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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 SEVENTEENTH CONGRESS



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ACTIVITIES OF THE COMMITTEE ON HOMELAND
SECURITY AND GOVERNMENTAL AFFAIRS
DURING THE 117TH CONGRESS

MARCH 1, 2023—Ordered to be printed

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

R E P O R T

This report reviews the legislative and oversight activities of the Committee on Homeland Security and Governmental Affairs and its Subcommittees during the 117th 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 Gary C. Peters was Chairman of the Committee during the 117th Congress; Senator Rob Portman was the Ranking Member.

Major activities of the Committee during the 117th Congress included oversight and legislation involving the U.S. Postal Service, cybersecurity, terrorism, government efficiency and the use of taxpayer dollars, federal disaster response, reforms to the Department of Homeland Security (DHS), per- and polyfluoroalkyl substances (PFAS), the Census, border security, artificial intelligence, and District of Columbia statehood. 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

During the 117th Congress, Chairman Gary C. Peters and Ranking Member Rob Portman led the Committee to collaboratively address longstanding challenges to the nation’s security, as well as strengthen government’s effectiveness. Over the last two years, as the nation began to emerge from the challenges of the COVID–19 pandemic, communities across the country continued to face evolv-

ing threats to their safety and security, and continued to rely on the federal government to efficiently administer critical programs and services. During this time, the country also witnessed lethal domestic terrorist attacks, disruptive cyber-attacks, and increasingly severe natural disasters—all while continuing to grapple with the aftermath of a public health crisis that has taken the lives of more than one million Americans.

Under Chairman Peters' leadership, the Committee authored and enacted historic bipartisan legislation to strengthen our national security and passed long overdue reforms to ensure that the federal government can effectively serve the American people for years to come.

To ensure our nation is better prepared to address emerging homeland security threats, the Committee examined current and rapidly evolving potential threats, including bioterrorism, cyber-attacks, terrorism and natural disasters. The Committee led oversight efforts and enacted bipartisan laws to protect critical infrastructure from persistent and complex cyber-attacks, harden our defenses against the rising threat of white supremacist and anti-government violence, and improve the federal response to disasters and emergencies, including public health emergencies.

The Committee also led efforts to improve government accountability and ensure federal agencies are effectively serving the American people. Notably, Chairman Peters worked with Ranking Member Portman and other leaders in the House and the Senate to author and enact historic bipartisan legislation to ensure the long-term stability of the United States Postal Service. The Committee also prioritized strengthening protections for Inspectors General, increasing transparency in government, ensuring effective use of taxpayer dollars, and supporting the federal workforce in their mission to serve Americans across the country. These efforts included enacting new laws that reduce the government's energy costs and ensure that federal contractors are working in the best interest of the American people, and not outside interests.

Finally, Chairman Peters utilized the Committee's role as the Senate's chief oversight body to issue four comprehensive investigative reports. This included the first bipartisan investigation into the security failures related to the January 6th attack on the U.S. Capitol, an investigative report detailing failures by national security agencies and major social media companies to address the growing domestic terrorism threat, and an investigation that identified significant failures in the federal government's preparedness and initial response to the COVID-19 pandemic.

During the 117th Congress, the Committee held 64 hearings and roundtables to identify, discuss, and assess bipartisan solutions to address national security threats and improve government operations. The Committee also advanced 143 bills and 38 post office naming bills to the Senate floor. Chairman Peters authored and introduced 50 of those bills. In total, the Committee helped enact 79 pieces of standalone legislation into law, including 18 authored by Chairman Peters, and helped secure a number of critical provisions as a part of larger government funding bills and historic legislation, including the *Infrastructure Investment and Jobs Act*, the *Inflation Reduction Act*, and the *American Rescue Plan Act*. The Committee also helped confirm 46 of President Biden's nominees to lead

the federal government and implement the Administration’s priorities. Under Chairman Peters’ leadership, the Committee showed that by working on a bipartisan basis, we can come together to solve significant problems, protect our national security and ensure the federal government is operating efficiently and effectively.

A. SUPPORTING THE POSTAL SERVICE

Millions of people across the country, including veterans, seniors, and small business owners, rely on the United States Postal Service. This essential and trusted public institution delivers critical supplies like medications and financial documents to every address across the nation. However, despite its importance, Congress had not passed significant reforms to the Postal Service in more than a decade—and burdensome financial requirements for the Postal Service threatened its long-term stability and ability to provide reliable service. During the 117th Congress, Chairman Peters and Ranking Member Portman led the Committee to pass historic reforms to support the Postal Service and confirmed effective leadership for this essential institution.

As Ranking Member of the Committee during the 116th Congress, Senator Peters led oversight efforts of Postal Service operations to shed a light on how unfair policies forced this treasured institution to make changes that impacted delivery service and caused significant delivery delays for medication, financial documents, and other critical mail.¹ As Chairman during the 117th Congress, Senator Peters worked together with Ranking Member Portman, Senator Tom Carper, and other Committee Members to build on these efforts and help the Postal Service overcome unnecessary financial burdens. On May 19, 2022, Chairman Peters and Ranking Member Portman introduced the *Postal Service Reform Act*.² For nearly a year, Chairman Peters worked hand-in-hand with Committee Members, Senate Leadership, and the leaders of the House Committee on Oversight and Reform to secure significant bipartisan support for the legislation. As a result, the House passed their companion bill³ with 342 votes on February 8, 2022, the Senate passed the bill with 79 votes on March 8, 2022, and President Biden signed the bill into law on April 6, 2022.⁴

The law eliminates a requirement for the Postal Service to pre-fund every employee’s retirement benefits and integrate postal worker retirees’ health care with Medicare. Together, these two reforms will create more than \$49 billion in savings for the Postal Service. The new law also ensures greater transparency from the Postal Service about their delivery performance and requires the institution to continue delivering six days a week. The new law is a notable example of how the Committee has worked together and set aside partisanship to enact meaningful reforms that will immensely benefit the American people for generations to come.

In addition to passing these historic reforms, Chairman Peters and the Committee also worked to provide the Postal Service with

¹Minority Staff Report, Senate Committee on Homeland Security and Governmental Affairs, *Failure to Deliver: Harm Caused by U.S. Postmaster General DeJoy’s Changes to Postal Service Mail Delivery*, (September 16, 2020).

²S. 1720 (117th Cong.).

³H.R. 3076 (117th Cong.). Became Public Law No: 117–108.

⁴Public Law No: 117–108.

leadership that will support its dedicated workforce, focus on reliable mail delivery, and maintain the Postal Service’s public service mission to deliver to every community. This Congress, the Committee worked on a bipartisan basis to confirm President Biden’s nominees, Derek Kan and Daniel Tangherlini, to serve on the Postal Service Board of Governors.⁵ During their confirmation process, both nominees demonstrated their commitment to the Postal Service’s mission and were confirmed by the full Senate unanimously.

Finally, Chairman Peters led the Committee to press the Postal Service to acquire more electric vehicles that will help reduce the cost of operating their fleet in the long run. On February 26, 2022, Chairman Peters sent a letter to Postal Service leadership urging them to prioritize the acquisition of electric vehicles to ensure the fleet is modern, safe and sustainable for the Postal Service and for our environment.⁶ The Chairman also convened a Committee briefing in April with the Postal Service on efforts to modernize their aging delivery vehicle fleet—including by acquiring electric vehicles and prioritizing union-made vehicles.⁷ These efforts resulted in an announcement from the Postal Service saying that they intend to expand their electric vehicle purchase order by at least fifty percent. Furthermore, as a part of the *Inflation Reduction Act*, the Committee secured \$3 billion for the Postal Service to purchase more electric vehicles. In December 2022, the Postal Service announced they would use this historic investment to invest in charging infrastructure and deploy over 66,000 electric vehicles by 2028—making a majority of new vehicle purchases electric.⁸

B. STRENGTHENING CYBERSECURITY

Cyber-attacks continue to affect the country’s national and economic security. Attacks over the past two years have demonstrated how they can compromise sensitive information and severely disrupt daily life and Americans’ livelihoods. According to the World Economic Forum, malware and ransomware attacks increased by 358 and 435 percent respectively in 2020, and “are outpacing societies’ ability to effectively prevent or respond to them”.⁹ In May 2021, criminal hackers breached the network of Colonial Pipeline, forcing the company to shut down over 5,500 miles of pipeline, leading to increased prices and gas shortages for communities across the East coast.¹⁰ In December 2020, cybersecurity firm FireEye became aware of a cyber-attack against SolarWinds that allowed foreign adversaries to access the networks of the Department of Homeland Security (DHS), the Department of Defense, and

⁵ Senate Committee on Homeland Security and Governmental Affairs, *Hearing on the Nominations of Hon. Derek T. Kan and Hon. Daniel M. Tangherlini to be Governors, U.S. Postal Service*, 117th Cong. (Mar. 31, 2022) (S. Hrg. 117–554).

⁶ Letter from Gary Peters, Chairman, Senate Committee on Homeland Security and Governmental Affairs, to Postmaster General Louis DeJoy and USPS Board of Governors (February 26, 2022).

⁷ Committee Member Briefing on U.S. Postal Service (April 7, 2022).

⁸ Press Release, Senator Gary Peters: *Peters Statement on Postal Service Announcement to Significantly Increase Electric Vehicle Fleet*, (Dec. 20, 2022).

⁹ World Economic Forum, *The Global Risks Report 2022 17th Edition* (N.D. 2022).

¹⁰ Veronica Stracqualursi, Geneva Sands and Arlette Saenz, *Cyberattack Forces Major Us Fuel Pipeline To Shut Down*, CNN (May 8, 2021 6:12 PM), <https://www.cnn.com/2021/05/08/politics/colonial-pipeline-cybersecurity-attack/index.html>

other federal agencies.¹¹ In January 2021, a reported hack of the Microsoft Exchange email service allowed cybercriminals to access the servers of state and local governments, infectious disease researchers, and businesses such as law firms and defense contractors.¹²

During the 117th Congress, the Committee convened a number of hearings and briefings with senior federal officials and cybersecurity experts to help educate members about the scope and severity of this threat. The Committee examined the impacts of the SolarWinds attack and vulnerabilities in federal networks.¹³ The Committee also convened the first Congressional hearing with the Chief Executive Officer of Colonial Pipeline to examine the significant breach of their networks.¹⁴ The Committee learned from the Administration's most senior cybersecurity officials on how lawmakers can work to help protect federal and critical infrastructure systems.¹⁵ The Committee also examined the vulnerability found in open source code known as Log4j, and how experts across the public and private sectors were working to mitigate the effects of this massive cybersecurity risk.¹⁶

To address these growing cybersecurity threats, Chairman Peters and Ranking Member Portman worked on a bipartisan basis to enact some of the most significant and historic reforms to our nation's cybersecurity policy. Chairman Peters and Ranking Member Portman wrote and enacted a provision into law that, for the first time, would require critical infrastructure owners and operators to report to the Cybersecurity and Infrastructure Security Agency (CISA) if they experience a substantial cyber-attack or if they make a ransomware payment.¹⁷ The law will help CISA provide critical infrastructure companies with the insight and resources needed to help respond to and recover from network breaches so they can continue providing essential services to the American people.¹⁸

Chairman Peters also secured a provision in the *Infrastructure Investment and Jobs Act* that created an authority for the DHS Secretary to declare a Significant Incident in the event of an ongoing or imminent cyber-attack that would impact national security,

¹¹Sara Wilson, *Solarwinds Recap: All Of The Federal Agencies Caught Up In The Orion Breach*, FedScoop (December 22, 2020), <https://fedscoop.com/solarwinds-recap-federal-agencies-caught-orion-breach/#:text=The%20SolarWinds%20hack%20has%20put,13>

¹²Clare Duffy, *Here's What We Know So Far About The Massive Microsoft Exchange Hack*, CNN (March 10, 2021 7:04 AM), <https://www.cnn.com/2021/03/10/tech/microsoft-exchange-hack-nium-hack-explainer/index.html>; Brian Krebs, *At Least 30,000 U.S. Organizations Newly Hacked Via Holes In Microsoft's Email Software*, Krebs On Security (March 5, 2021), <https://krebsonsecurity.com/2021/03/at-least-30000-u-s-organizations-newly-hacked-via-holes-in-microsofts-email-software/>

¹³Senate Homeland Security and Governmental Affairs Committee, *Hearing on Understanding and Responding to the SolarWinds Supply Chain Attack: The Federal Perspective*, 117th Cong. (Mar. 18, 2021) (S. Hrg. 117-478).

¹⁴Senate Homeland Security and Governmental Affairs Committee, *Hearing on Threats to Critical Infrastructure: Examining the Colonial Pipeline Cyber-Attack*, 117th Cong. (June 8, 2021) (S. Hrg. 117-429).

¹⁵Senate Homeland Security and Governmental Affairs Committee, *Hearing on National Cybersecurity Strategy: Protection of Federal and Critical Infrastructure Systems*, 117th Cong. (Sept. 23, 2021).

¹⁶Senate Homeland Security and Governmental Affairs Committee, *Hearing on Responding to and Learning from the Log4Shell Vulnerability*, 117th Cong. (Feb. 8, 2022).

¹⁷S. 2875, Cyber Incident Reporting Act of 2021; S. 3600, Strengthening American Cybersecurity Act of 2022. Provision enacted as part of H.R. 2471, the Consolidated Appropriations Act, 2022 (March 15, 2022).

¹⁸Press Release, Senators Gary Peters and Rob Portman: *Peters & Portman Landmark Provision Requiring Critical Infrastructure to Report Cyber-Attacks Signed into Law as Part of Funding Bill*, (Mar. 15, 2022).

economic security, or government operations.¹⁹ This declaration empowers CISA to coordinate federal and non-federal response efforts, and gives the DHS Secretary access to a \$100 million Cyber Response and Recovery Fund that would help support federal and non-federal entities impacted by the event.²⁰ As a part of the infrastructure law, Chairman Peters also secured a provision that requires the Environmental Protection Agency and CISA to identify public water systems that, if degraded or rendered inoperable due to a cyber-attack, would lead to significant impacts on the health and safety of the public.²¹

The Committee also worked to help state and local governments, who are frequent targets of ransomware, protect their networks. In 2020, cybercriminals targeted at least 2,350 government entities with ransomware attacks, including nearly 1,700 educational institutions and 560 healthcare facilities.²² These attacks can cost significant taxpayer dollars and compromise sensitive personal information such as Social Security numbers and credit card numbers. As a part of the *Infrastructure Investment and Jobs Act*, Chairman Peters, Ranking Member Portman, and Senator Maggie Hassan secured \$1 billion over four years to fund the new State and Local Cybersecurity Grant program, managed by CISA and the Federal Emergency Management Agency (FEMA), to support efforts by state, local, Tribal, and territorial governments secure their networks, assess their cybersecurity vulnerabilities, and build up their cybersecurity workforce.²³ The Committee approved the *State and Local Government Cybersecurity Act*, which was enacted in 2022.²⁴ The law, written by Chairman Peters and Ranking Member Portman, will promote stronger cybersecurity coordination between DHS and state and local governments.²⁵

K–12 schools also face increased cyber-attacks that can disrupt classes and compromise the sensitive information of students, educators and school staff. To combat this significant threat, the Committee approved a bipartisan bill written by Chairman Peters and Senator Rick Scott that directed CISA to work with teachers, school administrators, other federal departments and private sector organizations to better understand cybersecurity risks specific to K–12 educational institutions, which was later enacted.²⁶

The Committee also approved legislation authored by Chairman Peters, as well as Senators John Hoeven, Jacky Rosen, and Maggie Hassan, that created a civilian personnel rotation program for cybersecurity professionals at federal agencies, which was later en-

¹⁹ S. 1316, Cyber Response and Recovery Act of 2012. Provision enacted as part of H.R. 3684, Infrastructure Investment and Jobs Act (Nov. 15, 2021).

²⁰ Press Release, Senator Gary Peters: *Peters Provisions to Strengthen Cybersecurity Signed Into Law as Part of Bipartisan Infrastructure Bill*, (Nov. 15, 2021).

²¹ *Ibid.*

²² Emisoft Malware Lab, *The State of Ransomware in the US: Report and Statistics 2020*, Emisoft (blog) (Jan. 18, 2021) (<https://blog.emisoft.com/en/37314/the-state-of-ransomware-in-the-us-report-and-statistics-2020/>).

²³ Press Release, Senator Gary Peters: *Peters Provisions to Strengthen Cybersecurity Signed Into Law as Part of Bipartisan Infrastructure Bill*, (Nov. 15, 2021).

²⁴ S. 2520, (117th Cong.), Became Public Law No: 117–150.

²⁵ Press Release, Senator Gary Peters: *Three Peters Bills to Strengthen State and Local Cybersecurity, Bolster Cyber Workforce, and Secure Federal Supply Chains Signed Into Law*, (June 22, 2022).

²⁶ S. 1917 (117th Cong.), Became Public Law No: 117–47; Press Release, Senators Gary Peters and Rick Scott, and Representative Jim Langevin: *Peters, Scott, and Langevin Bipartisan Bill to Help Protect K–12 School Systems from Cyber-Attacks Signed Into Law*, (Oct. 8, 2021).

acted.²⁷ The law will help the federal government attract and retain a highly skilled cybersecurity workforce that will enhance our nation's ability to fight back against cybersecurity threats from foreign adversaries and criminal hackers.

