federal Budgetary Affairs and Research Manager with The Heritage Foundation; Chris Edwards, Director of Tax Policy Studies and Editor of www.DownsizingGovernment.org with The Cato Institute; Steve Ellis, Vice President, Taxpayers for Common Sense; Thomas A. Schatz, President, Citizens Against Government Waste; Donald F. Kettl, Ph.D., Professor, School of Public Policy, University of Maryland.

Prudent Planning or Wasteful Binge? A Look at End of the Year Spending. September 30, 2015. (S. Hrg. 114–127)

The purpose of the hearing was to examine the dynamics of end-of-year spending, often referred to as “use it or lose it.” This practice of rushing to obligate all remaining funds in an agency budget before those funds expire at the end of the year is known and practiced in virtually every government agency. The hearing explored this sometimes wasteful practice at the federal level; to what magnitude it exists; and examined possible solutions.

Witnesses: Jason J. Fichtner, Ph.D., Senior Research Fellow, The Mercatus Center at George Mason University; Dean W. Sinclair, Changing the Culture of Washington; Philip G. Joyce, Ph.D., Professor of Public Policy and Senior Associate Dean, University of Maryland School of Public Policy.

FEMA: Assessing Progress, Performance, and Preparedness. April 12, 2016. (S. Hrg. 114–355)

The purpose of the hearing was to examine FEMA’s overall efforts to assist states in preparing for terrorism and natural disasters, to evaluate its management and coordination of grants, training, and exercises, and to better understand the metrics used by the agency to measure overall progress toward the National Preparedness Goal. The hearing also examined recommendations identified by the Government Accountability Office and the DHS Office of Inspector General over the past several years.

Witnesses: Hon. Timothy W. Manning, Deputy Administrator for Protection and National Preparedness, Federal Emergency Management Agency, U.S. Department of Homeland Security; Hon. John Roth, Inspector General, U.S. Department of Homeland Security; Christopher Currie, Director of Emergency Management, National Preparedness, and Critical Infrastructure Protection, Homeland Security and Justice Team, U.S. Government Accountability Office; John Drake, Deputy Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.

B. REPORTS

In his capacity of Chairman of the Subcommittee on Federal Spending Oversight and Emergency Management, Senator Paul released 70 individual reports detailing various wasteful programs, grants, and practices that have cost taxpayers billions.

1. May 5, 2015—U.S. Coast Guard medical vacations;
2. May 11, 2015—Department of Energy treadmills;
3. May 18, 2015—Department of Education email instruction class for employees;
4. June 1, 2015—Department of Veterans Affairs unnecessary solar panels;
5. June 8, 2015—Department of State creates a professional cricket league;
6. June 16, 2015—National Science Foundation college courses in winemaking;
7. June 22, 2015—National Science Foundation metric system study;

8. June 29, 2015—Department of Agriculture loses money on prairie potholes;
9. July 6, 2015—National Endowment for the Arts grant to a Hollywood museum;
10. July 14, 2015—National Science Foundation study of feelings;
11. July 20, 2015—Environmental Protection Agency loses on small-town sewer project;
12. July 27, 2015—Department of Housing and Urban Development lets millionaire live in subsidized public housing;
13. August 3, 2015—Department of Education school lunch money goes to lawn sprinklers;
14. August 10, 2015—Department of State sends foreign children to Space Camp;
15. August 17, 2015—Federal Emergency Management Agency fails to stop double-dipping of disaster assistance;
16. August 24, 2015—Department of State sends a jazz band to perform in Turkey;
17. August 31, 2015—National Oceanic and Atmospheric Administration premium satellite TV subscriptions;
18. September 8, 2015—National Science Foundation study of athletes “in the zone;”
19. September 14, 2015—Government-wide yoga benefits for federal employees;
20. September 22, 2015—Department of Defense studies whether to sterilize wild burros;
21. September 28, 2015—National Park Service flower show;
22. October 5, 2015—National Aeronautics and Space Administration tests golf clubs in space;
23. October 19, 2015—National Institutes of Health study the role of friendship on college freshmen weight gain;
24. October 26, 2015—Department of State community college exchanges;
25. November 2, 2015—Agency for International Development promotion of Albanian tourism;
26. November 9, 2015—Medicare overpays for sleep studies;
27. November 12, 2015—Department of Defense builds a natural gas filling station in Afghanistan;
28. November 16, 2015—National Institutes of Health conference on balding;
29. November 23, 2015—Department of Agriculture gives specialized crop subsidies to crops that are not particularly specialized;
30. November 30, 2015—National Science Foundation climate change video game;
31. December 7, 2015—Agency for International Development cuts foreign regulations;
32. December 14, 2015—Forest Service builds a laundromat adjacent to another laundromat;
33. December 21, 2015—Department of Agriculture funds TV ads for Christmas trees;
34. January 4, 2016—Inter-American Foundation supports the businesses of recently deported immigrants;
35. January 11, 2016—National Science Foundation examines whether people fear success;

36. January 19, 2016—Agency for International Development promotes Moldovan wine;
37. January 25, 2016—Department of Defense builds a scale model of a Cold War-era air base;
38. January 28, 2016—Department of Defense cannot account for heavy equipment in Afghanistan;
39. February 1, 2016—Multiple government studies to examine e-mail response habits;
40. February 8, 2016—National Science Foundation study on romantic chemistry;
41. February 16, 2016—National Science Foundation study on Ugandan gambling habits;
42. February 22, 2016—Department of Justice long-term spending on temporary expenses;
43. February 29, 2016—Department of Transportation assistance to the dormant DC streetcar;
44. March 7, 2016—U.S. taxpayer costs to pay interest on the national debt;
45. March 14, 2016—Department of State program to improve understanding between the United States and the United Kingdom;
46. March 28, 2016—National Park Service documents experiences with the supernatural;
47. April 11, 2016—Department of Veterans Affairs delays medical equipment;
48. April 18, 2016—Department of State shows American movies abroad;
49. April 25, 2016—Government-wide duplicative and overlapping climate change research;
50. May 2, 2016—Department of State creates a comedic variety television program in Afghanistan;
51. May 9, 2016—National Science Foundation studies why more men than women contribute to Wikipedia;
52. May 16, 2016—East-West Center
53. May 31, 2016—Environmental Protection Agency buys out employees but doesn't eliminate their positions;
54. June 6, 2016—Agency for International Development provides climate support to the Philippines;
55. June 13, 2016—National Science Foundation studies how future grant applicants will pursue funding;
56. June 20, 2016—National Institutes of Health studies why certain people like spicy foods more than others;
57. June 27, 2016—Federal tax code complexity costs the economy billions;
58. July 11, 2016—Department of State creates an animated superhero in Pakistan;
59. July 18, 2016—Department of Defense studies foxes marooned on an Aleutian island;
60. July 25, 2016—Department of State teaches Estonian television how to use cameras;
61. August 1, 2016—Department of Defense renovates a cafeteria then shuts it down;
62. August 8, 2016—Earmark pays for labor at Wolf Trap Performing Arts Center;

- 63. August 16, 2016—National Science Foundation documentary on the Kilogram;
- 64. August 30, 2016—Small Business Administration fails to follow disaster loan guidelines;
- 65. September 20, 2016—Department of Veterans Affairs buys TV sets that sit in storage;
- 66. September 26, 2016—Community Development Block Grants buy properties in Hawaii at above-market prices;
- 67. October 4, 2016—National Science Foundation reexamines Neil Armstrong’s first words on the moon;
- 68. October 12, 2016—Environmental Protection Agency loses out on bulk transit purchases for employees;
- 69. October 19, 2016—Federal Emergency Management Agency assistance amidst questionable circumstances in Mississippi;
- 70. October 25, 2016—National Science Foundation studies whether selfies make people happier.