Federal agencies store sensitive information and manage supply chains that are critical to our national security. As demonstrated by the SolarWinds and Microsoft Exchange attacks, federal networks are vulnerable to network breaches. The Committee approved a bill written by Chairman Peters and Senators Ron Johnson and Maggie Hassan, which was later enacted, that required the creation of a standardized training program to help federal employees responsible for purchasing services and equipment identify whether those products could compromise the federal government's information security and supply chains.²⁸ The Committee also approved and the Senate unanimously passed legislation written by Chairman Peters and Ranking Member Portman to require civilian federal agencies to report to CISA if they experience a substantial cyber-attack.²⁹ The Committee also approved and the Senate unanimously passed bipartisan legislation authored by Chairman Peters and Ranking Member Portman to reauthorize the Federal Risk and Authorization Management Program (FedRAMP) and ensure federal agencies can quickly and securely adopt cloud-based technologies that improve government operations and efficiency.³⁰ This legislation was enacted as part of the *James M. Inhofe National Defense Authorization Act for Fiscal Year 2023*.³¹

In addition to passing legislation, the Committee led the confirmation of several of President Biden's nominees to lead federal cybersecurity efforts, including CISA Director Jen Easterly and the first National Cyber Director, Chris Inglis. Since being confirmed, these officials have worked hand in hand with Chairman Peters and the Committee to significantly strengthen our nation's cybersecurity defenses.

RANSOMWARE INVESTIGATION AND REPORT

On May 24, 2022, Chairman Peters released a Majority staff report detailing the results of his investigation into the role cryptocurrencies play in emboldening and incentivizing cybercriminals to commit ransomware attacks. The report found that the federal government lacks sufficient data and information on ransomware attacks and their use of cryptocurrency. The report's findings highlighted the importance of quickly implementing Peters' landmark law to require critical infrastructure owners and operators to report to CISA within 24 hours if they make a ransomware payment and within 72 hours if they experience a sub-

²⁷ S. 1097 (117th Cong.), Became Public Law No: 117-149; Press Release, Senators Gary Peters, John Hoeven, Jacky Rosen: *Peters, Hoeven & Rosen Bipartisan Legislation to Strengthen Federal Cybersecurity Workforce Signed into Law*, (June 22, 2022).

²⁸ S. 2201, Supply Chain Security Training Act of 2021, (117th Cong.). Became Public Law No: 117-145. Press Release, Senator Gary Peters, *Three Peters Bills to Strengthen State and Local Cybersecurity, Bolster Cyber Workforce, and Secure Federal Supply Chains Signed into Law*, (June 22, 2022).

²⁹ S. 2902, Federal Information Security Modernization Act of 2021 (117th Cong.). Passed the Senate as part of S. 3600, Strengthening American Cybersecurity Act of 2022 (117th Cong.).

³⁰ S. 3099, Federal Secure Cloud Improvement and Jobs Act of 2021 (117th Cong.). Passed the Senate as part of S.3600, Strengthening American Cybersecurity Act of 2022. Press Release, Senators Gary Peters and Rob Portman: *Senate Passes Peters, Portman Landmark Legislative Package to Strengthen Public and Private Sector Cybersecurity* (Mar. 2, 2022).

³¹ H.R. 7776, (117th Cong.). Became Public Law No: 117-263.

stantial cybersecurity incident. Once fully implemented, the law will ensure the federal government is receiving much needed information on ransomware attacks that will help protect critical infrastructure and hold attackers accountable.³²

C. COMBATING TERRORISM

More than two decades after the September 11, 2001 terrorist attacks, the terrorism threat landscape for our nation has evolved. While foreign terrorism remains a persistent threat, national security experts have testified to the Committee that the greatest threat to American communities is domestic terrorism, specifically attacks fueled by white supremacist and anti-government ideologies.³³ Over the past two years, the nation witnessed multiple horrific attacks rooted in these and related ideologies that have taken dozens of lives. On January 6, 2021, the world witnessed a violent and unprecedented insurrection at the U.S. Capitol—an attack on nation and our democratic process. Other attacks were racially and religiously targeted, including attacks on houses of worship and a deadly attack inspired by the racist and antisemitic “Great Replacement Theory” that targeted the Black community in Buffalo, New York. During the 117th Congress, the Committee focused on ensuring the federal government is better prepared to address the rapidly evolving threat posed by domestic terrorism and protect the American people from these attacks.

The Committee convened numerous hearings and briefings with federal officials and independent experts that focused on the threat of domestic violent extremism, including white supremacist and anti-government violence. The Committee heard from experts representing faith-based, civil rights, and academic and policy research organizations on how attacks, that are motivated in part by hateful, racist ideologies, are causing communities across the country to live in fear.³⁴ Following attacks like the one targeting the Black community in Buffalo, the Committee convened a hearing to hear from experts about the threat posed by white supremacist extremism and racist ideologies like the “Great Replacement Theory.”³⁵ During that hearing, Chairman Peters and the witnesses also discussed how highly influential individuals continue to use broadcast media platforms and social media to spread racist and extremist rhetoric.³⁶ The Committee also examined terrorism threats to houses of worship and other public spaces.³⁷

³²Senate Homeland Security and Governmental Affairs Committee Majority Staff Report, *Use of Cryptocurrency in Ransomware Attacks, Available Data, and National Security Concerns*, (May 24, 2022).

³³Senate Homeland Security and Governmental Affairs Committee, *Hearing on Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11*, 117th Cong. (Sept. 21, 2021). Senate Homeland Security and Governmental Affairs Committee, *Hearing on Threats to the Homeland*, 117th Cong. (Nov. 17, 2022).

³⁴Senate Homeland Security and Governmental Affairs Committee, *Hearing on Domestic Terrorism and Violent Extremism: Examining the Threat of Racially, Ethnically, Religiously, and Politically Motivated Attacks Part 1*, (Aug. 3, 2021) and Part 2, 117th Cong. (Aug. 5, 2021) (S. Hrg. 117–262).

³⁵Senate Homeland Security and Governmental Affairs Committee, *Hearing on Domestic Extremism in America: Examining White Supremacist Violence in the Wake of Recent Attacks*, 117th Cong. (Jun. 9, 2022).

³⁶Press Release, Senator Gary Peters: *Peters Convenes Hearing to Examine Domestic Terrorist Threat Posed by White Supremacist Violence*, (June 9, 2022).

³⁷Senate Homeland Security and Governmental Affairs Committee, *Hearing on Examining Threats Against Houses of Worship and Public Spaces*, 117th Cong. (Mar. 16, 2022).

A key focus of many of these hearings was how the federal government can more effectively align its counterterrorism resources to address the threat posed by domestic terrorism. This included convening a hearing examining the DHS Office of Intelligence and Analysis, and inadequate intelligence assessments the office produced, including the failure to predict and prevent the January 6th attack on the U.S. Capitol.³⁸ The Committee also examined reports of politicization within the office that downplayed the growing threat posed by white supremacist and anti-government violence, as well as challenges transmitting intelligence information to state and local government and law enforcement partners.³⁹ The Committee also convened several hearings to examine how national security agencies, including DHS and the Federal Bureau of Investigation (FBI), prioritize their counterterrorism resources to address all terrorism threats.⁴⁰

Following these hearings and the examination of the evolving domestic terrorism threat, the Committee approved legislation to reauthorize the DHS's Nonprofit Security Grant Program (NSGP).⁴¹ The program provides grants to help at-risk institutions and nonprofit groups plan for and safeguard their facilities against potential attacks. Grants can be used to harden facilities, promote emergency preparedness training, and strengthen security coordination between communities, emergency responders and state and local government agencies.⁴² Chairman Peters also fought for significant increases in funding for the NSGP. He secured \$250 million for the program as a part of the funding legislation that was signed into law in March 15, 2022.⁴³ As a part of the next funding bill that was signed into law on December 29, 2022, Chairman Peters secured \$305 million for the program.⁴⁴

In addition to securing these vital resources, the Committee also utilized its oversight authorities to ensure federal law enforcement and national security agencies are better prepared to address threats against houses of worship, as well as prevent attacks on public spaces that are often inspired by hate. In 2019, Chairman Peters and Senator Ron Johnson authored a law that required the Federal Bureau of Investigation (FBI) and DHS to track and publicly report incidents of domestic terrorism across the country.⁴⁵ After enactment of this law, these agencies took steps to begin tracking and reporting this data, but have still failed to meet all of its requirements.

In the 117th Congress, Chairman Peters repeatedly pressed senior federal officials from the FBI and DHS to follow the law, track

³⁸ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Examining the Role of the Department of Homeland Security's Office of Intelligence and Analysis*, 117th Cong. (May 18, 2021) (S. Hrg. 117-480).

³⁹ Press Release, Senator Gary Peters: *Peters Presses Experts on How to Improve DHS Intelligence and Better Protect Communities from Domestic Terrorism*, (May 18, 2021).

⁴⁰ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Resources and Authorities Needed to Protect and Secure the Homeland*, 117th Cong. (May 4, 2022).

⁴¹ H.R. 6825, Nonprofit Security Grant Program Improvement Act of 2022. Passed the Homeland Security and Governmental Affairs Committee on Aug. 3, 2022. Signed into law as part of H.R. 7776, (117th Cong.), Public Law No: 117-263.

⁴² Press Release, Senator Gary Peters: *Peters Announces More than \$8 Million in Security Grants to Faith-Based and Nonprofit Institutions Across Michigan*, (Aug. 22, 2022).

⁴³ H.R. 2471 (117th Cong.), Became Public Law No: 117-103.

⁴⁴ Press Release, Senator Gary Peters: *Following Peters' Calls, Annual Spending Bill Includes Robust Funding to Help Protect Houses of Worship From Threats*, (Dec. 20, 2022).

⁴⁵ Press Release, Senator Gary Peters: *Peters Investigative Report Shows DHS and FBI Are Not Adequately Addressing Domestic Terrorism Threat*, (Nov. 16, 2022).

incidents of domestic terrorism, and accurately identify the ideologies that are inspiring these attacks.⁴⁶ This will help the federal government more effectively track align counterterrorism resources to address the rising domestic terrorist threat.

INVESTIGATION INTO JANUARY 6TH CAPITOL ATTACK

On January 6, 2021, domestic terrorists, intent on obstructing the Joint Session of Congress and certification of the 2020 Presidential Election results, broke into the U.S. Capitol building, vandalized and stole property, and ransacked offices. They attacked members of law enforcement and threatened the safety and lives of elected leaders. Tragically, seven individuals, including three law enforcement officers, ultimately lost their lives. The Committee, led by Chairman Peters and Ranking Member Portman, worked jointly with the Senate Rules Committee to produce the first bipartisan hearings, investigation and bipartisan report examining the security, planning, and response failures related to this violent and unprecedented attack. The Committees' investigation uncovered a number of failures leading up to and on January 6th that allowed for the Capitol to be breached. The Committee report also offered bipartisan recommendations that lawmakers, Capitol security officials and national security officials should take to ensure the Capitol is secure from ongoing threats, many of which have since been implemented.⁴⁷

ROLE OF SOCIAL MEDIA IN AMPLIFICATION OF DOMESTIC TERRORISM THREATS

Domestic terrorist attacks continue to be inspired by dangerous and hateful ideologies that proliferate on widely used social media platforms.⁴⁸ In the 117th Congress, Chairman Peters examined the role social media platforms play in the amplification of extremist content and how the spread of this rhetoric online translates into real-world violence that presents a serious national security threat. On September 20, 2021, Chairman Peters sent letters to the Chief Executive Officers of Facebook (now Meta), Twitter, and YouTube seeking information about the relationship between violent extremist content and the platforms' content prioritization algorithms and targeted advertising tools that generate the majority of the companies' revenue.⁴⁹ On October 12, 2021, the Chairman issued a separate letter to TikTok seeking the same information, and sent additional requests to the FBI and DHS about their policies and guidelines for countering the threat of domestic extremism on social media, while protecting civil rights and liberties.⁵⁰

⁴⁶ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Threats to the Homeland*, 117th Cong. (Nov. 17, 2022).

⁴⁷ Senate Homeland Security and Governmental Affairs Committee & Senate Rules Committee Bipartisan Staff Report, *Examining the U.S. Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6*, (June 8, 2021).

⁴⁸ Naomi Nix and Cat Zakrzewski, *As Young Gunmen Turn Toward New Social Networks, Old Safeguards Fail*, Washington Post (May 26, 2022 2:02 PM) <https://www.washingtonpost.com/technology/2022/05/26/shooters-social-media/>.

⁴⁹ Press Release, Senator Gary Peters: *As Part of Ongoing Domestic Terrorism and January 6 Investigations, Peters Presses Top Social Media Companies for Information on Efforts to Monitor and Remove Violent Extremist Content*, (Sep. 20, 2021).

⁵⁰ Press Release, Senator Gary Peters: *As Part of Ongoing Domestic Terrorism and January 6 Investigations, Peters Presses TikTok, DHS and FBI for Information on Efforts to Identify and Prevent Spread of Extremist Content Online*, (Oct. 12, 2021).

Following these requests for information, the Committee convened two hearings to examine the spread of extremist ideologies on social media. On October 28, 2021, the Committee heard from independent experts on how tools that platforms utilize to generate revenue and keep users engaged often amplify extremist content, including dangerous and hateful ideologies.⁵¹ In another hearing entitled *Social Media's Impact on Homeland Security*, the Committee heard directly from current and former Meta (previously Facebook), Twitter, YouTube and TikTok executives responsible for designing and managing these platforms on how the platforms are built to prioritize increased user engagement and revenue over efforts to address safety and security. This was the first time that chief product officers from major social media companies testified before Congress.⁵²

INVESTIGATION INTO RISE OF DOMESTIC TERRORISM

At the end of the 117th Congress, Chairman Peters released a comprehensive investigative report that found DHS and the FBI have failed to effectively track and report data on the domestic terrorism threat despite being required to do so by a 2019 law spearheaded by Chairman Peters. The investigation also found that while independent experts and national security officials call white supremacist and anti-government violence the most significant terrorist threat facing our nation today, this lack of data has limited Congress' ability to determine whether counterterrorism agencies are allocating resources to effectively address the growing threat posed by domestic terrorism. The investigation also found that social media companies' current business models are designed to prioritize engagement and profits and—as a result—platforms end up amplifying dangerous and radicalizing extremist content, including white supremacist and anti-government content.⁵³

D. BOLSTERING THE NATION'S RESPONSE TO DISASTERS AND EMERGENCIES

Severe storms, extreme flooding, rising water levels, wildfires and high winds—along with other severe weather driven by climate change—are contributing to destructive natural disasters. These events have put homes, small businesses, property, and communities at risk, and caused billions of dollars in damages. In 2022, there were 15 weather or climate-related disaster events with losses exceeding \$1 billion each.⁵⁴ These disasters led to the death of 342 Americans and caused untold economic devastation.⁵⁵ During the 117th Congress, the Committee, which is charged with oversight of the Federal Emergency Management Agency (FEMA), prioritized efforts to improve our nation's preparedness for and re-

⁵¹ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Social Media Platforms and the Amplification of Domestic Extremism & Other Harmful Content*, 117th Cong. (Oct. 28, 2022).

⁵² Senate Homeland Security and Governmental Affairs Committee, *Hearing on Social Media's Impact on Homeland Security*, 117th Cong. (Sept. 14, 2022).

⁵³ Senate Homeland Security and Governmental Affairs Committee Majority Staff Report, *The Rising Threat of Domestic Terrorism: A Review of the Federal Response to Domestic Terrorism and the Spread of Extremist Content on Social Media*, (Nov. 16, 2022).

⁵⁴ NOAA National Centers for Environmental Information (NCEI) *U.S. Billion-Dollar Weather and Climate Disasters (2023)*. <https://www.ncei.noaa.gov/access/billions/>, (accessed Jan. 5, 2023).

⁵⁵ *Ibid.*

sponse to disasters and emergencies. The Committee also led the Senate to confirm the first woman—Deanne B. Criswell—to serve as the Administrator of FEMA.⁵⁶

The Committee convened a number of hearings during the 117th Congress to examine the nation’s readiness for emergencies and disasters. On September 29, 2021, the Committee heard from expert witnesses about how lawmakers can work to improve preparedness for and response to increasingly severe natural disasters, and strengthen the resiliency of our nation’s infrastructure to withstand their devastating effects.⁵⁷ The Committee also heard directly from senior Administration officials—including Administrator Criswell and Secretary Mayorkas—on how the federal government is working to ensure communities can stay safe and quickly recover when a disaster or emergency strikes.⁵⁸

A key takeaway from these hearings was that our nation’s infrastructure must be able to withstand these increasingly common extreme weather events. As a part of the bipartisan *Infrastructure Investment and Jobs Act*, Chairman Peters secured \$500 million for a historic program he created through the Safeguarding Tomorrow through Ongoing Risk Mitigation Act (STORM Act) to help states establish revolving loan funds for local governments to carry out mitigation projects that reduce natural disaster risk.⁵⁹ This represented the first ever funding for the program and will help ensure local communities have access to federal resources to erect barriers and breakers, improve stormwater drainage and invest in other public works projects that will help mitigate the effects of shoreline erosion, flooding, and other natural disasters.⁶⁰ On December 20, 2022, Chairman Peters joined FEMA Administrator Deanne Criswell to announce the Notice of Funding Opportunity for states and localities to be accessing these funds.⁶¹

In addition, Chairman Peters and Ranking Member Portman worked together to author legislation that was signed into law to bolster our nation’s response to disasters and emergencies. These included:

The *Civilian Reservist Emergency Workforce Act* to protect on-call and intermittent FEMA Reservists from losing their full-time employment when they are called up to assist communities with disaster response;⁶²

⁵⁶ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Deanne B. Criswell to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security*, 117th Cong. (March 25, 2021) (S. Hrg. 117–365); Rebecca Beitsch, *Biden Taps Criswell as First Woman to Lead FEMA*, The Hill (Jan. 15, 2021) <https://thehill.com/policy/energy-environment/534388-biden-taps-criswell-as-first-woman-to-lead-fema/>

⁵⁷ Senate Homeland Security and Governmental Affairs Committee, *Hearing On Addressing the Threat of Worsening Natural Disasters*, 117th Cong. (Oct. 21, 2022) (S. Hrg. 117–512).

⁵⁸ Senate Homeland Security and Governmental Affairs Committee, *Examining FEMA’s Strategic Priorities and Disaster Preparedness*, 117th Cong. (June 22, 2022); Senate Homeland Security and Governmental Affairs Committee, *Threats to the Homeland*, 117th Cong. (November 17, 2022).

⁵⁹ S. 3418, Safeguarding Tomorrow Through Ongoing Risk Mitigation Act (116th Cong.). Became Public Law No: 116–284.

⁶⁰ Press Release, Senator Gary Peters: *Peters’ \$500 Million Provision to Help Michigan Communities Address Shoreline Erosion and Flooding Signed into Law as Part of Bipartisan Infrastructure Bill*, (Nov. 15, 2021); H.R. 3684, Infrastructure Investment and Jobs Act (117th Cong.). Became Public Law No: 117–58.

⁶¹ Press Release, Senator Gary Peters: *Peters Joins Administrator Criswell at FEMA HQ to Announce New Funding Opportunity for His Storm Act Program*, (December 20, 2022).

⁶² S. 2293 (117th Cong.). Became Public Law No: 117–178; Press Release, *Senators Gary Peters and Rob Portman: Peters and Portman Bipartisan Legislation to Protect FEMA Reservists’ Jobs During Disaster Response Signed into Law*, (September 30, 2022).

The *Planning for Animal Wellness (PAW) Act* to help protect pets and other animals during and in the aftermath of natural disasters and emergencies;⁶³ and

The *Community Disaster Resilience Zones Act* to make permanent the FEMA’s National Risk Index and utilize its data to identify and designate community disaster resilience zones for areas that are the most at risk to natural hazards.⁶⁴

INVESTIGATION INTO FEDERAL PANDEMIC PREPAREDNESS AND INITIAL COVID–19 RESPONSE

At the onset of the 117th Congress, Chairman Peters launched an investigation into the federal government’s initial response to COVID–19 from December 2019 through March 2020, as the virus quickly spread throughout the country. As a part of this investigation, the Committee convened a hearing with former officials and experts in public health and emergency management to examine the federal government’s preparation for and response to the COVID–19 pandemic.⁶⁵ The Committee also convened a hearing with supply chain, pharmaceutical, and medical experts to examine how the federal government failed to anticipate shortages of critical drugs and medical supplies, and take actions to acquire needed supplies at the onset of the COVID–19 pandemic.⁶⁶

Following these hearings, Chairman Peters released a Majority staff report on December 8, 2022, detailing the findings of his investigation.⁶⁷ The report identified significant failures in the federal government’s initial response to the pandemic in those early and critical, months and offered recommendations for Congress and the federal government to improve preparedness and response for future public health crises. As a part of the investigation, Committee staff interviewed dozens of current and former senior officials responsible for coordinating the nation’s response to COVID–19.

E. IMPROVING GOVERNMENT EFFICIENCY AND USE OF TAXPAYER DOLLARS

During the 117th Congress, communities across the nation continued to rely on the federal government to administer programs that are critical to Americans’ lives and livelihoods. Under Chairman Peters’ leadership, the Committee conducted oversight and passed legislation to ensure the federal government is working effectively and efficiently for taxpayers. In particular, the Committee utilized its broad jurisdiction over federal agencies to improve the

⁶³S. 4205 (117th Cong.). Became Public Law No: 117–212; Press Release, Senators Gary Peters and Rob Portman: *Peters and Portman Bipartisan Bill to Protect Pets and Other Animals During and After Disasters Signed into Law*, (October 18, 2022).

⁶⁴S. 3875 (117th Cong.). Became Public Law No: 117–255; Press Release, Senators Gary Peters and Rob Portman: *Peters and Portman Bipartisan Legislation to Help At-Risk Communities Invest in Disaster Mitigation Projects Signed into Law*, (December 21, 2022).

⁶⁵Senate Homeland Security and Governmental Affairs Committee, COVID–19 Part 1: *Hearing on Preparedness for COVID–19: The Initial Pandemic Response and Lessons Learned*, 117th Cong. (April 14, 2021) (S. Hrg. 117–479).

⁶⁶Senate Homeland Security and Governmental Affairs Committee, COVID–19 Part II: *Hearing on Evaluating the Medical Supply Chain and Pandemic Response Gaps* 117th Cong. (May 19, 2021) (S. Hrg. 117–479).

⁶⁷Senate Homeland Security and Governmental Affairs Committee Majority Staff Report, *Historically Unprepared: Examination of the Federal Government’s Pandemic Preparedness and Initial COVID–19 Response*, (December 8, 2022).

delivery of essential services, ensure proper use of taxpayer dollars, and provide the federal workforce with increased tools and resources so they can better serve the country.

Chairman Peters convened several hearings to examine government operations and how lawmakers can work to improve them. The Committee convened a hearing with the Pandemic Response Accountability Committee (PRAC) to assess the federal government's use of COVID-19 pandemic emergency relief spending.⁶⁸ During the hearing, lawmakers heard from senior officials and federal Inspectors General on how federal agencies have worked to limit waste, fraud and abuse in federal pandemic spending and ensure that relief funds reach the Americans most in need. The Committee also convened a hearing with non-governmental experts on how the government can use customer experience strategies to help federal agencies deliver modern, effective digital services to citizens, reduce waste, and save taxpayer dollars.⁶⁹

In addition to holding hearings to examine these issues, the Committee also focused on legislative efforts to ensure that federal agencies have the resources needed to modernize information technology systems that help deliver essential services such as unemployment assistance and health care benefits to the American people. As a part of the *American Rescue Plan Act*, Chairman Peters and Senator Hassan secured an historic \$1 billion investment for the Technology Modernization Fund (TMF), a program that provides funding to federal agencies so they can modernize their information technology systems.⁷⁰ As of February 2023, the TMF funded 38 projects across 18 federal agencies to secure federal networks, safeguard the sensitive personal information they store, and save taxpayer dollars by improving the effectiveness of government systems.⁷¹ The funding secured by Chairman Peters through the *American Rescue Plan* funded 27 of these projects.⁷²

The Committee advanced other legislative efforts to improve government operations and save taxpayer dollars. The *Bulb Replacement Improving Government with High-Efficiency Technology (BRIGHT) Act*, authored by Chairman Peters and Senator Ron Johnson, was signed into law on October 17, 2022.⁷³ The law will help save taxpayer dollars by directing the General Services Administration (GSA) to install the most life-cycle cost effective and energy-efficient lighting in public buildings.⁷⁴ The Committee also helped pass the *Promoting Rigorous and Innovative Cost Efficiencies for Federal Procurement and Acquisitions Act (PRICE Act)*.⁷⁵ The law, written by Chairman Peters and Senator Joni

⁶⁸ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Pandemic Response and Accountability: Reducing Fraud and Expanding Access to COVID-19 Relief through Effective Oversight*, 117th Cong., (Mar. 17, 2022).

⁶⁹ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Putting People First: Building Trust in Government through Customer Experience*, 117th Cong., (June 23, 2022).

⁷⁰ H.R.1319, American Rescue Plan Act of 2021 (117th Cong.) Became Public Law No: 117-2.

⁷¹ Technology Modernization Fund, *The Technology Modernization Fund Overview Webpage*, <https://tmf.cio.gov/> (accessed Jan. 5, 2023); Press Release, Senators Gary Peters and Maggie Hassan: *Peters and Hassan Applaud Announcement of First Projects Funded by American Rescue Plan to Modernize Federal Information Systems*, (Sept. 30, 2021).

⁷² *Ibid.*

⁷³ S. 442 (117th Cong.), Became Public Law No: 117-202.

⁷⁴ Press Release, Senators Gary Peters and Ron Johnson: *Peters and Johnson Legislation to Save Taxpayer Dollars by Ensuring Public Buildings Utilize Energy-Efficient Lighting Signed into Law*, (October 18, 2022).

⁷⁵ S. 583 (117th Cong.), Became Public Law No: 117-88.

Ernst, expanded opportunities for small businesses to work with the federal government. It allows these companies to help the federal government better serve the American people by providing innovative solutions to challenges facing the country.⁷⁶ A bill written by Chairman Peters and Senator Rick Scott to save taxpayer dollars by ensuring federal property and assets are disaster resilient was also signed into law.⁷⁷

Finally, to help support the federal workforce, Chairman Peters and Committee Members led the confirmation of President Biden's nominee to lead the Office of Personnel Management (OPM), Kiran Ahuja.⁷⁸ OPM is the federal government's chief human resources agency and personnel policy manager.⁷⁹ Ahuja was confirmed by the U.S. Senate on June 21, 2021.⁸⁰

F. INCREASING GOVERNMENT ACCOUNTABILITY AND TRANSPARENCY

Every American deserves a federal government that is more transparent and accountable. During the 117th Congress, Chairman Peters led efforts to ensure the federal government works in the best interests of the American people. The Committee worked closely with government watchdogs, including Inspectors General and the GAO, to discuss potential solutions and identify needed reforms that would help achieve this goal. The Committee also helped confirm eight nominees to serve as Inspectors General across the federal government.

Inspectors General are essential to Congress' efforts to hold the federal government accountable and uncover fraud, waste, and abuse. On October 21, 2021, the Committee held a hearing with federal Inspectors General to examine efforts to protect the independence and integrity of Inspectors General as they work to help Congress prevent waste, fraud, and abuse, and ensure taxpayer dollars are being used efficiently.⁸¹ Following the hearing, the Committee passed legislation by Chairman Peters and Ranking Member Portman that would expand protections for Inspectors General.⁸² These long overdue reforms to ensure Inspectors General are able to work independently and without political interference later passed the Senate and were signed into law as a part

⁷⁶ Press Release, Senators Gary Peters and Joni Ernst: *Peters and Ernst Bipartisan Bill to Expand Federal Contracting Opportunities for Small Businesses Signed into Law*, (Feb. 23, 2022).

⁷⁷ S. 3510, Disaster Resiliency Planning Act, (117th Cong.), Became Public Law No: 117-88; Press Release, Senators Gary Peters and Rick Scott: *President Signs Peters and Scott Bipartisan Bill to Save Taxpayer Dollars by Ensuring Federal Property and Assets Are Disaster Resilient*, (Dec. 5, 2022).

⁷⁸ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Nominations of Kiran A. Ahuja to be Director, Office of Personnel Management, and Anton A. Hajjar, Amber F. McReynolds, and Ronald Stroman to be Governors, U.S. Postal Service*, (Apr. 22, 2022) (S. Hrg. 117-408).

⁷⁹ *Office of Personnel Management About Page*, Office of Personal Management (<https://www.opm.gov/about-us/>) (accessed Jan. 5, 2023).

⁸⁰ Nomination of Kiran Arjandas Ahuja to be Director of the Office of Personnel Management (PN 220). Confirmed by the Senate on June 22, 2021.

⁸¹ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Safeguarding Inspector General Independence and Integrity*, 117th Cong. (Oct. 21, 2022).

⁸² Press Release, Senators Gary Peters and Rob Portman, *Bipartisan Legislation Led by Peters & Portman to Strengthen Inspector General Protections Advances in Senate*, (November 3, 2021).

of the *James M. Inhofe National Defense Authorization Act for Fiscal Year 2023*.⁸³

During the 117th Congress, Chairman Peters also focused on ensuring that federal contractors are working in the best interest of Americans. The federal government often contracts with private companies to support important government functions—such as the delivery of services and the approval of prescription drugs. However, many contractors also conduct business with the private sector or other outside entities, and this can raise questions about the reliability of consultations, advice or projects under federal contracts.⁸⁴ To ensure federal contractors are working in the best interests of American taxpayers, Chairman Peters, as well as Senators Chuck Grassley, Maggie Hassan, and Joni Ernst, authored the bipartisan *Preventing Organizational Conflicts of Interest in Federal Acquisition Act*. The legislation, which was signed into law, requires federal contractors to disclose other business relationships with entities that could conflict with the work that an agency has hired them to do.⁸⁵

G. ADDRESSING THE PFAS CONTAMINATION CRISIS

Per- and polyfluoroalkyl substances (PFAS) are a class of man-made chemicals that are widely used in industry and consumer products and have caused harmful contamination and exposure to communities across the nation.⁸⁶ These chemicals are environmentally persistent, bioaccumulative, remain in human bodies for a long time and have been found in our air, water, food, and soil.⁸⁷ Scientific research shows that exposure to these harmful pollutants can lead to serious adverse health effects, including cancer, low infant birth weight, damage to the immune system, liver disease, thyroid disease, and reproductive and developmental issues.⁸⁸ PFAS contamination is a quickly-escalating health crisis, and under the leadership of Chairman Peters, the Committee held hearings, conducted oversight of federal agencies, and passed bipartisan legislation to address this issue.

During the 117th Congress, Chairman Peters utilized the committee's oversight authorities to assess the federal government's approach to cleaning up PFAS. In particular, the Chairman led efforts to ensure federal agencies are working to prevent exposure to PFAS contamination for firefighters, servicemembers, and communities with close proximity to military bases and other Department of Defense (DOD) sites. PFAS are a common ingredient in fire-

⁸³ H.R. 7776, (117th Cong.). Became Public Law No: 117-263; Press Release, Senators Gary Peters and Rob Portman: *Peters & Portman Provision to Strengthen Inspector General Protections Passes Senate as Part of National Defense Bill* (December 16, 2022).

⁸⁴ Michael Forsythe and Walt Bogdanich, *McKINSEY SETTLES FOR NEARLY \$600 MILLION OVER ROLE IN OPIOID CRISIS*, New York Times (Last Updated Nov. 5, 2021) <https://www.nytimes.com/2021/02/03/business/mckinsey-opioids-settlement.html>.

⁸⁵ S. 3905 (117th Cong.), Became Public Law No: 117-324; Press Release, Senators Gary Peters, Chuck Grassley, Maggie Hassan, and Joni Ernst: *Peters, Grassley, Hassan & Ernst Bipartisan Legislation to Prevent Conflicts of Interest in Federal Contracting Signed into Law* (Dec. 27, 2022).

⁸⁶ White House Fact Sheet, *Biden-Harris Administration Combatting PFAS Pollution to Safeguard Clean Drinking Water for All Americans* (June 15, 2022) <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/18/fact-sheet-biden-harris-administration-launches-plan-to-combat-pfas-pollution/>.

⁸⁷ *Ibid.*

⁸⁸ U.S. Environmental Protection Agency, *PFOA, PFOS and Other PFAS*. <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas> (accessed Jan 6, 2023).

fighting foams and personal protective equipment and the DOD frequently uses these foams to fight fires at military sites.

On December 9, 2021, Chairman Peters convened a Committee hearing with federal officials after the DOD Office of Inspector General (OIG) found that the Department failed to control PFAS contamination at military sites across the nation. The DOD OIG report showed that DOD had information that PFAS chemicals in their firefighting foams presented health and environmental concerns, but DOD did not take proper action to warn servicemembers, first responders, their families, and adjacent communities for five years.⁸⁹ On July 28, 2022, Chairman Peters convened a field hearing in East Lansing, Michigan, where federal officials from DOD, Department of Health and Human Services, and the Environmental Protection Agency testified about how federal agencies are working to address PFAS contamination across Michigan, including at military sites. Witnesses representing state and local perspectives from Michigan, also testified on a second panel about the devastating impacts of PFAS exposure, and how the federal government can better coordinate with state and local governments to tackle the crisis.⁹⁰

In addition to oversight efforts and hearings, the Committee also advanced bipartisan legislation to address the PFAS contamination crisis. This includes a bipartisan bill authored by Chairman Peters, as well as Senators Dan Sullivan, Maggie Hassan and Thom Tillis to protect the health and safety of firefighters and emergency responders from PFAS exposure.⁹¹ The law directs federal agencies to develop best practices, training, and educational programs to reduce, limit and prevent exposure to PFAS for firefighters and first responders in the line of duty.⁹²

H. ENSURING A FAIR AND ACCURATE CENSUS

Every ten years, the United States census helps determine everything from Congressional representation to how billions of dollars in federal resources are disbursed. It affects everything from school funding and classroom sizes, to money for road construction, to where businesses decide to locate.⁹³ Inaccuracies in the census can have lasting impacts on whether communities' have access to and benefit from vital federal funding that supports critical health care programs, infrastructure projects, schools and more in communities across the country. The Committee is responsible for conducting oversight of the U.S. Census Bureau.

⁸⁹Senate Homeland Security and Governmental Affairs Committee, *Hearing On Examining Federal Efforts To Address PFAS Contaminations* 117th Cong. (December 9, 2021) (S. Hrg. 117-515); Press Release, Senator Gary Peters: *Peters Convenes Hearing Examining Department of Defense Failures to Protect Servicemembers, Military Families, and Michigan Communities from PFAS Exposure*, (Dec. 9, 2021).

⁹⁰Senate Homeland Security and Governmental Affairs Committee, *Field Hearing on Improving Interagency and Intergovernmental Coordination on PFAS for Michigan Communities*, 117th Cong. (August 1, 2022); Press Release, Senator Gary Peters: *Peters Convenes Field Hearing in East Lansing to Examine Efforts to Clean Up PFAS Contamination in Michigan*, (Aug. 1, 2022).

⁹¹S. 231, *Protecting Firefighters from Adverse Substances Act* (117th Cong.). Became Public Law No: 117-248.

⁹²Press Release, Senators Gary Peters, Dan Sullivan, Maggie Hassan, and Thom Tillis: *Peters, Sullivan, Hassan & Tillis Bipartisan Bill to Protect Firefighters From Hazardous PFAS Chemicals Signed Into Law*, (Dec. 20, 2022).

⁹³U.S. Census Bureau, *Our Censuses*. <https://www.census.gov/programs-surveys/censuses.html> (accessed February 10, 2023).