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 114th Congress, Chairman Paul introduced the following legislative proposals in his capacity as a Senator:

S. 1378—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 authority, 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. S. 1378 was passed by the Committee on Homeland Security and Governmental Affairs on May 25, 2016.

S. 2453—Duplication Reduction and Scoring Act of 2016—Directs the Office of Management and Budget (OMB) to use existing authority to consolidate and streamline federal programs identified in the Government Accountability Offices’ (GAO) duplication reports (2011–2015) and to report to Congress on savings that are achieved by such activity. The Act further rescinds the greater of \$10 billion or the total amount identified by OMB from the accounts identified. The Act also amends the Congressional Budget Act to require the Congressional Budget Office (CBO) to obtain from GAO an estimate of the extent to which legislation placed on either the Senate or House Calendars creates new duplication and to include such information in its cost estimates.

S. 2454—Legislative Performance Review Act of 2016—Limits all authorizations of appropriations to four years and creates a new surgical point of order against appropriating for a program that is unauthorized. S. 2454 provides an implementation period to allow Congress to reauthorize programs currently unauthorized or that

have been authorized in law for more than four years. The legislation further provides a process for authorizing committees to seek a waiver of the four year limitation. The bill also requires that committee reports accompanying legislation passed out of committee include a discussion of why the program being authorized (or reauthorized) will address a specific need and how existing programs are inadequate to meet such need. The bill also creates a process for the orderly winding down of expired programs.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

CHAIRMAN: ROBERT PORTMAN

RANKING MINORITY MEMBER: CLAIRE MCCASKILL

The following is the Activities Report of the Permanent Subcommittee on Investigations for the 114th 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 ten 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); Norm Coleman of Minnesota (2003–2007); and 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 effectiveness of present national security methods, staffing and procedures, and U.S. relationships with international organizations concerned

¹In 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.

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 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 Subcommittee on Investigations, 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, 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 114th Congress, the Subcommittee held six hearings and issued eight reports on a wide range of issues, including 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 anti-abuse efforts of Medicare and private health insurance systems to combat the opioid epidemic.

(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

²This 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.

Ferguson after the 1948 elections. The last U.S. Senator to wear a long frock coat and wing-tipped collar, Mr. Hoey was a distinguished southern gentleman of the old school. Under his 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 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 leading 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 inves-

³It 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.

tigations 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, Eleanor Hill, who served as Chief Counsel to the Minority from 1982 to 1986 and then as Chief Counsel from 1987 to 1995.

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 was chairman until June 2001, when the Senate Majority party 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 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 Norm 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 Saddam Hussein abused the United Nations Oil for Food Program. At the request of Senator Levin, then Ranking Minority Member, the Subcommittee also examined how some U.S. accounting firms, banks, investment firms, and tax lawyers were designing, promoting, and implementing abusive tax shelters across the country; and 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.

(2) More Recent Investigations

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, looking 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 engaged in offshore tax abuses, including how Microsoft shifted profits offshore to dodge U.S. taxes, and Hewlett Packard secretly brought offshore funds back home without paying taxes by utilizing abusive short term loan schemes; 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 1 in 5 disability cases containing errors or inadequate justifications; how DHS 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 nevertheless 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.

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 anti-abuse efforts of 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.

II. SUBCOMMITTEE HEARINGS DURING THE 114TH CONGRESS

A. Impact of the U.S. Tax Code on the Market for Corporate Control and Jobs (July 30, 2015)

The Subcommittee's first hearing and staff report in the 114th Congress examined the impact of the U.S. corporate tax code on foreign acquisitions of U.S. businesses and the ability of U.S. businesses to expand by acquisition. The hearing featured two panels of witnesses. The first panel was comprised of Jim Koch, founder and chairman of Boston Beer Company; David Pyott, Chairman of the Board and Chief Executive Officer of Allergan, Inc. from 1998 to 2015; and Walter Gavin of Emerson, Vice Chairman (October 2009 to February 2013) and Chief Financial Officer (1993–2010). The second panel of witnesses included Howard Schiller of Valeant Pharmaceuticals International, Inc, Chief Financial Officer (December 2011 to June 2015) and member of the Board of Directors (September 2012 to present); and Joshua Kobza, Chief Financial Officer at Restaurant Brands International.

B. Human Trafficking Investigation (November 19, 2015)

The Subcommittee's second hearing concerned the Subcommittee's human trafficking investigation. The Subcommittee's bipartisan investigation examined how sex traffickers increasingly use the Internet to advance their trade and evade detection. The hearing also laid the necessary foundation for contempt proceedings against Backpage.com's CEO after the company refused to comply with the Subcommittee's subpoena. The hearing featured two panels of witnesses. The first panel was composed of Yiota Souras, Senior Vice President and General Counsel for the National Center

for Missing and Exploited Children; and Darwin Roberts, Deputy Attorney General of the Washington State Attorney General's Office. Carl Ferrer, Chief Executive Officer at Backpage.com, LLC, refused to appear despite being under subpoena. The Subcommittee initiated a civil contempt proceeding that remains under litigation.

C. Adequacy of the Department of Health and Human Services' Efforts to Protect Unaccompanied Children From Human Trafficking (January 28, 2016)

The Subcommittee's third hearing and report examined the deficiencies in the procedures used by the Department of Health and Human Services (HHS) Department of Office of Refugee Resettlement (ORR) to safely place unaccompanied alien children (UACs) with sponsors in the United States. The hearing featured two panels of witnesses. The first panel consisted of Mark Greenberg, Acting Assistant Secretary, Administration for Children and Families, U.S. Department of Health and Human Services; and Robert Carey, Director of the Office of Refugee Resettlement, U.S. Department of Health and Human Services. The second panel included testimony from Tiffany Nelms, Associate Director of Children's Services, U.S. Committee for Refugees and Immigrants; Jennifer Justice, Deputy Director of the Office of Families and Children, Ohio Department of Job and Family Services; and Kimberly Haynes, Director for Children's Services, Lutheran Immigration and Refugee Service.

In response to the investigation, ORR changed a number of policies related to the safety of UACs. Under the new policy, certain criminal history and substantiated child welfare findings will automatically disqualify individuals from serving as Category 2 and Category 3 sponsors. All non-sponsor adult household members and adult care givers identified in a sponsor care plan will undergo a public records check and a sex offender registry check and ORR no longer requires the potential sponsor or household member to authorize the release of information prior to ORR performing either a public records check or a sex offender registry check. ORR began allowing for discretionary home studies in cases where a home study is not otherwise required by the Trafficking Victims Protection Act. ORR also made procedural changes, including more frequent, regular meetings with stakeholders.