In the 116th Congress, as Ranking Member, Chairman Peters worked to ensure an accurate, on-time and cost-effective count of the American people during the 2020 Census.⁹⁴ The Chairman built on these efforts during the 117th Congress to conduct oversight of the 2020 census and ensure that the Bureau has increased resources to ensure future censuses are fair and accurate. This included leading the Senate to confirm Robert E. Santos as the director of the U.S. Census Bureau.⁹⁵

As a part of his oversight efforts, Chairman Peters held hearings to examine the Census Bureau's operations. On March 23, 2021, the Committee heard from senior federal officials about how the Bureau was working to ensure an accurate 2020 Census and how to improve operations at the Census Bureau.⁹⁶ On July 25, 2022, Chairman Peters convened a field hearing in Detroit, Michigan to discuss the impact of the 2020 Census on local communities. The witnesses from this hearing also discussed how undercounts in the 2020 Census could have devastating consequences for communities like Detroit, including reduced federal resources for programs that support education, health care and infrastructure.⁹⁷

One takeaway from these hearings was that the Census Bureau requires increased resources to ensure they can effectively carry out their mission. As a part of the *Consolidated Appropriations Act of 2023*, Chairman Peters secured \$1.4 billion for the U.S. Census Bureau to help them prepare for the 2030 Census.⁹⁸

I. MODERNIZING FEDERAL AND PRESIDENTIAL RECORDS MANAGEMENT

The federal government produces and receives an enormous volume of documentation and records. These records are essential to keeping an accurate account of what activities the government engages in, and accurate federal records are also critical to helping Congress hold the executive branch accountable, ensure the appropriate use of taxpayer dollars, and make sure the federal government is working effectively for the American people. The National Records and Archives Administration (NARA) is the independent agency tasked with adequately maintaining and preserving presidential and federal records and assuring public access to these documents.⁹⁹

The process for appropriately maintaining and preserving federal records has not been recently updated. In the 117th Congress, the Committee convened a hearing to examine reforms to improve how presidential and federal agency records are maintained and pre-

⁹⁴ Press Release: Senator Gary Peters: *Peters Presses Census Bureau on Prioritizing Hard-To-Count Communities*, (February 5, 2020)

⁹⁵ Hansi Lo Wang, *The Senate Has Confirmed the 1st Latino to Lead the U.S. Census, Robert Santos*, National Public Radio, (November 4, 2021) <https://www.npr.org/2021/11/04/1014670567/first-latino-census-director-robert-santos-person-of-color>

⁹⁶ Senate Homeland Security and Governmental Affairs Committee, *Hearing on the 2020 Census and Current Activities of the U.S. Census Bureau* 117th Cong. (March 23, 2021) (S. Hrg. 117-515).

⁹⁷ Senate Homeland Security and Governmental Affairs Committee, *Field Hearing on Reviewing the 2020 Census: Local Perspectives in Michigan* 117th Cong. (July 25, 2022); Press Release, Senator Gary Peters: *Peters Convenes Field Hearing in Downtown Detroit to Examine Impacts of 2020 Census on Michigan* (July 25, 2022).

⁹⁸ H.R. 2617 (117th Cong.). Became Public Law No: 117-328.

⁹⁹ The National Archives and Records Administration, *About the National Archives of the United States*, <https://www.archives.gov/publications/general-info-leaflets/1-about-archives.html> (accessed Jan. 5, 2023).

served.¹⁰⁰ The Committee heard from legal and records management experts about how shortcomings by administrations of both parties to correctly handle important documents have resulted in a lack of transparency for the American people and impeded Congress' ability to conduct effective oversight. The Committee also heard how NARA's lack of resources and outdated records management systems have prevented veterans and other Americans from accessing documentation needed to get critical benefits.¹⁰¹

J. SECURING THE NATION'S BORDERS

The Federal Government must have the tools and resources necessary to secure our nation's borders. These efforts are critical to our national and economic security, and border states like Michigan rely on safe and efficient travel and trade across points of entry to maintain their status as hubs of international commerce. In addition, strong border security measures help combat transnational drug trafficking organizations and reduce the supply of illicit substances, such as fentanyl, in the United States. Several agencies within DHS, including Customs and Border Protection (CBP), are charged with protecting our borders from the illegal movement of weapons, drugs, contraband, and people, while promoting lawful entry and exit.¹⁰² During the 117th Congress, the Committee conducted oversight of the nation's border security, and assessed whether DHS has the resources needed to secure the nation's borders, facilitate lawful trade and travel, and ensure the efficient processing of asylum seekers.

The Committee convened several hearings to press both senior administration officials and outside experts on how the federal government is working to secure our borders and examine what resources DHS needs to carry out this critical mission. On May 13, 2021, the Committee heard from DHS Secretary Mayorkas on how the Administration was working to reunite families that were separated at the Southern Border.¹⁰³ On May 5, 2022, the Committee heard from senior administration officials about their short-term plans for addressing migration at the Southern Border. At this hearing, lawmakers also examined how Congress and the Administration can work together to ensure our borders are secure for years to come.¹⁰⁴ In addition to these hearings, Committee members were able to discuss border security issues at several other full Committee hearings.¹⁰⁵

¹⁰⁰ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Correcting the Public Record: Reforming Federal and Presidential Records Management*, 117th Cong. (July 25, 2022).

¹⁰¹ Press Release, Senator Gary Peters: *Peters Convenes Hearing to Examine Efforts to Modernize Federal Procurement Process and Encourage Innovation in How Government Purchases Goods and Services*, (May 12, 2022).

¹⁰² Department of Homeland Security, *Border Security Webpage*, <https://www.dhs.gov/topics/border-security> (accessed Jan. 26, 2023).

¹⁰³ Senate Homeland Security and Governmental Affairs Committee, *Hearing on DHS Actions to Address Unaccompanied Minors at the Southern Border*, 117th Cong. (May 13, 2021) (S. Hrg. 117-426).

¹⁰⁴ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Securing and Ensuring Order on the Southwest Border*, 117th Cong. (May 5, 2022).

¹⁰⁵ Senate Homeland Security and Governmental Affairs Committee, *Hearing on Threats to the Homeland*, 117th Cong. (Nov. 17, 2022); Senate Homeland Security and Governmental Affairs Committee, *Hearing on Resources and Authorities Needed to Protect and Secure the Homeland*, 117th Cong. (May 4, 2022); Senate Homeland Security and Governmental Affairs Committee, *Hearing on Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11*,

During these hearings, the Committee learned that DHS required increased resources and funding to promote safe and efficient travel and trade at ports of entry, Chairman Peters worked to secure \$3.8 billion as a part of the *Infrastructure Investment and Jobs Act* to help CBP upgrade border facilities to more efficiently and securely process travelers and trade at land border crossings.¹⁰⁶ Chairman Peters worked with Senators Tom Carper, Maggie Hassan, Jacky Rosen, and Kyrsten Sinema, to push for funding for non-intrusive inspection systems, which have helped CBP detect illegal drugs like fentanyl before they reach American communities.¹⁰⁷ As a result, funding legislation that was signed into law on March 15, 2022 included \$87 million so CBP can purchase more of these scanning technologies.¹⁰⁸

Along with securing funding, the Committee also advanced bipartisan bills to help strengthen security and increase resources for CBP at our nation's ports of entry. For example, the Committee advanced a bipartisan bill written by Chairman Peters and Senator John Cornyn to improve screening of vehicles and cargo entering the United States by increasing the use of non-intrusive inspection systems.¹⁰⁹

K. FIGHTING HUMAN TRAFFICKING

Millions of men, women, and children are trafficked worldwide, including thousands in the United States. According to DHS, traffickers might use violence, manipulation, false promises of jobs that pay well, or romantic relationships to lure victims into trafficking situations.¹¹⁰ Based on calls to the National Human Trafficking Hotline, the Polaris Project found that in 2020 there were at least 16,658 human trafficking victims and survivors in the United States.¹¹¹ However, the actual number of these crimes is likely much larger because these crimes often go unreported. Eradicating these heinous crimes will require stronger anti-trafficking policies and ensuring that law enforcement professionals and the public are able to recognize indicators of human trafficking.

During the 117th Congress, Chairman Peters and Ranking Member Portman authored and helped enact bipartisan legislation to ensure DHS has the tools and resources needed to combat human traffickers, support victims, and stop these horrific crimes. Legislation authored by Chairman Peters and Ranking Member Portman called the *Countering Human Trafficking Act of 2021*, was signed into law on December 28, 2022.¹¹² The law makes permanent and

117th Cong. (Sept. 21, 2021); Senate Homeland Security and Governmental Affairs Committee, *Hearing on Resources and Authorities Needed to Protect and Secure the Homeland*, 117th Cong. (Sept. 21, 2021).

¹⁰⁶H.R. 3684 (117th Cong.). Became Public Law No: 117-58; Press Release, Senator Gary Peters: *Peters Helps Senate Pass Historic Bipartisan Infrastructure Bill to Invest in Michigan Roads, Bridges & High-Speed Internet* (Aug. 10, 2021).

¹⁰⁷Press Release, Senator Gary Peters: *Peters & Colleagues Call for Robust Funding to Support DHS Border Security and Drug Detection*, (February 25, 2022).

¹⁰⁸H.R. 2471, Consolidated Appropriations Act, 2022 (117th Cong.), Became Public Law No: 117-103.

¹⁰⁹S. 4572, Non-Intrusive Inspection Expansion Act, (117th Cong.); Press Release, Senators Gary Peters and John Cornyn: *Peters and Cornyn Bipartisan Bill to Improve Screening of Vehicles and Cargo at Ports of Entry Advances in Senate*, (August 3, 2022).

¹¹⁰Department of Homeland Security, *DHS Center for Countering Human Trafficking*, <https://www.dhs.gov/dhs-center-countering-human-trafficking> (accessed Jan. 26, 2023).

¹¹¹Polaris Project, *Analysis of 2020 National Human Trafficking Hotline Data*, <https://polarisproject.org/2020-us-national-human-trafficking-hotline-statistics> (accessed Jan. 26, 2023).

¹¹²S. 2991 (117th Cong.), Became Public Law No: 117-322.

strengthens DHS' Center for Countering Human Trafficking (CCHT) by allowing the CCHT to build out a robust permanent staff of Special Agents and criminal analysts, as well as to modernize their systems and operations to support worldwide investigations on trafficking and forced labor in supply chains.¹¹³ Another bill authored by Chairman Peters and Ranking Member Portman to increase coordination between DHS components and the Blue Campaign, a national public awareness effort designed to educate law enforcement and the public to recognize human trafficking, was signed into law as a part of the *National Defense Authorization Act for Fiscal Year 2022*.¹¹⁴

L. ENSURING ETHICAL USE OF ARTIFICIAL INTELLIGENCE

Artificial intelligence (AI) has the potential to yield significant benefits for society, including helping farmers grow food more efficiently, predicting storm paths with increased accuracy, and developing algorithms that can identify diseases in patients.¹¹⁵ However, while there are clear benefits to using AI, experts remain concerned that if used improperly, this technology could harm American citizens and compromise national security. Organizations, including the National Security Commission on Artificial Intelligence (NSCAI), have raised the need to train the federal workforce on AI, especially those who procure and manage these technologies.¹¹⁶

In May 2022, the Committee convened a closed door roundtable with AI experts to provide members with the opportunity to examine these technologies, see how they function, and discuss the importance of ensuring AI is used ethically.¹¹⁷ The Committee also passed legislation that would address the concerns expressed by organizations like the NSCAI. Chairman Peters and Ranking Member Portman authored the *Artificial Intelligence Training for the Acquisition Workforce Act*.¹¹⁸ The bill, which was signed into law, creates a training program to help federal employees responsible for purchasing and managing AI technologies better understand the capabilities and risks they pose to the American people.¹¹⁹

M. D.C. STATEHOOD

Every American deserves equal representation in Congress. Unfortunately, more than 700,000 residents of Washington, D.C.—who pay taxes, serve in the military and work for the American people—do not have an equal say in the laws and decisions that govern them.

On June 22, 2021, the Committee held the second Senate hearing in history on D.C. Statehood. The hearing examined the *Wash-*

¹¹³ Press Release, Senators Gary Peters and Rob Portman: *Peters and Portman Bipartisan Bill to Fight Human Trafficking Signed into Law*, (Dec. 28, 2022).

¹¹⁴ S. 1605 (117th Cong.), Became Public Law No: 117-81; Press Release, Senators Gary Peters and Rob Portman: *Peters and Portman Bipartisan Provision to Combat Human Trafficking Signed into Law as Part of National Defense Bill*, (Dec. 28, 2022).

¹¹⁵ The White House, *Blueprint for an AI Bill of Rights*, <https://www.whitehouse.gov/ostp/ai-bill-of-rights/> (accessed Jan. 26, 2023).

¹¹⁶ National Security Commission on Artificial Intelligence, *Final Report*, (March 2021) <https://www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf>.

¹¹⁷ Files on record with the Senate Homeland Security and Governmental Affairs Committee.

¹¹⁸ S. 2551, (117th Cong.). Became Public Law No: 117-207.

¹¹⁹ Press Release, Senators Gary Peters and Rob Portman: *Peters and Portman Bill to Help Improve Federal Workforce's Understanding of Artificial Intelligence Signed into Law*, (Oct. 18, 2022).

ington, D.C. Admission Act which was introduced by Senator Tom Carper. During the hearing, the Committee heard from the Mayor of Washington, D.C. as well as from policy, legal, and civil rights experts on how making D.C. a state would give residents full representation in Congress and give residents and local elected officials full authority over local affairs, including crucial safety and security matters.¹²⁰

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

¹²⁰Senate Homeland Security and Governmental Affairs Committee, *Hearing on Examining DC Statehood*, 117th Cong. (June 22, 2021) (S. Hrg. 117-481).

United States and international organizations of which the United States is a member.

SENATE RESOLUTION 70, 117TH 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 the Government's 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. 70, agreed to February 27, 2019 (116th Congress) are authorized to continue.

III. BILLS AND RESOLUTIONS REFERRED AND CONSIDERED

During the 117th Congress, 424 Senate bills and 120 House bills were referred to the Committee for consideration. In addition, 11 Senate Resolutions and 1 Senate Concurrent Resolutions were referred to the Committee.

The Committee reported 183 bills; and additional 24 measures were discharged.

Of the legislation received by the Committee, 81 measures became public laws, including 50 postal naming bills.

IV. HEARINGS

During the 117th Congress, the Committee held 62 hearings on legislation, oversight issues, and nominations. Hearing titles and dates follow. The Committee also held 23 scheduled business meetings.

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

Nomination of the Honorable Alejandro N. Mayorkas to be Secretary, U.S. Department of Homeland Security. January 19, 2021. (S. Hearing 117–380)

This one panel hearing considered the nomination of Alejandro N. Mayorkas to be Secretary, U.S. Department of Homeland Security.

Nomination of Neera Tanden to be Director, Office of Management and Budget. February 9, 2021. (S. Hearing 117–381)

This one panel hearing considered the nomination of Neera Tanden to be Director, Office of Management and Budget.

Examining the January 6 Attack on the U.S. Capitol. February 23, 2021

The purpose of this hearing was to examine the events of January 6, 2021 at the U.S. Capitol. Witnesses addressed questions

about their respective agency's typical preparations and protocols for high-level events at the U.S. Capitol, coordination with other law enforcement and federal agencies, intelligence collection and dissemination prior to and on January 6, and actions taken as the attack unfolded.

Witnesses: Robert J. Contee III, Acting Chief of Police, Metropolitan Police Department, Washington D.C.; Steven A. Sund, Former Chief of Police, U.S. Capitol Police; Michael C. Stenger, Former Sergeant at Arms and Doorkeeper, U.S. Senate; Paul D. Irving, Former Sergeant at Arms, U.S. House of Representatives, Captain Carneysha Mendoza, Field Commander, United States Capitol Police Special Operations Division.

GAO's 2021 High Risk List: Addressing Waste, Fraud, and Abuse.
March 2, 2021. (S. Hearing 117-424)

The purpose of this hearing was to examine the Government Accountability Office's 2021 update of the High Risk List. As of March 2021 there were 36 high risk areas, and the witnesses' testimony focused primarily on those areas that required significant congressional attention, particularly those that fell within the legislative jurisdiction of this committee.

Witnesses: The Honorable Eugene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office

Examining the January 6 Attack on the U.S. Capitol, Part II.
March 3, 2021

The purpose of this hearing was to examine the events of January 6, 2021 at the U.S. Capitol. The witnesses addressed questions about their agencies typical preparations and protocols for a high-level event at the U.S. Capitol; coordination with other law enforcement and federal agencies; intelligence collected and disseminated prior to and on January 6; and actions taken as the attack unfolded.

Witnesses: Melissa Smislova, Acting Senior Official Performing the Duties of the Under Secretary, Office of Intelligence and Analysis, U.S. Department of Homeland Security; Jill Sanborn, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, U.S. Department of Justice; Robert G. Salesses, Senior Official Performing the Duties of the Assistant Secretary for Homeland Defense and Global Security, U.S. Department of Defense; Major General William J. Walker, USA, Commanding General, District of Columbia National Guard

Nominations of Shalanda D. Young to be Deputy Director, Office of Management and Budget, and Jason S. Miller to be Deputy Director for Management, Office of Management and Budget.
March 4, 2021 (S. Hearing 117-382)

This hearing considered the nominations of Shalanda D. Young to be Deputy Director, Office of Management and Budget, and Jason S. Miller to be Deputy Director for Management, Office of Management and Budget

Understanding and Responding to the SolarWinds Supply Chain Attack: The Federal Perspective. March 18, 2021 (S. Hearing 117–478)

The purpose of this hearing was to examine how the SolarWinds supply chain compromise occurred, to assess the Federal response, and to identify recommendations to mitigate future sophisticated cyber-attacks against the federal government and private sector. The witnesses addressed the current threat facing federal and non-federal entities from the compromise, including any resource, information, policy, or authority constraints facing the federal government's ability to address this incident. Witnesses also discussed the roles and responsibilities of the Federal Bureau of Investigation, Office of Management and Budget, and the Cybersecurity and Infrastructure Security Agency, relative to the other members of the Unified Coordination Group established under PPD–41 and associated coordination efforts with federal agencies impacted by the attack. Finally, witnesses provided recommendations on how federal agencies and private sector companies can better equip themselves to identify, respond, and recover from sophisticated cybersecurity attacks.

Witnesses: Christopher DeRusha, Federal Chief Information Security Officer, Office of Management and Budget; Brandon Wales, Acting Director, Cybersecurity and Information Security Agency, U.S. Department of Homeland Security; Tonya Ugoretz, Acting Assistant Director, Cyber Division, Federal Bureau of Investigation, U.S. Department of Justice.

The 2020 Census and Current Activities of the U.S. Census Bureau. March 23, 2021 (S. Hearing 117–425)

The purpose of this hearing was to examine the 2020 Decennial Census and ongoing the current activities of the U.S. Census Bureau. In 2021, the Bureau was working to complete the census, which faced unprecedented challenges in 2020, including the Coronavirus pandemic and political interference in census operations. The data processing phase of the census was ongoing, as the Bureau announced it would deliver apportionment data by April 30, 2021 and redistricting data by September 30, 2021. The Committee had not held a hearing on the 2020 Census since July 16, 2019.

Witnesses: Ron S. Jarmin, Ph.D., Acting Director, United States Census Bureau; J. Christopher Mihm, Managing Director, Strategic Issues, U.S. Government Accountability Office; Nick Marinos, Director, Information Technology & Cybersecurity, U.S. Government Accountability Office.

Nomination of Deanne B. Criswell to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security. March 25, 2021. (S. Hearing 117–365)

This hearing considered the nomination of Deanne B. Criswell to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security.

Preparedness for COVID-19: The Initial Pandemic Response and Lessons Learned. April 14, 2021. (S. Hearing 117-479)

The purpose of this hearing was to examine the United States' preparedness prior to the COVID-19 pandemic, to assess the initial Federal response to the pandemic, and to identify recommendations to improve Federal preparedness and emergency response efforts for potential future pandemics and public health threats. The witnesses reviewed the state of preparedness at the start of the COVID-19 pandemic, public health and emergency management plans and structures, and whether resources were effectively utilized. Witnesses also examined the initial Federal response and relevant issues including interagency coordination, supply chain challenges, and engagement with the public, state and local partners, and the private sector. Finally, witnesses provided recommendations for how the Federal government can better prepare and respond to the COVID-19 pandemic and future crises.

Witnesses: The Honorable Nicole Lurie, M.D., Former Assistant Secretary for Preparedness and Response (2009-2017) at the U.S. Department of Health and Human Services; Julie L. Gerberding, M.D., Former Director (2002-2009) of the Centers for Disease Control and Prevention at the U.S. Department of Health and Human Services; The Honorable Joseph Nimmich, Former Deputy Administrator (2014-2017) of the Federal Emergency Management Agency at the U.S. Department of Homeland Security; Elizabeth A. Zimmerman, Former Associate Administrator (2014-2017) Office of Response and Recovery of the Federal Emergency Management Agency at the U.S. Department of Homeland Security.

Nominations of Kiran A. Ahuja to be Director, Office of Personnel Management, and Anton A. Hajjar, Amber F. McReynolds, and Ronald Stroman to be Governors, United States Postal Service. April 22, 2021. (S. Hearing 117-408)

This hearing considered the nominations of Kiran A. Ahuja to be Director, Office of Personnel Management, and Anton A. Hajjar, Amber F. McReynolds, and Ronald Stroman to be Governors, U.S. Postal Service.

Prevention, Response, and Recovery: Improving Federal Cybersecurity Post-SolarWinds. May 11, 2021. (S. Hearing 117-478)

The purpose of this hearing is to examine how various federal agencies responded to recent cybersecurity incidents, including SolarWinds, and to identify recommendations to mitigate future sophisticated cyber-attacks against the federal government and private sector. The witnesses discussed how their agencies and its components were affected by and responded to recent cyber-attacks, including how agencies addressed their Emergency Directives for SolarWinds, why a major incident declaration was or was not made, and how various agencies and its components performed incident response activities.

Witnesses: Brandon Wales, Acting Director, Cybersecurity and Information Security Agency, U.S. Department of Homeland Security; Ryan A. Higgins, Chief Information Security Officer, U.S. Department of Commerce; Janet Vogel, Chief Information Security Officer, U.S. Department of Health & Human Services.

DHS Actions to Address Unaccompanied Minors at the Southern Border. May 13, 2021. (S. Hearing 117–426)

The purpose of this hearing was to examine Department of Homeland Security (DHS) actions to address the increase of unaccompanied minors at the southern border. The witness discussed DHS's coordination to transfer unaccompanied minors to the Department of Health and Human Services (HHS) in accordance with law. The witness also provided resource needs, including budgetary requirements for the Department, and Customs and Border Protection for their response and appropriate care to unaccompanied minors.

Witness: The Honorable Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security.

Examining the Role of the Department of Homeland Security's Office of Intelligence and Analysis. May 18, 2021. (S. Hearing 117–480)

The purpose of this hearing was to examine the Department of Homeland Security's Office of Intelligence and Analysis (I&A). The witnesses discuss historical challenges facing DHS I&A, and what the appropriate role, authority, and mission of I&A should be in the future.

Witnesses: The Honorable Francis X. Taylor, Former Under Secretary for Intelligence and Analysis (2014–2017), U.S. Department of Homeland Security; Patricia Cogswell, Former Deputy Administrator (2018–2020), Transportation Security Administration, U.S. Department of Homeland Security; Mike Sena, President, National Fusion Center Association; Faiza Patel, Director, Liberty & National Security Program, Brennan Center for Justice, New York University School of Law.

COVID–19 Part II: Evaluating the Medical Supply Chain and Pandemic Response Gaps. May 19, 2021. (S. Hearing 117–479)

The purpose of this hearing was to examine the state of the U.S. medical supply chain prior to the COVID–19 pandemic, the federal government's actions to address and mitigate anticipated medical supply shortages during the initial response to the pandemic, and to identify reforms necessary to strengthen the resilience of the medical supply chain for future public health emergencies. The witnesses addressed the state of U.S. medical supply chain readiness at the start of the COVID–19 pandemic, including the longstanding reliance on foreign sources for critical drugs and medical supplies. The witnesses also discussed the use of federal authorities and resources to mitigate supply shortages and suggested necessary reforms to strengthen domestic manufacturing and U.S. medical supply chain vulnerabilities.

Witnesses: Shereef Elnahal, M.D., President and Chief Executive Officer, University Hospital, Newark, New Jersey; Robert Handfield, Ph.D., Professor, Poole College of Management, North Carolina State University; Stephen Schondelmeyer, Pharm.D., Ph.D., Professor, College of Pharmacy, Co-Principal Investigator, Resilient Drug Supply Project, University of Minnesota; Kimberly Glas, President and Chief Executive Officer, National Council of Textile Organizations.

Nominations of John K. Tien to be Deputy Secretary, U.S. Department of Homeland Security; Robert P. Silvers to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; and Jonathan E. Meyer to be General Counsel, U.S. Department of Homeland Security. May 27, 2021. (S. Hearing 117–409).

This hearing considered the nominations of John K. Tien to be Deputy Secretary, U.S. Department of Homeland Security; Robert P. Silvers to be Under Secretary for Strategy, Policy, and Plans, U.S. Department of Homeland Security; and Jonathan E. Meyer to be General Counsel, U.S. Department of Homeland Security.

Threats to Critical Infrastructure: Examining the Colonial Pipeline Cyber Attack. June 8, 2021. (S. Hearing 117–429)

The purpose of this hearing was to examine cybersecurity incidents against critical infrastructure entities, specifically focusing on the attack against Colonial Pipeline. The witness discussed how the company responded to the ransomware attack they suffered and their interaction with the Federal government and private sector cybersecurity companies. The witness also explained general cybersecurity and incident response processes, actions taken by Colonial Pipeline to remediate other existing vulnerabilities, and recommendations for the Committee to improve the cybersecurity of critical infrastructure.

Witness: Joseph A. Blount, Jr., President and Chief Executive Officer, Colonial Pipeline.

Nominations of Robin Carnahan to be Administrator, General Services Administration; Jen Easterly to be Director, Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security; and Chris Inglis to be National Cyber Director, Executive Office of the President. June 10, 2021. (S. Hearing 117–410).

This hearing considered the nominations of Robin Carnahan to be Administrator, General Services Administration; Jen Easterly to be Director, Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security; and Chris Inglis to be National Cyber Director, Executive Office of the President.

Examining D.C. Statehood. June 22, 2021. (S. Hearing 117–481)

The purpose of the hearing was to discuss the merits of S. 51, the Washington D.C. Admission Act, and the issue of D.C. statehood. The witnesses discussed Constitutional, economic, and legislative aspects of D.C. statehood.

Witnesses: The Honorable Muriel E. Bowser, Mayor, District of Columbia; The Honorable Marc H. Morial, President and Chief Executive Officer, National Urban League; Richard Primus, D.Phil., Theodore J. Antoine Collegiate Professor of Law, University of Michigan Law School, Roger Pilon, Ph.D., Vice President for Legal Affairs, The Cato Institute; Derek T. Muller, Professor of Law, University of Iowa College of Law.

Nominations of Robert L. Santos to be Director, U.S. Census Bureau, U.S. Department of Commerce, and Ed Gonzalez to be Assistant Secretary for Immigration and Customs Enforcement, U.S. Department of Homeland Security. July 15, 2021. (S. Hearing 117–411)

This hearing considered the nominations of Robert L. Santos to be Director, U.S. Census Bureau, U.S. Department of Commerce, and Ed Gonzalez to be Assistant Secretary for Immigration and Customs Enforcement, U.S. Department of Homeland Security.

Resources and Authorities Needed to Protect and Secure the Homeland. July 27, 2021. (S. Hearing 117–302)

The purpose of this hearing was to discuss the Department of Homeland Security's budget request and legislative priorities for Fiscal Year 2022. The witness addressed the need for additional resources and authorities to protect and secure the homeland, and how the Department's budget request met the current and future homeland security needs of the nation.

Witness: The Honorable Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security.

Domestic Terrorism and Violent Extremism: Examining the Threat of Racially, Ethically, Religiously, and Politically Motivated Attacks Part I. August 3, 2021. (S. Hearing 117–262)

The purpose of these hearings, the first in a series of committee hearings on domestic terrorism, was to examine how domestic terrorists and violent extremists target racial, ethnic, and religious communities in the United States. The witness provided expert testimony from the scholarly community and as representatives of communities impacted by the domestic terrorism and violent extremism threat.

Witnesses: Wade Henderson, Interim President and Chief Executive Officer, The Leadership Conference on Civil and Human Rights; Eric Fingerhut, President and Chief Executive Officer, The Jewish Federations of North America; John Yang, President and Executive Director, Asian Americans Advancing Justice; Paul Goldberg, Senior Fellow, Rutgers University and Chairman and President, Cardinal Point Strategies; Seth G. Jones, Ph.D., Senior Vice President, Harold Brown Chair, and Director, International Security Program, Center for Strategic and International Studies.

Domestic Terrorism and Violent Extremism: Examining the Threat of Racially, Ethically, Religiously, and Politically Motivated Attacks Part II. August 5, 2021. (S. Hearing 117–262)

The purpose of these hearings, the first in a series of committee hearings on domestic terrorism, was to examine how domestic terrorists and violent extremists target racial, ethnic, and religious communities in the United States. The witness provided expert testimony from the scholarly community and as representatives of communities impacted by the domestic terrorism and violent extremism threat.

Witnesses: Elizabeth Neumann, Former Assistant Secretary (2018–2020), Counterterrorism and Threat Prevention at the U.S. Department of Homeland Security; Maya Berry, Executive Director, Arab American Institute; Jonathan Greenblatt, Chief Executive

Office and National Director, Anti-Defamation League; Brian Levin, Director, Center for the Study of Hate & Extremism, California State University, San Bernardino.

Nominations of Tovah R. Calderon to be an Associate Judge, District of Columbia Court of Appeals, and Kenia Seoane Lopez, Rupa R. Puttagunta, and Sean C. Staples to be Associate Judges, Superior Court of the District of Columbia. September 14, 2021. (S. Hearing 117–263)

This hearing considered the nominations of Tovah R. Calderon to be an Associate Judge, District of Columbia Court of Appeals, and Kenia Seoane Lopez, Rupa R. Puttagunta, and Sean C. Staples to be Associate Judges, Superior Court of the District of Columbia.

Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11. September 21, 2021.

The purpose of this hearing was to update the public understanding of prevailing threats to the security of the United States of America. The witnesses highlighted the most pressing domestic and foreign threats faced by the United States, as determined by their respective agencies. The witnesses also discussed efforts their agencies took to counter these threats.

Witnesses: The Honorable Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security; The Honorable Christopher A. Wray, Director, Federal Bureau of Investigation, U.S. Department of Justice; The Honorable Christine Abizaid, Director, National Counterterrorism Center, Office of the Director of National Intelligence.

Nominations of Cathy A. Harris to be a Member and Chair, and Tristan L. Leavitt and Raymond A. Limon to be Members, Merit Systems Protection Board. September 22, 2021. (S. Hearing 117–265)

This hearing considered the nominations of Cathy A. Harris to be a Member and Chair, and Tristan L. Leavitt and Raymond A. Limon to be Members, Merit Systems Protection Board.

National Cybersecurity Strategy: Protection of Federal and Critical Infrastructure Systems. September 23, 2021. (S. Hearing 117–266).

The purpose of this hearing was to examine the government's strategy, and specific efforts, in addressing cyber-attacks against federal and critical infrastructure systems. The witnesses discussed their organization's efforts to protect federal systems and critical infrastructure from ransomware and other cyber threats, including the implementation of the President's Executive Order on Improving the Nation's Cybersecurity. The witnesses also proposed requirements for private sector entities to report significant cyber incidents to the government, and on Federal Information Security Modernization Act reform.

Addressing the Threat of Worsening Natural Disasters. September 29, 2021. (S. Hearing 117–512)

The purpose of this hearing was to examine the state of national preparedness and discuss possible recommendations to improve the

country's readiness to face natural disasters. The witnesses discussed state and local perspective on preparedness, and how to improve the disaster response partnership between the states and federal government.

Witnesses: Sima Merick, President, National Emergency Managers Association and Executive Director, Ohio Emergency Management Agency; Jerry Hancock, Executive Director, Michigan Stormwater Floodplain Association and Stormwater and Floodplain Programs Coordinator, Ann Arbor, Michigan; Jennifer Pipa, Vice President of Disaster Programs, American Red Cross, John S. Butler, Second Vice President, International Association of Fire Chiefs and Fire Chief, Fairfax County, Virginia.

Nominations of the Honorable Ernest W. DuBester and the Honorable Susan T. Grundmann to be Members, Federal Labor Relations Authority, and Kurt T. Rumsfeld to be General Counsel, Federal Labor Relations Authority. October 20, 2021. (S. Hearing 117-412)

This hearing considered the nominations of the Honorable Ernest W. DuBester and the Honorable Susan T. Grundmann to be Members, Federal Labor Relations Authority, and Kurt T. Rumsfeld to be General Counsel, Federal Labor Relations Authority.

Safeguarding Inspector General Independence and Integrity. October 21, 2021. (S. Hearing 117-513)

The purpose of this hearing was to examine the challenges that inspectors general face in conducting impartial, independent oversight and to gather recommendations on necessary reforms. This hearing also examined legislative proposals to safeguard inspector general independence, protect the investigative authorities of inspectors general, and strengthen congressional oversight of inspectors general and their offices.

Witnesses: Allison C. Lerner, Chair, Council of the Inspectors General on Integrity and Efficiency; Kevin H. Winters, Chair, Integrity Committee, Council of the Inspectors General on Integrity and Efficiency; The Honorable Michael E. Horowitz, Inspector General, U.S. Department of Justice.

Social Media Platforms and the Amplification of Domestic Extremism & Other Harmful Content. October 28, 2021. (S. Hearing 117-514)

The purpose of this hearing was to examine the extent to which social media companies-through algorithms, advertisement-targeting, and other operations and practices such as subscription models-contribute to the amplification of extremist and harmful content, as well as enable the exploitation of online platforms by bad actors. The witnesses explained the impact of social media companies' business models on the proliferation of domestic terrorism, disinformation, illicit activities, and other threats to homeland security.

Witnesses: The Honorable Karen Kornbluh, Director, Digital Innovation and Democracy Initiative and Senior Fellow, The German Marshall Fund of the United States; David Sifry, Vice President Center for Technology and Society, Anti-Defamation League; Cathy O'Neil, Ph.D., Chief Executive Officer, O'Neil Risk Consulting & Al-

gorithmic Auditing; Nathaniel Persily, Ph.D., Co-Director, Stanford Cyber Policy Center and James B. McClathry Professor of Law, Stanford Law School; Mary Anne Franks, D.Phil., Professor of Law and Michael R. Klein Distinguished Scholar Chair, University of Miami.

Nominations of Erik A. Hooks to be Deputy Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; the Honorable Michael Kubayanda to be Commissioner, Postal Regulatory Commission; Laurel A. Blatchford to be Controller, Office of Federal Financial Management, Office of Management and Budget; and Ebony M. Scott and Donald W. Tunnage to be Associate Judges, Superior Court of the District of Columbia. November 18, 2021. (S. Hearing 117–413)

This hearing considered the nominations of Erik A. Hooks to be Deputy Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; the Honorable Michael Kubayanda to be a Commissioner, Postal Regulatory Commission; Laurel A. Blatchford to be Controller, Office of Federal Financial Management, Office of Management and Budget; and Ebony M. Scott and Donald W. Tunnage to be Associate Judges, Superior Court of the District of Columbia.