D. Review of the Affordable Care Act Health Insurance CO-OP Program (March 10, 2016)

The Subcommittee's fourth hearing of the 114th Congress examined the Consumer Operated and Oriented Plan (CO-OP) loan program established by the Patient Protection and Affordable Care Act and the mismanagement, taxpayer waste, and losses related to the failed CO-OPs. The hearing featured two panels of witnesses. The first panel consisted of Andy Slavitt, Acting Administrator, Centers for Medicare and Medicaid Services; and Kevin Counihan, Marketplace Chief Executive Office and Deputy Administrator, Centers for Medicare and Medicaid Services. The second panel heard testimony from Dr. Scott Harrington, Alan B. Miller Professor, Chair, Health Care Management Department, The Wharton School, University of Pennsylvania.

E. Customer Service and Billing Practices in the Cable and Satellite Television Industry (June 23, 2016)

The Subcommittee's fifth hearing of the 114th Congress examined the billing and customer service practices in the cable and satellite television industry. Representatives from Comcast, Time Warner Cable, Charter Communications, DirecTV, and Dish testified on matters related to customer service issues. Combined, these five companies provide programming to more than 70 percent of pay-TV subscribers and reach more than half of all American households. The hearing featured a panel of witnesses including Tom Karinshak, Senior Vice President of Customer Service, Comcast; John Keib, Former Executive Vice President and Chief Operating Officer, Residential Services, Time Warner Cable; Kathleen "Kip" Mayo, Executive Vice President, Customer Operations, Charter Communications; Rasesh Patel, Senior Vice President, Product Management, AT&T Entertainment Group (DirecTV); and Kathleen Schneider, Senior Vice President, Operations, Dish Network.

As a result of this investigation, both Time Warner Cable and Charter have taken steps to address these issues. Each month, Time Warner Cable performs an audit comparing its billing records with service records. Going forward, the company will provide an automatic one-month credit to anyone who is identified in the audit as having been overcharged. Time Warner Cable will not, however, investigate when it began overcharging customers unless customers bring specific concerns to the company's attention, nor will it provide a full refund dating back to when the overcharge began. Similarly, Charter will provide customers with a one-year credit for any equipment overcharges. Charter has also implemented systemic controls that it says will prevent equipment overcharges in the future.

As a result of the investigation's focus on customer service practices, cable and satellite providers acknowledged the need to improve their customer service, and provided information to the Subcommittee regarding their efforts to identify and address customer pain points and improve the customer experience. After meeting with the Subcommittee, Comcast stressed to its retention agents that its policy allowed them to stop trying to "save" the customer if the customer refused or became upset by a retention agent's request to ask the customer questions about their decision to disconnect.

F. ISIS Online: Countering Terrorist Radicalization & Recruitment on the Internet & Social Media (July 6, 2016)

The sixth Subcommittee hearing of the 114th Congress examined the threat posed by terrorist propaganda and U.S. government efforts to counter it, with a particular focus on the Islamic State of Iraq and Syria's (ISIS) and other terrorist networks' use of online communications to radicalize and recruit within the United States. The hearing featured two panels of witnesses. The first panel consisted of Michael Steinbach, Executive Assistant Director, National Security Branch, Federal Bureau of Investigation; George Selim, Director, Office of Community Partnerships, U.S. Department of Homeland Security and Director, Interagency Task Force on Coun-

tering Violent Extremism; and Meagen LaGraffe, Chief of Staff to the Coordinator and Special Envoy, Global Engagement Center, U.S. Department of State. The second panel heard testimony from Peter Bergen, Vice President, New America Foundation; and Alberto Fernandez, Vice President, The Middle East Media Research Institute.

III. LEGISLATIVE ACTIVITIES DURING THE 114TH 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 114th Congress was no exception, with Subcommittee hearings and Members playing prominent roles in several legislative initiatives.

A. Directing the Senate Legal Counsel to bring a civil action to enforce a subpoena of the Permanent Subcommittee on Investigations (S. Res. 377)

On March 17, 2016, Senators Rob Portman and Claire McCaskill introduced Senate Resolution 377 to hold Backpage.com in civil contempt of Congress. Senators Portman and McCaskill issued a subpoena to Backpage.com for documents about the company's business practices, particularly how it screens advertisements for warning signs of sex trafficking. Because Backpage refused to comply with that subpoena, Senators Portman and McCaskill introduced a Senate resolution to hold the company in civil contempt and force Backpage to turn over withheld documents. The Resolution passed the Senate unanimously by a vote of 96–0, marking the first time in more than twenty years that the Senate has had to enforce a subpoena in court. More broadly, the Subcommittee is developing a factual record that may form the basis for legislative reforms designed to combat online sex trafficking, including potential reforms of the Communications Decency Act.

B. A bill to enhance whistleblower protection for contractor and grantee employees (S. 795)

In March 2015, Senator Claire McCaskill introduced S. 795, a bill that would extend existing whistleblower protections for federal contractors to all non-intelligence-community federal government grantees, subgrantees, and subcontractors, and make permanent these protections. The bill also prohibits contractors from being reimbursed for legal fees accrued in their defense against retaliation claims by whistleblowers. The bill passed with unanimous consent of the Senate on June 23, 2016 before moving to the House of Representatives. On December 5, 2016, the House of Representatives approved S. 795, and on December 14, 2016, President Obama signed the bill into law.

IV. REPORTS, PRINTS, AND STUDIES

In connection with its investigations, the Subcommittee often issues lengthy and detailed reports. During the 114th Congress, the Subcommittee released eight such reports, listed below.

- A. *Impact on the U.S. Tax Code on the Market for Corporate Control and Jobs, July 30, 2015 (Report Prepared by the Majority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on July 30, 2015)*

In July 2015, the majority staff of the Subcommittee released its first report of the 114th Congress. This 133-page report examined the effect of the U.S. tax code on the market for corporate control of American companies.

The report detailed how the United States has the highest corporate tax rate in the industrialized world, and (alone among its peers) has retained a worldwide system that taxes American companies for the privilege of repatriating their overseas earnings. Meanwhile, most other nations with advanced economies have adopted competitive tax rates and territorial-type tax systems. As a result, U.S. firms too often have a significant incentive to relocate their headquarters overseas. Corporate inversions may be the most dramatic manifestation of that incentive, but the far greater part of the story concerns other more common forms of cross-border mergers and acquisitions.

Through a detailed review of several important cross-border transactions, the Subcommittee's investigation found that the increase in after-tax profits created by escaping the U.S. tax net can (i) contribute significantly to foreign corporations' ability to acquire American firms; and (ii) create powerful incentives for American firms that merge with foreign corporations to locate their new combined headquarters abroad. Both phenomena can lead to a significant loss of American jobs, business headquarters, and tax revenues.