Roundtable FedRAMP Reform: Recommendations to Reduce Burden, Enhance Security, and Address Inefficiencies in the Government Cloud Authorization Process. November 30, 2021. (S. Hearing 117–581)

Nominations of Loren L. AliKhan and John P. Howard III to be Associate Judges, District of Columbia Court of Appeals, and Adrienne Jennings Noti to be an Associate Judge, Superior Court of the District of Columbia. December 2, 2021. (S. Hearing 117–414)

This hearing considered the Nominations of Loren L. AliKhan and John P. Howard III to be Associate Judges, District of Columbia Court of Appeals, and Adrienne Jennings Noti to be an Associate Judge, Superior Court of the District of Columbia.

Examining Federal Efforts to Address PFAS Contamination. December 9, 2021. (S. Hearing 117–515)

The purpose of this two-panel hearing was to examine how to improve federal efforts to address contamination from Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS). The panels consisted of federal government witnesses from the Department of Defense and the Environmental Protection Agency and state-level government leaders and advocates. The first panel discussed the impact PFAS contamination and exposure can have on service members and communities across the country. Federal witnesses also explained how an evidence-based, enterprise-wide, scientific and epidemiological approach can prevent any applicable future harm. The second panel provided further details how the federal government can learn from their on-the-ground experience and implement effective state-level policy interventions.

Witnesses: The Honorable Sean O'Donnell, Inspector General, Environmental Protection Agency and Acting Inspector General,

U.S. Department of Defense; Michael J. Roark, Deputy Inspector General for Evaluations, U.S. Department of Defense; Richard G. Kidd, Deputy Assistant Secretary for Environment and Energy Resilience, Office of the Assistant Secretary for Sustainment, U.S. Department of Defense; Laura Macaluso, Acting Deputy Assistant Secretary for Force Safety and Occupational Health, Office of the Assistant Secretary for Readiness, U.S. Department of Defense; Anthony M. Spaniola, Co-Chair, Great Lakes PFAS Action Network; Andrea Amico, Co-Founder, Testing for Peace; Mark Johnson, Deputy Director for Business and Regulatory Affairs, Environmental Protection Agency, State of Ohio.

Nominations of Margaret A. Burnham, Gabrielle M. Dudley, Henry Klibanoff, and Brenda E. Stevenson to be Members, Civil Rights Cold Case Records Review Board. January 13, 2022. (S. Hearing 117–552)

This hearing considered the nominations of Margaret A. Burnham, Gabrielle M. Dudley, Henry Klibanoff, and Brenda E. Stevenson to be Members, Civil Rights Cold Case Records Review Board.

Nominations of the Honorable Shalanda D. Young to be Director, Office of Management and Budget, and the Honorable Nani A. Coloretti to be Deputy Director, Office of Management and Budget. February 1, 2022. (S. Hearing 117–516)

This hearing considered the Nominations of the Honorable Shalanda D. Young to be Director, Office of Management and Budget, and the Honorable Nani A. Coloretti to be Deputy Director, Office of Management and Budget.

Nominations of William J. Valdez to be Under Secretary for Management, U.S. Department of Homeland Security; Dimitri Kusnezov to be Under Secretary for Science & Technology, U.S. Department of Homeland Security; and the Honorable Kenneth L. Wainstein to be Under Secretary for Intelligence & Analysis, U.S. Department of Homeland Security. February 3, 2022. (S. Hearing 117–517)

This hearing considered the Nominations of William J. Valdez to be Under Secretary for Management, U.S. Department of Homeland Security; Dimitri Kusnezov to be Under Secretary for Science & Technology, U.S. Department of Homeland Security; and the Honorable Kenneth L. Wainstein to be Under Secretary for Intelligence & Analysis, U.S. Department of Homeland Security.

Responding to and Learning from the Log4Shell Vulnerability. February 8, 2022. (S. Hearing 117–519).

The purpose of this hearing was to hear private sector and subject matter experts' perspectives on the discovery, response, and remediation of the Log4Shell vulnerability. Witnesses discussed their opinions on the private sector and government's response to the discovery of Log4Shell, including any lessons learned. The witnesses also discussed the benefits and security challenges resulting from the ubiquity of open-source code in modern software, and actions the federal government and Congress can take to improve software security.

Witnesses: David Nalley, President, Apache Software Foundation; Brad Arkin, Senior Vice President and Chief Security and Trust Officer, Cisco Systems, Incorporated; Jen Miller-Osborn, Deputy Director of Threat Intelligence, Unit 42, Palo Alto Networks; Trey Herr, Ph.D., Director, Cyber Statecraft Initiative, Scowcroft Center for Strategy and Security, The Atlantic Council.

Addressing the Gaps in America's Biosecurity Preparedness. February 17, 2022. (S. Hearing 117–520).

The purpose of this hearing was to examine the state of the country's biosecurity posture and the nation's level of preparedness to respond to biological threats. The witnesses discussed the Department of Homeland Security's (DHS) current operating organization for biosecurity, DHS's biosurveillance capabilities, as well as the fragmented structure of biosecurity efforts across the federal government. The witnesses also provided additional actions both Congress and the executive branch can take to increase the country's biosecurity.

Witnesses: Christopher P. Currie, Director, Homeland Security and Justice, U.S. Government Accountability Office; Asha M. George, DrPH, Executive Director, Bipartisan Commission on Bio-defense; Gerald W. Parker, JR., DVM, Ph.D., Associate Dean for Global One Health College of Veterinary Medicine & Biomedical Sciences, Texas A&M University.

Examining the Senate Confirmation Process and Federal Vacancies. March 3, 2022. (S. Hearing 117–521)

The purpose of this hearing was to examine delays in the nominations process for appointees requiring Senate confirmation and vacancies within the executive branch. The witnesses discussed delays within the background investigation and paperwork process, the Senate's process for considering nominees, and ideas for reform.

Witnesses: Anne Joseph O'Connell, Adelbert H. Sweet Professor of Law, Stanford Law School; Kristine Simmons, Vice President of Government Affairs, Partnership for Public Service; Adam White, Co-Executive Director, C. Boyden Gray Center for the Study of the Administrative State George Mason University and Senior Fellow, American Enterprise Institute.

Nominations of Krista Boyd to be Inspector General, Office of Personnel Management, and the Honorable Dana K. Bilyeu, Leona M. Bridges, Michael F. Gerber, Stacie Olivares, and Javier E. Saade to be Members, Federal Retirement Thrift Investment Board. March 10, 2022. (S. Hearing 117–553).

This hearing considered the nominations of Krista Boyd to be Inspector General, Office of Personnel Management, and the Honorable Dana K. Bilyeu, Leona M. Bridges, Michael F. Gerber, Stacie Olivares, and Javier E. Saade to be Members, Federal Retirement Thrift Investment Board.

Correcting the Public Record: Reforming Federal and Presidential Records Management. March 15, 2022. (S. Hearing 117–562).

The purpose of this hearing was to assess federal records management practices and policies, and ensure the National Archives and Records Administration (NARA) is equipped to handle the

rapid proliferation of electronic records. Additionally, this hearing also examined gaps in existing records laws, and discussed what Congress can do to ensure that presidential and federal records are adequately maintained and preserved.

Witnesses: Jason R. Baron, Professor of the Practice, College of Information Studies, University of Maryland; Anne Weismann, Outside Counsel for Citizens for Responsibility and Ethics in Washington and the Project on Government Oversight; Jonathan Turley, J.B. and Maurice C. Shapiro Professor of Public Interest Law, The George Washington University Law School.

Violent Extremism and Terrorism: Examining the Threat to House of Worship and Public Space. March 16, 2022. (S. Hearing 117–563).

The purpose of this hearing was to examine the threat of violent extremism and terrorism against houses of worship and other public spaces. The witnesses discussed the threat landscape and what their agencies and departments were doing to counter these threats.

Witnesses: Ryan T. Young, Executive Assistant Director, Intelligence Branch, Federal Bureau of Investigation, U.S. Department of Justice; Stephanie Dobitsch, Deputy Under Secretary for Intelligence Enterprise Operations, Office of Intelligence and Analysis, U.S. Department of Homeland Security; Christopher Logan, Deputy Assistant Administrator, Grant Programs Directorate, Federal Emergency Management Agency, U.S. Department of Homeland Security; Marcus Coleman, Director, Center for Faith-Based and Neighborhood Partnerships, U.S. Department of Homeland Security.

Pandemic Response and Accountability: Reducing Fraud and Expanding Access to COVID–19 Relief through Effective Oversight. March 17, 2022. (S. Hearing 117–564).

The purpose of this hearing was to assess the efforts, concerns, and findings of federal oversight entities involved in overseeing the COVID–19 pandemic response, such as the Office of Management and Budget (OMB), the Pandemic Response Accountability Committee (PRAC), the Government Accountability Office (GAO), and the Inspector General of the Department of Labor. The witnesses reviewed the execution of federal pandemic-related programs, challenges in the distribution of pandemic spending, and potential reforms to improve relief efforts during future national emergencies.

Witnesses: The Honorable Jason S. Miller, Deputy Director for Management, Office of Management and Budget; The Honorable Gene L. Dodaro, Comptroller General of the United States, U.S. Government Accountability Office; The Honorable Michael E. Horowitz, Chair, Pandemic Response Accountability Committee and Inspector General, U.S. Department of Justice; The Honorable Larry D. Turner, Inspector General, U.S. Department of Labor.

Nominations of The Honorable Derek T. Kan and The Honorable Daniel M. Tangherlini to be Governors, U.S. Postal Service. March 31, 2022. (S. Hearing 117–554)

This hearing considered the nominations of The Honorable Derek T. Kan and The Honorable Daniel M. Tangherlini to be Governors, U.S. Postal Service.

Resources and Authorities Needed to Protect and Secure the Homeland. May 4, 2022. (S. Hearing 117–572).

The purpose of this hearing was to discuss the Department of Homeland Security’s budget request and legislative priorities for Fiscal Year 2023. The witness addressed the need for additional resources and authorities to protect and secure the homeland, and how the Department’s budget request met the homeland security needs of the nation.

Witness: The Honorable Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security.

Securing and Ensuring Order on the Southwest Border. May 5, 2022. (S. Hearing 117–573).

The purpose of this hearing was to examine the federal government’s efforts to secure the southwest border and prepare to manage migration changes that may follow the termination of the Title 42 public health order. The witnesses discussed preparations to safely and efficiently manage potential mass migration events and the resources needed for these efforts.

Witnesses: The Honorable January Contreras, Assistant Secretary, Administration for Children and Families, U.S. Department of Health & Human Services; Maryann E. Tierney, Senior Coordinating Official, Southwest Border Coordination Center, U.S. Department of Homeland Security; Benjamine “Carry” Huffman, Acting Chief Operating Officer, U.S. Customs and Border Protection, U.S. Department of Homeland Security; Blas Nuñez-Neto, Acting Assistant Secretary for Border and Immigration Policy, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security; Emily Mendrala, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, U.S. Department of State.

Pathways to Procurement Innovation. May 12, 2022. (S. Hearing 117–574).

The purpose of this hearing was to discuss opportunities for improving federal procurement, particularly to ensure timely acquisition of goods and services and to provide greater access to innovative businesses. The witnesses discussed federal procurement issues including agencies’ increasing requirements for secure and modern technology, shortages of trained and experienced federal acquisition management professionals, the increasing uses of the federal procurement system to pursue socioeconomic goals, and barriers to entry for new companies. The witnesses shared their perspectives on procurement innovation and recommendations for meeting these challenges.

Witnesses: Soraya Correa, President & Chief Executive Officer, Soraya Correa & Associates, LLC; Grant M. Schneider, Senior Director of Cybersecurity Services, Venable LLP; Elizabeth Sullivan, President, Madison Services Group, Inc.

Rising Threats: Ransomware Attacks and Ransom Payments Enabled by Cryptocurrency. June 7, 2022. (S. Hearing 117–575).

The purpose of this hearing was to examine the rise in ransomware attacks, the role of cryptocurrency in enabling ransom payments, and the need to quickly and efficiently implement Chairman Peters and Ranking Member Portman’s legislation, the Cyber Incident Reporting for Critical Infrastructure Act. The hearing also examined key findings and recommendations identified in Chairman Peters’ Majority staff report, titled “Use of Cryptocurrency in Ransomware Attacks, Available Data, and National Security Concerns.” The hearing also built on the Committee’s ongoing oversight of cybersecurity including Ranking Member Portman’s report on the REvil ransomware gang and hearings on Log4Shell, Protection of Federal and Critical Infrastructure Systems, Colonial Pipeline, and SolarWinds.

Witnesses: Megan Stifel, Chief Strategy Officer, Institute for Security and Technology; Bill Siegel, Chief Executive Officer, Coveware; Jacqueline Burns Koven, Head of Cyber Threat Intelligence, Chainalysis.

Domestic Extremism in America: Examining White Supremacist Violence in the Wake of Recent Attacks. June 9, 2022 (S. Hearing 117–576).

The purpose of this hearing was to examine the threat of white supremacy, violent extremism, and terrorism, including ideological motivations of violence, such as Great Replacement Theory. The witnesses provided information about the transnational elements of white supremacist violence, evaluated the extent to which social media has been used to amplify violent extremism and terrorism, and discussed governmental and non-governmental tools available to address these threats.

Elizabeth Yates, Ph.D., Senior Researcher on Antisemitism, Human Rights First; Eric K. Ward, Executive Director, Western States Center; Michael German, Fellow, Brennan Center for Justice, New York University School of Law; The Honorable Nathan A. Sales, Nonresident Senior Fellow, Atlantic Council and Former Ambassador-at-Large and Coordinator for Counterterrorism (2017–2021) U.S. Department of State.

Examining FEMA’s Strategic Priorities and Disaster Preparedness. June 22, 2022 (S. Hearing 117–577).

The purpose of this hearing was to discuss strategic priorities for FEMA and to conduct Committee oversight on FEMA’s readiness to respond to current and future disasters. The witness explained FEMA’s work to simplify federal disaster assistance, mitigate future disasters, improve equity, and implement FEMA’s 2022–2026 strategic plan.

Witness: The Honorable Deanne B. Criswell, Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security.

Putting People First: Building Trust in Government through Customer Experience. June 23, 2022

The purpose of this hearing was to examine customer experience (CX) strategies in the federal government and understand how

more effective CX leadership and program implementation can deliver more effective services to all Americans. The Committee and witnesses examined the Administration's efforts to enhance CX, highlighted agency obstacles and opportunities in implementing Executive Order 14058, and discussed options for Congress to shape federal CX efforts.

Witnesses: Martha Dorris, Founder and Chief Executive Officer, Dorris Consulting International; William Eggers, Executive Director, Center for Government Insights, Deloitte, LLP; Mathew Lira, Partner, Hangar Capital.

Nominations of Errol R. Arthur, Kendra D. Briggs, and Carl Ezekiel Ross to be Associate Judges, Superior Court of the District of Columbia. July 12, 2022. (S Hearing 117–557)

This hearing considered the nominations of Errol R. Arthur, Kendra D. Briggs, and Carl Ezekiel Ross to be Associate Judges, Superior Court of the District of Columbia.

Protecting the Homeland from Unmanned Aircraft Systems. July 14, 2022.

The purpose of this hearing was to discuss the authorities provided to the Department of Homeland Security and Department of Justice to counter unmanned aircraft systems, in conjunction with the Federal Aviation Administration. The witnesses discussed the evolving threat posed by unmanned aircraft systems, the utilization of office's authorities used to combat this threat, and the Administration's proposals to potentially expand these authorities. The witnesses also addressed how the Department of Homeland Security coordinated with the Department of Justice and the Federal Aviation Administration as they exercised their current authorities to counter unmanned aircraft systems.

Witnesses: Samantha Vinograd, Acting Assistant Secretary for Counterterrorism and Threat Prevention and Law Enforcement Policy, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security; Brad Wiegmann, Deputy Assistant Attorney General, National Security Division, U.S. Department of Justice; Tonya D. Coultas, Deputy Associate Administrator for Security and Hazardous Materials Safety, Federal Aviation Administration, U.S. Department of Transportation.

Addressing Weapons of Mass Destruction and Health Security Threats to the Homeland. July 19, 2022.

The purpose of this hearing was to examine the country's preparedness to respond to chemical, biological, radiological, nuclear (CBRN), and health security threats. The witnesses discussed the threat landscape for weapons of mass destruction (WMD) and health threats to the homeland. The witnesses also provided additional actions both Congress and the executive branch could take to improve the country's preparedness for WMD and health threats, including pending legislation to reauthorize authorities.

Witnesses: Gary Rasicot, Acting Assistant Secretary, Countering Weapons of Mass Destruction Office, U.S. Department of Homeland Security; Pritesh Gandhi, M.D., MPH, Chief Medical Officer, U.S. Department of Homeland Security; Tina Won Sherman, Ph.D., Di-

rector, Homeland Security and Justice, U.S. Government Accountability Office.

Nomination of the Honorable David P. Pekoske to be Administrator, Transportation Security Administration, U.S. Department of Homeland Security. July 21, 2022. (S. Hearing 117–558)

This hearing considered the nomination of the Honorable David P. Pekoske to be Administrator, Transportation Security Administration, U.S. Department of Homeland Security.

Reviewing the 2022 Census: Local Perspectives in Michigan. July 25, 2022.

The purpose of this hearing was to examine the 2020 Decennial Census and its operations and impacts in local communities, with a focus on communities in the state of Michigan as a case study. The witnesses discussed their community's experiences with the 2020 Census, including aspects such as successes and challenges during enumeration, public engagement and communications, analysis of the census results, post-census options available to localities, and lessons for the 2030 Census.

Witnesses: The Honorable Michael E. Duggan, Mayor, City of Detroit; Jeffrey Morenoff, Ph.D., Professor of Public Policy and Sociology, University of Michigan; N. Charles Anderson, President & Chief Executive Officer, Urban League of Detroit & Southeastern Michigan; Jane C. Garcia, Vice Chair, Latin Americans for Social and Economic Development (LA SED); Maha Freij, President & Chief Executive Officer, Arab Community Center for Economic and Social Services (ACCESS); Kelley J. Kuhn, President & Chief Executive Officer, Michigan Nonprofit Association.