First, the Subcommittee examined three major acquisitions of U.S. companies by Valeant Pharmaceuticals, a successful, serial acquirer headquartered in Quebec. Since merging with a Canadian firm and relocating to Canada, Valeant has achieved a single-digit cash effective tax rate. Its longtime Chief Financial Officer said that rate has "turbocharged" Valeant's expansion by acquisition,¹ making it the sixth largest OECD-based foreign acquirer of U.S. companies in terms of deal price, according to third-party data compiled by the Joint Committee on Taxation. When evaluating an acquisition, Valeant considers many factors but focuses on two key deal targets: the projected internal rate of return it can expect, and the "payback" period of the acquisition—the time it will take Valeant to recover its investment. As a guideline, Valeant generally seeks

¹ Subcommittee Interview of Howard Schiller, Corporate Dir., Valeant Pharm. Inc. (July 24, 2015). Schiller elaborated: "I think the clear answer is that what really distinguishes Valeant is its ability to create value [through its business model]. . . . But its tax rate has augmented its growth. There is no question that we would not be in the same place we are in today if we had a higher tax rate. We have been able to plow that [after-tax profit] back in at very high rate of return."

deals projected to achieve a 20 percent internal rate of return and a payback period of six years or less.

To understand the role of tax considerations in Valeant's deals, PSI reviewed Valeant's recent multibillion-dollar acquisitions of three U.S. companies: Mediciis, Bausch & Lomb, and Salix. Valeant's primary valuation of target companies was based on an assumed U.S. tax rate of 36 percent—close to the U.S. target companies' actual or projected rates. In each transaction the Subcommittee reviewed, however, Valeant performed a pre-acquisition tax analysis to determine the lower tax rate that could be achieved by integrating its U.S. target into Valeant's corporate group headquartered in Canada. Applying that new, lower tax rate to the U.S. company's future cash flow, Valeant evaluated the deal along the two key guidelines mentioned above—whether it could meet (or approximate) its targeted 20 percent return and six-year payback period. In each case, Valeant's ability to hit or approximate those targets depended to a large extent on its ability to lower the target company's tax rate. In other words, tax savings helped justify the price that Valeant was able to pay while hitting its ambitious financial goals. Valeant's projected post-acquisition tax savings for Bausch & Lomb alone exceeded \$3.6 billion over ten years, and its projected tax savings for Salix exceeded \$560 million over five years. And although Valeant did not project specific tax savings for Mediciis, we estimate the potential savings at approximately \$680 million over ten years.

It is important to note that none of these acquisitions were “tax-motivated” in the sense that Valeant was aiming to reduce its own tax liabilities. Instead, they illustrate that foreign acquirers that hail from more favorable tax jurisdictions are able to create value simply by restructuring the affairs of the U.S. target companies to improve their tax profile. In Valeant's case, those tax savings significantly enhanced the deal along the key metrics that Valeant uses to decide whether to undertake an acquisition.

Second, the Subcommittee examined a major transaction that can be thought of as a “merger of equals”: Burger King's \$11.4 billion merger with the Canadian restaurant business Tim Hortons. The Subcommittee's review showed that Burger King had clear business reasons to team up with Tim Hortons. But when deciding where to locate the headquarters of the combined firm, tax considerations flatly ruled out the United States from the outset. Burger King calculated that pulling Tim Hortons into the worldwide U.S. tax net, rather than relocating to Canada, would destroy up to \$5.5 billion in value over just five years. Far better, executives concluded, to put the new company in a country that would allow it to reinvest overseas earnings back in the United States and Canada without incurring new taxes.

Finally, the Subcommittee conducted a limited review of the tax and employment consequences of InBev's 2008 acquisition of Anheuser Busch. Through that deal, InBev was able to integrate a U.S. company with a pre-acquisition worldwide effective tax rate of approximately 39 percent into a worldwide corporate group with an effective tax rate of 19 percent. It is clear from the record that a significant number of U.S. jobs were lost following that acquisition. From 2007 to 2015, the number of U.S.-based employees of AB

InBev declined by about 30 percent, while the number of employees based in Leuven, Belgium and the State of Sao Paulo, Brazil rose by 34 percent. In particular, the company's U.S. headcount was reduced from 18,345 in 2007 to 12,938 in 2015. That 30 percent reduction is significantly higher than the 10 percent to 15 percent decrease that Anheuser-Busch announced before the merger as part of its restructuring plan.

B. Recommendation to Enforce a Subpoena Issued to the CEO of Backpage.com LLC, November 19, 2015 (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, 2015)

Backpage.com and its Chief Executive Officer, Carl Ferrer, failed to comply with a subpoena issued by the Subcommittee. This report, released on November 19, 2015, detailed the Subcommittee's investigation and recommended enforcement of that subpoena. Backpage.com claims to be a market-leader in combatting human trafficking online. The company touts its "moderation" practices—the process of reviewing advertisements to screen them for evidence of violations of its terms of use and possible illegality. To better understand these procedures, their efficacy, and their costs, the Subcommittee served a subpoena on Backpage requiring the production of documents concerning Backpage's moderation and ad-review procedures, basic financial information, and other topics. Backpage refused to comply with the subpoena. Undeterred by Backpage's non-compliance with its process, the Subcommittee pursued its fact-finding through other means. In this report, we detailed our preliminary findings. In our view, they only underscored the importance of the issues the Subcommittee is probing and the need for enforcement of the subpoena.

First, the Subcommittee found substantial evidence that Backpage edits the content of some ads, including by deleting words and images, before publication. The record indicates that in some cases, these deletions likely served to remove evidence of the illegality of the underlying transaction. Specifically, as part of its moderation process, it appears that Backpage will delete particular words or images from an advertisement before posting it to the web, if those words or images violate its terms of service. The Subcommittee attempted to take the testimony of two Backpage employees in charge of its moderation practices, but they refused to testify on the grounds that it might incriminate them. The Subcommittee, however, obtained evidence demonstrating that, from 2010 to 2012, when Backpage outsourced its moderation work to India, it did delete certain images, words, or phrases from "adult" advertisements. The Subcommittee's subpoena sought information regarding whether Backpage's current practices have the purpose or effect of removing images or text that could alert law enforcement to the nature and extent of the transaction being offered.

Second, the Subcommittee had additional concerns about the steps Backpage takes to ensure that it can be helpful when called upon to cooperate with law enforcement investigations of potential human trafficking. Backpage, for example, does not retain the metadata associated with images posted to its site, which would be

helpful to law enforcement in identifying victims of human trafficking. In addition, the record is unclear about what steps Backpage takes to “hash” images—that is, to assign them a unique identifier. Backpage claims that it does hash images, but at least one credible report disputes that.

Third, the Subcommittee attempted to learn more about Backpage’s corporate structure and finances. Earlier in 2015, Backpage’s corporate group was assessed by an independent appraiser at a fair market value of between \$618.4 million and \$625.8 million. More striking, the company’s EBITDA margin (a common measurement of a company’s operating profitability) was a staggering 82.4 percent in 2014. If true, that suggests Backpage has the resources for additional action against human trafficking on its website, but perhaps lacks the financial incentives to reject an increased number of ads, thereby reducing its revenue from advertisements.

Finally, the Subcommittee learned that, at least in one case, Backpage customers were able to evade limits placed on its access to credit card networks by a major financial institution. That institution attempted to block its card holders from completing transactions with Backpage.com, out of concern that the site was potentially facilitating human trafficking. Despite this block, Backpage modified its merchant code, allowing cardholders to continue completing transactions.

The Subcommittee’s long-term investigation of online sex trafficking resulted in a major report issued on January 9, 2017, and a Subcommittee hearing held that same day.

C. Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement, January 28, 2016 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee’s hearing on January 28, 2016)

In January 2016, the Subcommittee released a 56-page bipartisan staff report examining deficiencies in the procedures used by the Department of Health and Human Services (HHS) to safely place unaccompanied alien children with sponsors in the United States.

The report detailed how each year, tens of thousands of children enter the United States, unaccompanied by their parents or relatives. If taken into U.S. custody, those children are designated “unaccompanied alien children” or “UACs.” Congress has tasked HHS with finding appropriate homes in which to place UACs temporarily, pending the resolution of immigration proceedings. The agency within HHS that performs that function is the Office of Refugee Resettlement (ORR). Through procedures described in this report, HHS attempts to place each UAC with a suitable adult sponsor—someone who can care for them and ensure their appearance at their immigration hearings. In carrying out this responsibility, federal law requires HHS to ensure that UACs are protected from human trafficking and other forms of abuse.

Over a period of four months in 2014, however, HHS allegedly placed a number of UACs in the hands of a ring of human traf-

fickers who forced them to work on egg farms in and around Marion, Ohio, leading to a federal criminal indictment. According to the indictment, the minor victims were forced to work six or seven days a week, twelve hours per day. The traffickers repeatedly threatened the victims and their families with physical harm, and even death, if they did not work or surrender their entire paychecks. The indictment alleges that the defendants “used a combination of threats, humiliation, deprivation, financial coercion, debt manipulation, and monitoring to create a climate of fear and helplessness that would compel [the victims’] compliance.”

Those tragic events prompted the Subcommittee to launch an investigation of HHS’s process for screening potential UAC sponsors and other measures to protect UACs from trafficking. The Subcommittee’s initial review of the Marion case files revealed information that suggests these terrible crimes were likely preventable. Specifically, the files reveal that, from June through September 2014, HHS placed a number of UACs with alleged distant relatives or family friends—including one of the defendants in the criminal case—without taking sufficient steps to ensure that the placements would be safe. HHS failed to run background checks on the adults in the sponsors’ households as well as secondary caregivers; failed to visit any of the sponsors’ homes; and failed to realize that a group of sponsors was accumulating multiple unrelated children. In August 2014, HHS permitted a sponsor to block a child-welfare case worker from visiting with one of the victims, even after the case worker discovered the child was not living at the address on file with HHS.

Based on its investigation, the Subcommittee concluded that HHS’s policies and procedures are inadequate to protect the children in the agency’s care. The Subcommittee’s investigation focused on what HHS calls Category 3 sponsors—those who have no close relation to the child, and therefore resemble foster-care providers or similar temporary custodial arrangements. Serious deficiencies found by the Subcommittee include:

- HHS’s process for verifying the alleged relationship between a UAC and an individual other than a parent, guardian, or close family member is unreliable and vulnerable to abuse. In general, HHS accepts the alleged relationship between a Category 3 sponsor and a UAC (e.g., “neighbor from home country”) if a person claiming to be the child’s family member corroborates it. In a number of cases, however, parents who consented to the placement of their children with certain sponsors were also complicit in the children’s smuggling. In the Marion cases, for example, several victims’ family members attested to the asserted relationship, but there was a reason: The human traffickers held the deeds to some of the families’ homes as collateral for the child’s journey to the United States. The sooner the child was released from HHS custody, the sooner he or she could begin working to repay the debt. Other cases revealed that parents have deceived HHS by claiming that a relationship existed between the sponsor and the UAC when it did not.
- HHS is unable to detect when a sponsor or group of related sponsors is seeking custody of multiple unrelated children.

The agency could not detect that sponsors in the Marion cases were collecting multiple, unrelated children—a warning sign of a potential trafficking ring that warrants, at a minimum, additional scrutiny.

- HHS has failed to conduct adequate background checks. Throughout the time period examined by the Subcommittee, HHS did not conduct background checks on all relevant adults. HHS's longstanding policy was to conduct background checks only on the sponsor, and not on any other adult listed as living in the sponsor's home or on the person designated as the "backup" sponsor. And if that check turned up a criminal history, HHS policy was that no criminal conviction could disqualify a sponsor, no matter how serious. Effective January 25, 2016, HHS has strengthened its background check policies.
- HHS does not adequately conduct home studies. Home studies are universally performed in foster care placements, but HHS commonly places children with sponsors without ever meeting that sponsor in person or setting eyes on the home in which the child will be placed. The agency performed home studies in less than 4.3 percent of cases from 2013 through 2015. No home studies were conducted in the Marion cases.
- After a child's release to a sponsor, HHS allows sponsors to refuse post-release services offered to the child—and even to bar contact between the child and an HHS care provider attempting to provide those services. That policy caused HHS to miss a potential opportunity to uncover the crime perpetrated in the Marion cases when one of the victim's sponsors refused to permit access to the child.
- Many UACs fail to appear at immigration proceedings. Ensuring the UAC's appearance at immigration proceedings is a principal task of a UAC's sponsor, and failure to appear at an immigration hearing can have significant adverse consequences for an alien child. Based on Department of Justice data, 40 percent of completed UAC immigration cases over an eighteen-month period resulted in an in absentia removal order based on the UAC's failure to appear.

These deficiencies in HHS's policies expose UACs to an unacceptable risk of trafficking and other forms of abuse at the hands of their government-approved sponsors. Beyond the Marion case files, the Subcommittee identified and reviewed thirteen other cases involving post-placement trafficking of UACs and fifteen additional cases with serious trafficking indicators. The Subcommittee was unable to say, however, with any certainty how many more UACs placed by HHS have been victims of trafficking or other abuses, in part because HHS maintains no regularized means of tracking such cases.

D. Failure of the Affordable Care Act Health Insurance CO-OPs, March 10, 2016 (Report Prepared by the Majority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on March 10, 2016)

In March 2016, the Majority Staff of the Subcommittee released its fourth report of the 114th Congress. This 63-page report examined the failures of the twelve Consumer Operated and Oriented Plan Program (CO-OP Program) created under the Patient Protection and Affordable Care Act (ACA).

The report detailed that under the CO-OP Program, the Department of Health and Human Services (HHS) distributed loans to consumer-governed, nonprofit health insurance issuers. HHS ultimately received \$2.4 billion of taxpayer money to fund 23 CO-OPs that participated in the program. Twelve of those twenty-three CO-OPs failed at the time of the Subcommittee's hearing, leaving 740,000 people in fourteen states searching for new coverage and leaving the taxpayer little hope of recovering the \$1.2 billion in loans HHS disbursed to those failed insurance businesses.