Improving Interagency and Intergovernmental Coordination on PFAS for Michigan Communities. August 1, 2022.

The purpose of this hearing was to discuss the need for a more coordinated federal response to per- and polyfluoroalkyl substances (PFAS) contamination and explore interagency and intergovernmental policy solutions that would holistically address PFAS research, risk, and remediation. This hearing featured both a federal as well as a state, local, and tribal panel. The hearing also provided a platform to exchange ideas regarding how federal policy could best be integrated with efforts on the ground to protect communities from PFAS contamination.

Witnesses: Patrick Breyse, Ph.D., Director, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services; Bruno Pigott, Deputy Assistant Administrator, Office of Water, U.S. Environmental Protection Agency; Richard Kidd, Deputy Assistant Secretary for Environment and Energy Resilience, Office of the Assistant Secretary of Defense (Sustainment); U.S. Department of Defense, Nancy Balkus, P.E., Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure), Department of the Air Force; John Gillespie, Senior Subject Matter Expert, Environmental Restoration, Air Force Civil Engineer Center; Abigail Hendershott, Executive Director, Michigan PFAS Action Response Team; Breanna Knudsen, Tribal Environmental Response Program Specialist, Planning De-

partment, Saginaw Chippewa Indian Tribe of Michigan; Cheryl Murphy, Ph.D., Director, Center for PFAS Research, Michigan State University, LT. Col Craig Minor, USAF (RET.), Former Resident, Wurtsmith Air Force Base, Cathy Wusterbarth, Founder, Need Our Water and Oscoda Citizens for Clean Water and Community Leader, Great Lakes PFAS Action Network.

Social Media's Impact on Homeland Security. September 14, 2022.

The purpose of this two-panel hearing was to examine the extent social media platforms' business models and product development—through algorithms, targeted advertising, subscription models, and other operations and practices—contribute to the amplification of content that threatens homeland security. The witnesses discussed their experience with these issues, including their knowledge of how social media platforms develop and use features and products including algorithms and targeted advertising; how they balance business incentives and user safety; and efforts they have taken to ensure their algorithms and advertisements do not amplify harmful content.

Witnesses: Alex Roetter, Former Senior Vice President for Engineering (2014–2016), Twitter; Brian Boland, Former Vice President (2018–2020) Partnerships Product Marketing, Partner Engineering, Marketing, Strategic Operations & Analytics, Facebook; Geoffrey Cain, Senior Fellow for Critical Emerging Technologies, Lincoln Network; Chris Cox, Chief Product Officer, Meta; Neal Mohan, Chief Product Officer, Youtube; Vanessa Pappas, Chief Operating Officer, TikTok; Jay Sullivan, General Manager of Bluebird, Twitter.

Nominations of Colleen J. Shogan to be Archivist of the United States, National Archives and Records Administration; Vijay Shanker to be an Associate Judge, District of Columbia Court of Appeals; and Laura E. Crane, Leslie A. Meek, and Veronica M. Sanchez to be Associate Judges, Superior Court of the District of Columbia. September 21, 2022. (S. Hearing 117–556)

This hearing considered the nominations of Colleen J. Shogan, Ph.D., to be Archivist of the United States National Archives and Records Administration; Vijay Shanker, to be an Associate Judge, District of Columbia Court of Appeals; Laura E. Crane, to be an Associate Judge, Superior Court of the District of Columbia; Leslie A. Meek, to be an Associate Judge, Superior Court of the District of Columbia; Veronica M. Sanchez, to be an Associate Judge, Superior Court of the District of Columbia.

Nominations of Robert H. Shriver III to be Deputy Director, Office of Personnel Management; and Richard L. Revesz to be Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget. September 29, 2022. (S. Hearing 117–580).

This hearing considered the nominations of Robert H. Shriver III to be Deputy Director, Office of Personnel Management; and Richard L. Revesz to be Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Threats to the Homeland. November 17, 2022.

The purpose of this hearing was to update the public understanding of prevailing threats to the security of the United States of America. The witnesses highlighted the most pressing domestic and foreign threats faced by the United States, as determined by their respective agencies. The witnesses also discussed efforts their agencies took to counter these threats.

Witnesses: The Honorable Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security; The Honorable Christopher A. Wray, Director, Federal Bureau of Investigation, U.S. Department of Justice; The Honorable Christine Abizaid, Director, National Counterterrorism Center, Office of the Director of National Intelligence.

V. REPORTS, PRINTS, AND GAO REPORTS

During the 117th Congress, the Committee prepared and issued 144 reports and 2 Committee Prints on the following topics. Reports issues by the Subcommittees, are listed in their respective sections of this document.

COMMITTEE REPORTS

Activities of the Committee on Homeland Security and Governmental Affairs and its Subcommittees for the One Hundred Sixteenth Congress. S. Rept. 117-1.

To direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency responses personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes. S. Rept. 117-21, re. S. 231.

To require the Director of the Office of Management and Budget to submit to Congress an annual report on projects that are over budget and behind schedule, and for other purposes. S. Rept. 117-22, re. S. 636.

To amend the Federal Funding Accountability and Transparency Act of 2006, to require the budget justifications and appropriation requests of agencies be made publicly available. S. Rept 117-23, re. S. 272.

To authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes. S. Rept. 117-24, re. S. 658.

To require each agency, in providing notice of a rule making, to include a link to a 100-word plain language summary of the proposed rule. S. Rept. 117-25, re. S. 522.

To promote innovative acquisition techniques and procurement strategies, and for other purposes. S. Rept. 117-26, re. S. 583.

To amend Title 5, United States Code, to provide for the halt in pension payments for members of Congress sentenced for certain offenses, and for other purposes. S. Rept. 117-27, re. S. 693.

To prohibit contracting with persons that have business operations with the Maduro regime, and for other purposes. S. Rept. 117-28, re. S. 688.

To establish the federal clearinghouse on school safety best practices, and for other purposes. S. Rept. 117-29, re. S. 111.

To require the collection of voluntary feedback on services provided by agencies, and for other purposes. S. Rept. 117–30, re. S. 671.

To provide for joint reports by relevant federal agencies to congress regarding incidents of terrorism, and for other purposes. S. Rept. 117–31, re. S. 517.

To establish a K–12 education cybersecurity initiative, and for other purposes. S. Rept. 117–32, re. S. 1917.

To require the Director of the Office of Management and Budget to establish or otherwise provide an artificial intelligence training program for the acquisition workforce, and for other purposes. S. Rept. 117–40, re. S. 2551.

To amend the Homeland Security Act of 2002 to provide for engagement with state, local, tribal, and territorial governments, and for other purposes. S. Rept. 117–42, re. S. 2520.

To manage supply chain risk through counterintelligence training, and for other purposes. S. Rept. 117–43, re. S. 2201.

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes. S. Rept. 117–44, re. S. 2293.

To establish a federal rotational cyber workforce program for the federal cyber workforce. S. Rept. 117–47, re. S. 1097.

To enhance cybersecurity education. S. Rept. 117–59, re. S. 2305.

To establish a Department of Human Security Center for Countering Human Trafficking, and for other purposes. S. Rept. 117–73, re. S. 2991.

To amend Title 40, United States Code, to require the Administrator of General Services to procure the most life-cycle cost effective and energy efficient lighting produces and to issue guidance on the efficiency, effectiveness, and economy of those products, and for other purposes. S. Rept. 117–80, re. S. 442.

To establish the federal clearinghouse on safety and security best practices for faith-based organizations and houses of worship, and for other purposes. S. Rept. 117–81, re. S. 2123.

To establish the artificial intelligence hygiene working group, and for other purposes. S. Rept. 117–82, re. S. 3035.

To require the Comptroller General of the United States to review certain legislation in order to identify potential risks of duplication of and overlap with existing federal programs, offices, and initiatives. S. Rept. 117–94, re. S. 664.

To require a guidance clarity statement on certain agency guidance, and for other purposes. S. Rept. 117–95, re. S. 533.

To amend Chapter 8 of Title 5, United States Code, to require federal agencies to submit to the Comptroller General of the United States a report on rules that are revoked, suspended, replace, amended, or otherwise made ineffective. S. Rept. 117–96, re. S. 629.

To establish a civilian cyber security reserve as a pilot project to address the cyber security needs of the United States with respect to national security, and for other purposes. S. Rept. 117–97, re. S. 1324.

To direct the Director of the Office of Management and Budget to standardize the use of core-base statistical area designations across federal programs, to allow between 120 and 180 days for

public comment on any proposed change to such designations, and to report on the scientific basis and estimated impact to federal programs for any proposed change to such designations, and for other purposes. S. Rept. 117–98, re. S. 1941.

To require a pilot program on the participation of non-asset based third-party logistics providers in the customs-trade partnership against terrorism. S. Rept. 117–99, re. S. 2322.

To amend the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security planning, and for other purposes. S. Rept. 117–100, re. H.R. 4426.

To amend the Disaster Recovery Reform Act of 2018 to require the Administrator of the Federal Emergency Management Agency to waive certain debts owed to the United States related to covered assistance provided to an individual or household, and for other purposes. S. Rept. 117–101, re. H.R. 539.

To require the Director of the Government Publishing Office to establish and maintain an online portal accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes. S. Rept. 117–106, re. S. 2838.

To amend the Post-Katrina Emergency Management Reform Act of 2006 to repeal certain obsolete requirements, and for other purposes. S. Rept. 117–107, re. S. 3499.

To provide redress to the employees of Air America. S. Rept. 117–113, re. S. 407.

To establish the National Deepfake and Digital Provenance Task Force, and for other purposes. S. Rept. 117–114, re. S. 2559.

To amend Title 44, United States Code, to establish the Federal Risk and Authorization Management Program within the General Services Administration, and for other purposes. S. Rept. 117–115, re. S. 3099.

To provide for the implementation of certain trafficking in contracting provisions, and for other purposes. S. Rept. 117–116, re. S. 3470.

To require the Director of the Office of Management and Budget to issue guidance with respect to natural disaster resilience, and for other purposes. S. Rept. 117–117, re. S. 3510.

To amend the Homeland Security Act of 2002 to establish an acquisition professional career program, and for other purposes. S. Rept. 117–118, re. H.R. 367.

To waive certain pay limitations for Department of Agriculture and Department of the Interior employees engaged in emergency wildland fire suppression activities, and for other purposes. S. Rept. 117–119, re. S. 138.

To establish a daily public reporting requirement for covered contract awards of the Department of Homeland Security, and for other purposes. S. Rept. 117–120, re. H.R. 4363.

To prevent catastrophic wildland fires by establishing a commission to study and recommend wildland fire prevention, mitigation, suppression, management, and rehabilitation policies for the federal government, and for other purposes. S. Rept. 117–121, re. S. 2150.

To require a report on federal support to the cybersecurity of commercial satellite systems, and for other purposes. S. Rept. 117–122, re. S. 3511.

To amend Title 5, United States Code, to increase death gratuities and funeral allowances for federal employees, and for other purposes. S. Rept. 117–123, re. S. 3487.

To establish an advisory group to encourage and foster collaborative efforts among individuals and entities engaged in disaster recovery relating to debris removal, and for other purposes. S. Rept. 117–128, re. S. 3512.

To authorize preparedness programs to support communities containing technological hazards and emerging threats. S. Rept. 117–129, re. S. 4166.

To authorize the Director of the Cybersecurity and Infrastructure Security Agency to establish an apprenticeship program and to establish a pilot program on cybersecurity training for veterans and members of the armed forces transitioning to civilian life, and for other purposes. S. Rept. 117–131, re. S. 2274.

To establish an Office of Civil Rights, Equity, and Community Inclusion at the Federal Emergency Management Agency, and for other purposes. S. Rept. 117–133, re. S. 3502.

To amend the Civil Rights Cold Case Records Collection Act of 2018 to extend the termination date of the Civil Rights Cold Case Records Review Board. S. Rept. 117–134, re. S. 3655.

To develop a comprehensive, strategic plan for federal electric vehicle fleet battery management, and for other purposes. S. Rept. 117–139, re. S. 4057.

To require the Administrator of the Federal Emergency Management Agency to establish a working group relating to best practices and federal guidance for animals in emergencies and disasters, for other purposes. S. Rept. 117–140, re. S. 4205.

To require the President to develop and maintain products that show the risk of natural hazards across the United States, and for other purposes. S. Rept. 117–141, re. S. 3875.

To allow members of Congress to opt out of the Federal Employees Retirement System, and allow members who opt out of the Federal Employees Retirement System to continue to participate in the Thrift Savings Plan. S. Rept. 117–143, re. S. 471.

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes. S. Rept. 117–144, re. S. 3092.

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under Sections 403, 406, 407, and 502 of such act, and for other purposes. S. Rept. 117–145, re. H.R. 5641.

To amend Chapter 81 of Title 5, United States Code, to create a presumption that a disability or death of a federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employees duty, and for other purposes. S. Rept. 117–146, re. S. 1116.

To authorize the Administrator of General Services to establish an enhanced use lease pilot program, and for other purposes. S. Rept. 117–147, re. S. 2793.

To provide an increased allocation of funding under certain programs for assistance in areas of persistent poverty, and for other purposes. S. Rept. 117–148, re. S. 3552.

To extend other transaction authority for the Department of Homeland Security. S. Rept. 117–149, re. S. 4553.

To amend the Lobbying Disclosure Act of 1995 to clarify a provision relating to certain contents of registrations under the act. S. Rept. 117–150, re. S. 4254.

To improve plain writing and public experience, and for other purposes. S. Rept. 117–159, re. S. 4577.

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide professional counseling services to victims of emergencies declared under such act, and for other purposes. S. Rept. 117–162, re. S. 3677.

To streamline the sharing of information among federal disaster assistance agencies, to expedite the delivery of life-saving assistance to disaster survivors, to speed the recovery of communities from disasters, to protect the security and privacy of information provided by disaster survivors, and for other purposes. S. Rept. 117–163, re. S. 4599.

To amend Section 1115 of Title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes. S. Rept. 117–164, re. H.R. 2617.

To amend the Homeland Security Act of 2002 to enhance funding and administration of the Nonprofit Security Grant Program of the Department of Homeland Security, and for other purposes. S. Rept. 117–165, re. H.R. 6825.

To permit disabled law enforcement officers, Customs and Border Protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol police, members of the Supreme Court police, employees of the Central Intelligence Agency performing intelligence activities abroad or having specialized security requirements, and diplomatic security special agents of the Department of State to receive retirement benefits in the same manner as if they had not been disabled. S. Rept. 117–173, re. H.R. 521.

To correct the inequitable denial of enhanced retirement and annuity benefits of certain U.S. Customs and Border Protection officers. S. Rept. 117–175, re. s. 3868.

To require the Commissioner of U.S. Customs and Border Protection to establish procedures for conducting maintenance projects at ports of entry at which the Office of Field Operations conducts certain enforcement and facilitation activities. S. Rept. 117–176, re. S. 3903.

To enhance the cybersecurity of the healthcare and public health sector. S. Rept. 117–177, re. S. 3904.

To amend Title 5, United States Code, to authorize the appointment of spouses of members of the Armed Forces who are on active duty, disabled, or deceased to positions in which the spouses will work remotely. S. Rept. 117–178, re. S. 4337.

To amend the Homeland Security Act of 2002 regarding the procurement of certain items related to national security interests for Department of Homeland Security frontline operational components, and for other purpose. S. Rept. 117–192, re. S. 1009.

To require the Commissioner of U.S. Customs and Border Protection to regularly review and update policies and manuals related to inspections at ports of entry. S. Rept. 117–193, re. S. 4460.

To direct the Administrator of the Federal Emergency Management Agency to submit to Congress a report on preliminary damage assessments and make necessary improvements to processes in

the Federal Emergency Management Agency, and for other purposes. S. Rept. 117–194, re. H.R. 3709.

To require the United States Fire Administration to conduct on-site investigations of major fires, and for other purposes. S. Rept. 117–195, re. H.R. 7077.

To direct the Comptroller General of the United States to submit a report to Congress on case management personnel turnover of the Federal Emergency Management Agency, and for other purposes. S. Rept. 117–199, re. H.R. 5343.

To facilitate the reskilling of federal employees, and for other purposes. S. Rept. 117–204, re. S. 1330.

To modify eligibility requirements for certain hazard mitigation assistance programs and for other purposes. S. Rept. 117–205, re. S. 1877.

To implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills and competency-based hiring. S. Rept. 117–206, re. S. 3423.

To improve performance and accountability in the federal government, and for other purposes. S. Rept. 117–207, re. S. 4167.

To establish the Department of Homeland Security Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes. S. Rept. 117–208, re. S. 4243.

To advance government innovation through leading-edge procurement capability, and for other purposes. S. Rept. 117–209, re. S. 4623.

To amend the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for fiscal year 2015 to modify requirements relating to data centers of certain federal agencies, and for other purposes. S. Rept. 117–210, re. S. 4629.

To amend the Lobbying Disclosure Act of 1995 to require certain disclosures by registrants regarding exemptions under the Foreign Agents Registration Act of 1938, as amended. S. Rept. 117–212, re. S. 4893.

To require the Comptroller General of the United States to provide certain information with respect to unimplemented priority recommendations as part of the Comptroller General’s annual reporting to Congress, and for other purposes. S. Rept. 117–213, re. S. 4128.

To amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs. S. Rept. 117–214, re. S. 4882.

To support remediation of illicit cross-border tunnels, and for other purposes. S. Rept. 117–215, re. H.R. 4209.

To amend Title 31, United States Code, to require the chief operating officer of each agency to compile a list of unnecessary programs, and for other purposes. S. Rept. 117–216, S. 2135.

To require the Director of the Cybersecurity and Infrastructure Security Agency to establish cybersecurity guidance for small organizations, and for other purposes. S. Rept. 117–217, re. S. 2483.