The Subcommittee completed an investigation of that failure and whether HHS exercised good stewardship of public money when it poured billions of dollars into these insurance startups. The Subcommittee's investigation revealed that it did not. HHS was alerted to weaknesses in the failed CO-OPs' business plans and financial forecasts before it approved their initial loans; failed to use major accountability and oversight tools available to it throughout 2014 even though it knew of the CO-OPs' severe financial distress; continued to disburse loans to failing CO-OPs despite warning signs; and allowed CO-OPs to continue to book risk corridor payments as assets despite credible warnings that those payments would not materialize. Some of the report's key findings are summarized below.

First, HHS approved the failed CO-OPs despite receiving specific warnings from a third-party analyst about weaknesses in their business plans. Before it approved the now-failed CO-OPs, HHS retained Deloitte Consulting LLP to evaluate the CO-OPs' loan applications and business plans. Deloitte's analysis, reviewed by the Subcommittee, notified HHS of several significant weaknesses in the CO-OPs' business proposals. Those weaknesses included:

- **Defective Enrollment Strategies.** Deloitte identified serious problems in the enrollment strategy of seven of the twelve failed CO-OPs. Those problems ranged from inadequate actuarial analysis, to unsupported assumptions about sustainable premiums, to a lack of demonstrated understanding of the health demographics of the COOP's target population.
- **Budgetary and Financial Planning Problems.** Deloitte's reports reveal that the proposed budgets of ten of the twelve failed CO-OPs were incomplete, and Deloitte thought that many were unreasonable, not cost-effective, or not aligned with the CO-OP's own financial projections. Deloitte also expressed skepticism about the risk-taking and unreasonable assumptions reflected in some of the CO-OPs' financial projections. The firm warned that Colorado, Utah, and Louisiana all relied on unreasonable projections of their own

growth. It cautioned that it could not trace the assumptions underlying the budgets of the Nevada, Tennessee, and Kentucky CO-OPs to their actual business plans. And, perhaps tongue-in-cheek, it observed that Iowa and Nebraska's CO-OP, CoOpportunity, had a target profit "much lower than the industry benchmark" of 4.8 percent: CoOpportunity's stated target profit margin was zero.

- Management Weaknesses. HHS required the CO-OP applicants to identify their management teams, including the qualifications and experience of its leadership. In Deloitte's reports to HHS, the firm identified some leadership concerns for all of the twelve failed CO-OPs. Several prospective CO-OPs had not even identified their senior leadership team, and others had executives for whom background checks turned up red flags.

Despite these identified weaknesses, Deloitte gave each CO-OP a "passing" score based on a grading scale set by HHS, and HHS approved the loans in spite of the warning signs.

Second, even though HHS was aware of serious financial distress suffered by the CO-OPs in 2014, it failed to take any corrective action or enhance oversight for more than a year. The CO-OP loan agreements armed HHS with significant accountability tools for borrowers who were missing the mark, but here HHS took a pass. Inexplicably, for over a year, the agency took no corrective action, nor did it put any CO-OP on enhanced oversight. Five of the twelve failed CO-OPs were never subject to corrective action by HHS, and HHS waited until September 2015 to put five others on corrective action or enhanced oversight. Two months later, all twelve CO-OPs had failed.

That failure to take action is difficult to understand. Throughout 2014 and 2015, HHS regularly received key financial information from the CO-OPs, including monthly reports on enrollment and financial data sufficient to calculate net income, along with audited quarterly financial statements. Those reports showed that the failed CO-OPs experienced severe financial losses that quickly exceeded even the worst-case loss projections they had provided to HHS as part of the business plans in their loan applications. Cumulatively, by the end of 2014, the failed CO-OPs exceeded their projected worst-case-scenario losses by at least \$263.7 million-four times greater than the expected amount. The CO-OPs' enrollment numbers were similarly alarming. According to the 2014 reports they submitted to HHS, five of the failed CO-OPs dramatically underperformed enrollment expectations (leading to insufficient income for premiums), while five others overshot their enrollment projections (which also causes losses due to underpriced premiums). HHS was aware of these problems in early 2014, but took no corrective action and continued to disburse loans to the distressed CO-OPs.

Third, despite serious financial warning signs, HHS did not withhold any loan disbursements from the now-failed CO-OPs-and in many cases accelerated planned disbursements. Instead, over the course of 2014 to 2015, HHS disbursed \$848 million in taxpayer dollars to the failed CO-OPs, even as those entities lost more than

\$1.4 billion. For every dollar that HHS sent them over this period, the failed CO-OPs lost about \$1.65.

Fourth, HHS approved additional solvency loans for three of the failed CO-OPs in danger of being shut down by state regulators, despite obvious warning signs that those CO-OPs will not be able to repay the taxpayer. State regulators require health insurers to maintain a certain amount of capital reserve-called the “risk-based capital” requirement. HHS made solvency loans available to the CO-OPs at risk of failing to meet these requirements, and to date has issued additional solvency loans to six CO-OPs, for a total of \$352 million. As with CO-OPs’ initial loan applications, Deloitte completed the external assessment for these additional solvency loans. But according to Deloitte, HHS required a truncated analysis of the applications. For example, Deloitte did not even evaluate the “the likelihood that each CO-OP would achieve sustainable operations based on the revised business plan.”

Fifth, HHS looked on as the CO-OPs booked, as assets, massive uncertain payments from the ACA’s risk corridor program. That program requires profitable insurers to pay into a government fund to compensate insurers suffering a loss. Because it is intended to be budget-neutral, however, if there are not enough payments into the fund, insurers with losses have no source of risk corridor income. By October 2014, a research arm of Citibank had publicly warned that HHS would not collect “nearly enough” from profitable insurers to cover risk corridor payments to the unprofitable. And Deloitte specifically cautioned HHS that the struggling CO-OPs were relying heavily on uncertain risk corridor payments to prop up their financial forecasts. But HHS continued to predict, as recently as July 2015, that “risk corridor collections will be sufficient to pay for all risk corridor payments.” In reality, HHS was able to pay only 12.6 cents on the dollar. That shortfall further destabilized the CO-OPs.

Sixth, the heavy costs of failed CO-OPs will be borne by taxpayers, doctors, patients, and other insurers. None of the failed CO-OPs have repaid a single dollar of principal or interest of the \$1.2 billion in federal solvency and start-up loans they received. The Subcommittee’s investigation suggests no significant share of those loans ever will be repaid based on the latest balance sheets the Subcommittee obtained. In the aggregate, the failed CO-OPs’ non-loan liabilities exceed \$1.13 billion-which is 93 percent greater than their reported assets. All twelve failed CO-OPs told PSI they had no “planned payments” on any of their CO-OP loans. And when the Subcommittee asked HHS for its projections or assessment of the prospects for repayment, the Department could not provide any.

E. Some Cable and Satellite Companies Do Not Refund Customer Overcharges, June 23, 2016 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee’s hearing on June 23, 2016)

In June 2016, after a thirteen-month investigation, the Subcommittee released a bipartisan report addressing how five multi-channel video programming distributors (MVPDs)-Charter Commu-

nications, Comcast, Time Warner Cable, DirecTV, and Dish-identify and correct overcharges caused by company billing errors.

The report detailed how each MVPD has millions of subscribers and generates millions of bills annually. Each bill, in turn, contains a number of line items (e.g., a base television package, an HBO subscription, a leasing fee for a set-top box), resulting in hundreds of millions of line items a year. Predictably, customer billing records do not always match customer equipment and service records, meaning that some customers are billed for items they have not ordered while others erroneously escape being charged for services or equipment they use.

The Subcommittee reviewed how the MVPDs investigate and remedy these billing errors, with particular focus on their efforts to make overcharged customers whole. The Subcommittee found that the MVPDs vary greatly with respect to how they handle billing overcharges.

First, throughout the time period examined by the Subcommittee, Time Warner Cable and Charter made no effort to trace equipment overcharges to their origin unless customers specifically asked them to and did not provide notice or refunds to customers.

Second, other MVPDs have invested effort and resources to prevent overcharges and provide refunds or credits to customers who have overpaid. Comcast and DirecTV provide automatic refunds or credits to overcharged customers, while Dish's billing system is designed to prevent these types of overcharges from occurring in the first place.

Third, based on data provided by Time Warner Cable and Charter, the Subcommittee estimated how much Time Warner Cable and Charter have overbilled customers nationwide.

- Between January and April 2016, Time Warner Cable overbilled customers nationwide an estimated \$639,948. The Subcommittee projects that, in 2016, Time Warner Cable will overbill customers nationwide a total of \$1,919,844.
- Charter has not yet completed the underlying work necessary to determine how much it has overbilled customers. But it has informed the Subcommittee that it overbilled customers by at least \$442,691 per month.

Fourth, the Subcommittee obtained information about the number of customers overcharged in Ohio and Missouri. Time Warner Cable estimates that, in 2015, it overbilled 40,193 Ohio customers a total of \$430,393 and 4,232 Missouri customers a total of \$44,152. Time Warner Cable also told the Subcommittee that, during the first five months of 2016, it overbilled customers in Ohio for 11,049 pieces of equipment, totaling \$108,221. Charter estimates that it has annually overcharged approximately 5,897 Missouri customers a total of \$494,000 each year. Charter does not provide service in Ohio.

Fifth, as a result of this investigation, both Time Warner Cable and Charter have taken steps to address these issues. Each month, Time Warner Cable performs an audit comparing its billing records with service records. Going forward, the company will provide an automatic one-month credit to anyone who is identified in the audit as having been overcharged. Time Warner Cable will not, however,

investigate when it began overcharging customers unless customers bring specific concerns to the company's attention, nor will it provide a full refund dating back to when the overcharge began. Similarly, Charter will provide customers with a one-year credit for any equipment overcharges. Charter has also implemented systemic controls that it says will prevent equipment overcharges in the future.

F. Inside the Box: Customer Service and Billing Practices in the Cable and Satellite Industry, June 23, 2016 (Report Prepared by the Minority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on June 23, 2016)

In June 2016, the Minority Staff of the Subcommittee released a 62-page report under the guidance of Ranking Member McCaskill as part of the investigation of MVPDs and the corresponding hearing. The report focused on the same five MVPDs as the joint Subcommittee report—Charter Communications, Comcast, Time Warner Cable, DirecTV, and Dish. The report reviewed four of the most frequent areas of complaint related to billing for new and current subscribers: (1) the initial pricing, (2) expiring promotions, (3) additional fees and changes, and (4) price increases. This report also reviewed the adequacy of the cable and satellite providers' efforts to explain their billing practices to customers.

Beyond pricing, customer service remained a problem for the cable and satellite industry. The investigation found that customers faced difficulties getting their problem resolved by their cable or satellite provider. In December 2015, for instance, 40 percent of a sample of customers who called Comcast with a billing problem were unable to resolve it on the first call. In addition, when customers called about a problem, they had to listen to sales tactics. For example, when Time Warner Cable customers called to ask about price hikes, the company labeled it as an "opportunity" to upsell them, and advised agents, "[t]he price adjustment brings with it an opportunity to upsell customers."

Finally, when customers decided that they wanted to cancel their service, they faced difficulties in doing so. Rather than simply disconnecting the service online, customers must either visit a retail store or call and speak to a company's "retention" agent. As stated in a Time Warner Cable training document, the goal of the retention agent was to do the opposite of what the customer is calling for: "If the customer is calling into cancel, your goal is to not cancel the services! And if the customer wants to lower the bill, you're going to try to avoid that, and perhaps even raise the bill!" All of the companies in this review trained their retention agents to follow a similar process, which included: (1) asking probing questions to determine how customers use their service and why they want to cancel; (2) proposing "solutions" to address the customers' stated reasons for canceling their service; and (3) overcoming objections from customers who do not want to answer questions, or who do not accept the proposed solution.

Cable and satellite providers trained their retention agents to continue the probing process after customers have indicated they do not want to answer questions and simply want to disconnect

their service. For example, Time Warner Cable, DirecTV, and Dish had their agents practice overcoming objections from customers like, “Please disconnect me today. I don’t want to go into detail,” and “Just cancel the service.” Prolonging the process, retention agents made repeated offers to keep customers. After meeting with the Subcommittee, Comcast stressed to its retention agents that its policy allowed them to stop trying to “save” the customer if the customer refused or became upset by a retention agent’s request to ask the customer questions about their decision to disconnect.

Customers attempting to save money by downgrading or dropping a service from their package were often routed to the same retention agents. Cable and satellite providers trained their retention agents to minimize downgrades and the associated loss of revenue by following a step-down process in which the offers made to the customer progress in a stair step fashion, with the offer that has the greatest financial impact on the provider made last.

Throughout the investigation, the Subcommittee conducted dozens of interviews with company customer service and retention representatives; local and federal regulators, including the Federal Trade Commission and the Federal Communications Commission; consumer advocacy groups; local regulatory officials from across the country; and the National Association of Telecommunications Officers and Advisors. Additionally, the Subcommittee received more than 93,000 documents from the MVPDs as part of the investigation.

As a result of the investigation and report, cable and satellite providers acknowledged the need to improve their customer service and provided information to the Subcommittee regarding their efforts to identify and address customer pain points and improve the customer experience.

G. Review of the U.S. State Department Grants to OneVoice, July 12, 2016 (Report Prepared by the Majority and Minority Staff of the Permanent Subcommittee on Investigations and released on July 12, 2016)

In July 2016, the Subcommittee released a report at the conclusion of an investigation initiated in February 2015 concerning the connection, if any, between the U.S. Department of State’s grant funds to OneVoice and an effort to unseat Prime Minister Benjamin Netanyahu.

On December 2, 2014, at the urging of Prime Minister Benjamin Netanyahu, the Israeli Knesset voted to schedule new national parliamentary elections for March 2015. The report detailed how within weeks of that announcement, an international organization known as the OneVoice Movement absorbed and funded an Israeli group named Victory15 or “V15” and launched a multimillion-dollar grassroots campaign in Israel. The campaign’s goal was to elect “anybody but Bibi [Netanyahu]” by mobilizing center-left voters. The Israeli and Palestinian arms of OneVoice, OneVoice Israel (OVI), and OneVoice Palestine (OVP), received more than \$300,000 in grants from the U.S. State Department to support peace negotiations between Israel and Palestine over a fourteen-month grant period ending in November 2014. The Subcommittee concluded:

- OneVoice Israel fully complied with the terms of its State Department grants. OneVoice designed and executed a grassroots and media campaign to promote public support for Israeli-Palestinian peace negotiations for the Department, as it said it would. Under the grant, OneVoice expanded its social media presence, built a larger voter database, and hired an American political consulting firm to train its activists and executives in grassroots organizing methods in support of the Israeli-Palestinian peace process.
- The Subcommittee found no evidence that OneVoice spent grant funds to influence the 2015 Israeli elections. Soon after the grant period ended, however, OneVoice used the campaign infrastructure and resources built, in part, with State Department grants funds to support V15. In service of V15, OneVoice deployed its social media platform, which more than doubled during the State Department grant period; used its database of voter contact information, including email addresses, which OVI expanded during the grant period; and enlisted its network of trained activists, many of whom were recruited or trained under the grant, to support and recruit for V15. This pivot to electoral politics was consistent with a strategic plan developed by OneVoice leadership and emailed to State Department officials during the grant period. The State Department diplomat who received the plan told the Subcommittee that he never reviewed it.
- OneVoice's use of government-funded resources for political purposes was not prohibited by the grant agreement because the State Department placed no limitations on the post-grant use of those resources. Despite OneVoice's previous political activism in the 2013 Israeli election, the Department failed to take any steps to guard against the risk that OneVoice could engage in political activities using State-funded grassroots campaign infrastructure after the grant period.

H. Combatting the Opioid Epidemic: A Review of Anti-Abuse Efforts in Medicare and Private Health Insurance Systems, October 4, 2016 (Report Prepared by the Majority and Minority Staffs of the Permanent Subcommittee on Investigations and released on October 4, 2016)

In October 2016, the Subcommittee released a bipartisan report focused on the significant role that the Centers for Medicare and Medicaid Services (CMS) and private health insurers play in detecting, reporting, and addressing opioid abuse.

The report detailed how the abuse of opioid drugs became a national health crisis. Sixty percent of the record 47,000 drug overdose deaths in 2014 were attributable to prescription opioids or heroin. Approximately 19,000 of those deaths were due to prescription opioids. Combatting this public health emergency requires a collaborative effort by treatment centers, the health care community, and law enforcement. Those integrated efforts have been the subject of many congressional hearings.

The Subcommittee focused on the significant role that CMS and private health insurers play in detecting, reporting, and addressing opioid abuse. Specifically, the Subcommittee examined the efforts

undertaken by CMS and its main program integrity contractor, the Medicare Drug Integrity Contractor (MEDIC), to address opioid related fraud and abuse in Medicare Part D-the federal prescription drug coverage program serving nearly thirty-five million senior citizens and seven million Social Security disability benefit recipients. In addition, the Subcommittee examined the anti-opioid abuse efforts of six of the nation's largest health insurance companies-both in their commercial insurance business and in their role as Medicare Part D plan sponsors.

CMS took steps to reduce opioid overutilization in Medicare Part D. In July 2013, CMS adopted an opioid overutilization policy that encompasses a medication safety approach by which plan sponsors are "expected to reduce beneficiary overutilization of opioids." CMS requires that Part D plan sponsors maintain systems, policies, and procedures to review the dispensation of opioids in real time and also requires plan sponsors to develop and maintain retrospective utilization review programs for their Part D business.

The Subcommittee's findings were as follows:

First, CMS's program integrity efforts suffer from a lack of clear standards governing when plan sponsors should report cases of waste, fraud, and abuse, including abuse of opioids. The agency has provided only generalized instructions to plan sponsors, calling for reports of "pattern[s] of fraud or abuse threatening the life or well-being of beneficiaries" or "schemes with large financial risk" with no definitions of these terms or specific thresholds. The MEDIC has not elaborated on these standards by providing further written guidance to sponsors. Indeed, there are no opioid-specific MEDIC reporting standards of any kind.

Second, as a result of this lack of guidance, plan sponsors take an ad hoc, case-by-case approach to MEDIC reporting. Their reporting rates reflect that. The annual rates of waste, fraud, and abuse reporting among the insurers reviewed ranged from 1 report for every 2,845 Part D beneficiaries to 1 report for every 71,000 Part D beneficiaries.

Third, even when an opioid-related abuse case is reported to the MEDIC, there are no written standards governing when the MEDIC should open an investigation or refer the case to law-enforcement authorities. CMS has broadly tasked the MEDIC with "review[ing] and triag[ing]" waste, fraud, and abuse complaints in search of "compliance violations," but the agency has left the standard for triaging to the MEDIC's discretion. The MEDIC, in turn, informed the Subcommittee that its standards for opening an investigation and making criminal or administrative referrals are all "unwritten."

Fourth, the MEDIC investigated only 7 percent of all "actionable" waste, fraud, and abuse complaints from plan sponsors. That rate is also declining. Between 2013 and 2015, even as the number of complaints from sponsors increased significantly, the MEDIC's investigations of actionable complaints fell by 50 percent. More broadly, the MEDIC's total number of investigations-generated both by plan sponsors' complaints and by other leads-has been steadily declining since 2008.

Fifth, a multimillion-dollar database created at CMS's direction to detect opioid abuse schemes across insurers remains relatively

unused by plan sponsors. The Predictive Learning Analytics Tracking Outcome (PLATO) database was designed to uncover prescription drug fraud schemes, including opioid diversion, by enabling data sharing among plan sponsors. But plan sponsors use PLATO sparingly, if at all, in their anti-abuse efforts, faulting limitations of the database.

Sixth, insurers' use of lock-ins, an important anti-opioid abuse intervention, varies widely-suggesting this tool may be underutilized. Humana made negligible use of the restriction, as it locked in only eleven patients from 2013 through 2015. By contrast, Anthem far exceeded other insurers in terms of patient lock-ins, restricting 20,956 Medicaid beneficiaries between 2013 and 2015.²

Seventh, insurers' use of beneficiary-level opioid point-of-sale edits, another significant anti-opioid intervention, also varies widely. For example, Kaiser applied only two such beneficiary-level edits in 2015 and four in 2016 in its Medicare business. UnitedHealth has applied the largest number of opioid-specific beneficiary-level point-of-sale edits in its Medicare business, applying 26 edits in 2013, 76 in 2014, and 175 in 2016.



²Although patient lock-in is permissible in certain state-specific Medicaid programs, the practice was prohibited in Medicare Part D until the passage of the Comprehensive Addiction and Recovery Act of 2016, Pub. L. No. 114–298, Section 704(g).