To require the Director of the Office of Personnel Management to establish and maintain a public directory of the individuals occu-

pying government policy and supporting positions, and for other purposes. S. Rept. 117–218, re. S. 3650.

To require the Office of Federal Procurement Policy to develop government-wide procurement policy and guidance to mitigate organizational conflict of interests relating to national security and foreign policy, and for other purposes. S. Rept. 117–219, re. S. 4516.

To require U.S. Customs and Border Protection to expand the use of non-intrusive inspection systems at land ports of entry. S. Rept. 117–220, re. S. 4572.

To restrict the flow of illicit drugs into the United States, and for other purposes. S. Rept. 117–221, re. S. 4645.

To reauthorize and amend the Homeland Security Act of 2002 to create stronger accountability mechanisms for joint task forces. S. Rept. 117–222, re. S. 4656.

To improve the visibility, accountability, and oversight of agency software asset management practices, and for other purposes. S. Rept. 117–223, re. S. 4908.

To require the Administrator of General Services to transfer certain surplus computers and technology equipment to nonprofit computer refurbishers for repair, distribution, and return, and for other purposes. S. Rept. 117–224, re. H.R. 3544.

To amend the Homeland Security Act of 2002 to establish a mentor-protégé program, and for other purposes. S. Rept. 117–225, re. H.R. 408.

To amend the Inspector General Act of 1978, and for other purposes. S. Rept. 117–226, re. H.R. 2662.

To strengthen Buy American requirements, and for other purposes. S. Rept. 117–227, re. S. 732.

To require the establishment of cybersecurity information sharing agreements between the Department of Homeland Security and Congress, and for other purposes. S. Rept. 117–228, re. S. 4000.

To authorize the Director of U.S. Immigration and Customs Enforcement to pay stipends to members of transnational criminal investigative units who have been properly vetted. S. Rept. 117–229, re. S. 4326.

To direct the Secretary of Homeland Security to submit a plan to make federal assistance available to certain urban areas that previously received urban area security initiative funding to preserve homeland security capabilities, and for other purposes. S. Rept. 117–230, re. H.R. 5615.

To amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes. S. Rept. 117–231, re. H.R. 370.

To authorize the reclassification of the tactical enforcement officers (commonly known as the “shadow wolves”) in the Homeland Security Investigations Tactical Patrol Unit operating on the lands of the Tohono O’Odham Nation as special agents. S. Rept. 117–235, re. S. 2541.

To improve services for trafficking victims by establishing in Homeland Security Investigations, the investigators maintain purposeful awareness to combat trafficking trauma program and the victim assistance program. S. Rept. 117–236, re. S. 4611.

To require the federal government to produce a national climate adaptation and resilience strategy, and for other purposes. S. Rept. 117-237, re. S. 3531.

To establish a government-wide approach to improving digital identity, and for other purposes. S. Rept. 117-238, re. S. 4528.

To address the preference for United States industry with respect to patent rights in inventions made with Department of Homeland Security research assistance, and for other purposes. S. Rept. 117-239, re. S. 4902.

To require the purchase of domestically made flags of the United States of America for use by the federal government. S. Rept. 117-240, re. S. 4399.

To amend the Homeland Security Act of 2002 to provide for the responsibility of the Cybersecurity and Infrastructure Security Agency to maintain capabilities to identify threats to industrial control systems, and for other purposes. S. Rept. 117-247, re. S. 2439.

To make technical corrections to Title XXII of the Homeland Security Act of 2002, and for other purposes. S. Rept. 117-248, re. S. 2540.

To amend the Homeland Security Act of 2002 to establish the Cyber Incident Review Office in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes. S. Rept. 117-249, re. S. 2875.

To amend the Homeland Security Act of 2002 to enhance the Blue Campaign of the Department of Homeland Security, and for other purposes. S. Rept. 117-250, re. S. 2989.

To encourage the migration of federal government information technology systems to quantum-resistant cryptography, and for other purposes. S. Rept. 117-251, re. S. 4592.

To provide for the perpetuation, administration, and funding of federal executive boards, and for other purposes. S. Rept. 117-252, re. S. 4894.

To require a review of Department of Homeland Security Trusted Traveler Programs, and for other purposes. S. Rept. 117-253, re. H.R. 473.

To establish an Interagency Committee on Global Catastrophic Risk, and for other purposes. S. Rept. 117-254, S. 4488.

To require the United States Postal Service to continue selling the multinational species conservation funds semi-postal stamp until all remaining stamps are sold, and for other purposes. S. Rept. 117-255, re. S. 521.

To prohibit certain individuals from downloading or using Tiktok on any device issued by the United States or a government corporation. S. Rept. 117-256, re. S. 1143.

To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to make a declaration of a significant incident, and for other purposes. S. Rept. 117-257, re. S. 1316.

To amend Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to incentivize states, Indian tribes, and territories to close disaster recovery projects by authorizing the use of excess funds for management costs for other disaster recovery projects. S. Rept. 117-258, re. S. 4654.

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, review a final rule of the Federal Emergency Man-

agement Agency, and for other purposes. S. Rept. 117–259, re. H.R. 7211.

To amend Title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers. S. Rept. 117–260, re. S. 419.

To require the Secretary of Homeland Security to establish a national risk management cycle, and for other purposes. S. Rept. 117–261, re. S. 1350.

To require the reduction of the reliance and expenditures of the federal government on legacy information technology systems, and for other purposes. S. Rept. 117–262, re. S. 3897.

To modify the Fire Management Assistance Cost Share, and for other purposes. S. Rept. 117–263, re. S. 4328.

To amend Title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes. S. Rept. 117–264, re. S. 4477.

To require the Archivist of the United States to submit to Congress a comprehensive plan for reducing the backlog of requests for records from the National Personnel Records Center, and for other purposes. S. Rept. 117–265, re. S. 4816.

To prohibit federal procurement from companies operating in the Russian Federation, and for other purposes. S. Rept. 117–266, re. S. 4930.

To ban the federal procurement of certain drones and other unmanned aircraft systems and for other purposes. S. Rept. 117–267, re. S. 73.

To ensure that certain federal infrastructure programs require the use of materials produced in the United States, and for other purposes. S. Rept. 117–268, re. S. 1303.

To provide for domestic sourcing of personal protective equipment, and for other purposes. S. Rept. 117–269, re. S. 1306.

To promote United States values and fulfill agency missions through the use of innovative applied artificial intelligence technologies, and for other purposes. S. Rept. 117–270, re. S. 1353.

To amend the Homeland Security Act of 2002 to establish the National Cyber Resilience Assistance Fund, to improve the ability of the federal government to assist in enhancing critical infrastructure cyber resilience to improve security in the national cyber ecosystem, to address systemically important critical infrastructure, and for other purposes. S. Rept. 117–271, re. S. 2491.

To amend the Homeland Security Act of 2002 to require research and development to identify and evaluate the extent to which critical domain risks within the United States supply chain pose a substantial threat to Homeland Security, and for other purposes. S. Rept. 117–272, re. S. 2525.

To amend Title 5, United States Code, to improve the effectiveness of major rules in accomplishing their regulatory objectives by promoting their regulatory objectives by promoting retrospective review, and for other purposes. S. Rept. 117–273, re. S. 2801.

To modernize federal information security management, and for other purposes. S. Rept. 117–274, re. S. 2902.

To amend the Homeland Security Act of 2002 to establish in the Cybersecurity and Infrastructure Security Agency the National

Cyber Exercise Program, and for other purposes. S. Rept. 117–275, re. S. 2993.

To establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes. S. Rept. 117–276, re. S. 4465.

To enhance the authority granted to the Department of Homeland Security and Department of Justice with respect to unmanned aircraft systems and unmanned aircraft, and for other purposes. S. Rept. 117–277, re. S. 4687.

To establish the duties of the Director of the Cybersecurity and Infrastructure Security Agency regarding open source software security, and for other purposes. S. Rept. 117–278, re. S. 4913.

To require an interagency strategy for creating a unified posture on counter-unmanned aircraft systems (C-UAS) capabilities and protections at international borders of the United States. S. Rept. 117–279, re. S. 4919.

To authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to hold an annual cybersecurity competition relating to offensive and defensive cybersecurity disciplines, and for other purposes. S. Rept. 117–280, re. H.R. 6824.

To amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency to establish an industrial control systems cybersecurity training initiative, and for other purposes. S. Rept. 117–281, re. H.R. 7777.

To strengthen the security and integrity of the United States scientific and research enterprise. S. Rept. 117–282, re. S. 1351.

COMMITTEE PRINTS

The Committee issued the following Committee Prints during the 117th Congress:

Rules of Procedure. Committee on Homeland Security and Governmental Affairs. (Printed. 44 pp. S. Prt. 117–7). Rules of Procedure. Senate Permanent Subcommittee on Investigations on Homeland Security and Governmental Affairs. (Printed. 23 pp. S. Prt. 117–8).

GAO REPORTS

Also during the 117th Congress, the Government Accountability Office (GAO) issued 92 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.

Rural Hospital Closures: Affected Residents Had Reduced Access to Health Care Services. GAO–21–93. December 22, 2020.

U.S. Department of Energy Contracting: Improvements Needed to Ensure the U.S. Department of Energy Assesses Its Full Range of Contracting Fraud Risks. GAO–21–44. January 13, 2021.

Chemical Security: Overlapping Programs Could Better Collaborate to Share Information and Identify Potential Security Gaps. GAO–21–12. January 21, 2021.

Southwest Border: Department of Homeland Security and Department of Justice Have Implemented Expedited Credible Fear

Screening Pilot Programs, but Should Ensure Timely Data Entry. GAO-21-144. January 25, 2021.

Man-Made Chemicals and Potential Health Risks: The U.S. Environmental Protection Agency Has Completed Some Regulatory-Related Actions for PFAS. GAO-21-37. January 27, 2021.

Countering Violent Extremism: The U.S. Department of Homeland Security Needs to Improve Grants Management and Data Collection. GAO-21-216. February 1, 2021.

United States Assistance to Mexico: The U.S. Department of State and U.S. Agency for International Development Should Strengthen Risk Management for Programs under the Merida Initiative. GAO-21-335. March 1, 2021.

High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas. GAO-21-384T. March 2, 2021.

Electricity Grid: Opportunities Exist For the U.S. Department of Energy to Better Support Utilities in Improving Resilience to Hurricanes. GAO-21-274. March 5, 2021.

Cybersecurity and Infrastructure Security Agency: Actions Needed To Ensure Organizational Changes Result In More Effective Cybersecurity for Our Nation. GAO-21-236. March 10, 2021.

Decennial Census: U.S. Census Bureau Should Assess Significant Data Collection Challenges As It Undertakes Planning For 2030. GAO-21-365. March 22, 2021.

2020 Census: U.S. Census Bureau Needs To Ensure Transparency Over Data Quality, Finalize Plans For Data Protection, And Examine Lessons Learned. GAO-21-462T. March 23, 2021.

COVID-19: The Department of Health and Human Services Should Clarify Agency Roles For Emergency Return of U.S. Citizens During a Pandemic. GAO-21-334. April 19, 2021.

Medicaid: Information on the Use of Electronic Asset Verification to Determine Eligibility for Selected Beneficiaries. GAO-21-473R. April 23, 2021.

National Health Service Corps: Program Directs Funding to Areas with Greatest Provider Shortages. GAO-21-323. April 30, 2021.

Disaster Recovery: U.S. Department of Housing and Urban Development Should Take Additional Action to Assess Community Development Block Grant Fraud Risks. GAO-21-177. May 5, 2021.

Foreign Assistance: State Department Should Better Assess Results of Efforts to Improve Financial and Some Program Data. GAO-21-373. May 10, 2021.

Oral Presentation On the Department of Homeland Security's Countering Weapons Of Mass Destruction (CWMD) Office. May 18, 2021.

Puerto Rico Recovery: The Federal Emergency Management Agency Made Progress in Approving Projects, but Should Identify and Assess Risks to the Recovery. GAO-21-264. May 19, 2021.

La Recuperacion De Puerto Rico: FEMA Progreso En La Aprobacion De Proyectos, Pero Deberia Identificar Y Evaluar Los Riesgos Para La Recuperacion. GAO-21-442. May 19, 2021.

Biodefense: The U.S. Department of Homeland Security Exploring New Methods to Replace Biowatch and Could Benefit from Additional Guidance. GAO-21-292. May 20, 2021.

Physician Workforce: Caps on Medicare-Funded Graduate Medical Education at Teaching Hospitals. GAO-21-391. May 21, 2021.

Oil and Gas: The Department of the Interior Should Strengthen Management of Key Data Systems Used to Oversee Development on Federal Lands. GAO-21-209. May 27, 2021.

U.S. Department of Homeland Security Office of Inspector General: Actions Needed to Address Long-Standing Management Weaknesses. GAO-21-316. June 3, 2021.

Homeland Security: U.S. Department of Homeland Security Needs to Fully Implement Key Practices in Acquiring Biometric Identity Management System. GAO-21-386. June 8, 2021.

Health Care Funding: Planned Parenthood Federation of America Affiliates' Expenditures of Federal Funds, 2016 Through 2018. GAO-21-608R. June 22, 2021.

Domestic Medical Supply Manufacturing. July 19, 2021.

Countering Violent Extremism: The U.S. Department of Homeland Security Can Further Enhance Its Strategic Planning and Data Governance Efforts. GAO-21-507. July 20, 2021.

Federal Contracting: Senior Leaders Should Use Leading Companies' Key Practices to Improve Performance. GAO-21-491. July 27, 2021.

Paycheck Protection Program: Small Business Administration Added Program Safeguards, but Additional Actions are Needed. GAO-21-577. July 29, 2021.

Capitol Attack: Special Event Designations Could Have Been Requested for January 6, 2021, but not All U.S. Department of Homeland Security Guidance is Clear. GAO-21-105255. August 9, 2021.

Capital Fund Proposal: Upfront Funding Could Benefit Some Projects, But Other Potential Effects Not Clearly Identified. GAO-21-215. September 10, 2021.

Federal Real Property Asset Management: Additional Direction in Government-Wide Guidance Could Enhance Natural Disaster Resilience. GAO-21-596. September 14, 2021.

Federal Rulemaking: Selected Agencies Should Fully Describe Available Public Comment Data and Their Limitations. GAO-21-103181. September 21, 2021.

Paycheck Protection Program: Program Changes Increased Lending to the Smallest Businesses and in Underserved Locations. GAO-21-601. September 21, 2021.

Information Technology Modernization: U.S. Department of Agriculture Needs to Improve Oversight of Farm Production and Conservation Program Mission Area. GAO-21-512. September 23, 2021.

Critical Infrastructure Protection: Education Should Take Additional Steps to Help Protect K-12 Schools From Cyber Threats. GAO-22-105024. October 13, 2021.

Federal Reserve Lending Programs: Credit Markets Served by the Program have Stabilized, but Vulnerabilities Remain. GAO-22-104640. October 19, 2021.

COVID-19 Pandemic: Observations on the Ongoing Recovery of the Aviation Industry. GAO-22-104429. October 21, 2021.

COVID-19: Federal Agencies' Initial Reentry and Workplace Safety Planning. GAO-22-104295. October 25, 2021.

Federal Hiring: The Office of Personnel Management Should Collect and Share COVID-19 Lessons Learned to Inform Hiring During Future Emergencies. GAO-22-104297. October 25, 2021.

COVID-19: Lessons Learned from the U.S. Department of the Interior and the U.S. Department of the Treasury's Administration of CARES Act Funds Could Improve Federal Emergency Relief to Tribes. GAO-22-104349. October 29, 2021.

COVID-19: The U.S. Department of State Carried Out Historic Repatriation Effort but Should Strengthen its Preparedness for Future Crises. GAO-22-104354. November 2, 2021.

KC-46 Tanker: Air Force Needs to Mature Critical Technologies in New Aerial Refueling System Design. GAO-22-104530. January 27, 2022.

COVID-19: Federal Telework Increased during the Pandemic, but More Reliable Data are Needed to Support Oversight. GAO-22-104282. February 8, 2022.

Banking Services: Regulators Have Taken Actions to Increase Access, but Measurement of Actions' Effectiveness Could be Improved. GAO-22-104468. February 14, 2022.

2020 Census Data Protection and Privacy Review. February 15, 2022.

Capitol Attack: Federal Agencies' Use of Open Source Data and Related Threat Products Prior to January 6, 2021. GAO-22-105256SU. February 16, 2022.

Biodefense: Opportunities to Address National Strategy and Programmatic Challenges. GAO-22-105733. February 17, 2022.

Capitol Attack: The Capitol Police Need Clearer Emergency Procedures and a Comprehensive Security Risk Assessment Process. GAO-22-105001. February 17, 2022.

Critical Infrastructure Protection: Cybersecurity and Infrastructure Security Agency Should Improve Priority Setting, Stakeholder Involvement, and Threat Information Sharing. GAO-22-104279. March 1, 2022.

Capitol Attack: Additional Actions Needed to Better Prepare Capitol Police Officers for Violent Demonstrations. GAO-22-104829. March 7, 2022.

Indian Health Service: Information on Third-Party Collections and Processes to Procure Supplies and Services. GAO-22-104742. March 10, 2022.

2020 Census: U.S. Census Bureau Released Apportionment and Redistricting Data, but Needs to Finalize Plans for Future Data Products. GAO-22-105324. March 14, 2022.

COVID-19: The Department of State Should Strengthen Policies to Better Maintain Overseas Operations in Future Crises. GAO-22-104519. March 16, 2022.

Emergency Relief Funds: Significant Improvements are Needed to Ensure Transparency and Accountability for COVID-19 And Beyond. GAO-22-105715. March 17, 2022.

Indian Health Service: Relief Funding and Agency Response to COVID-19 Pandemic. GAO-22-104360. March 31, 2022.

Countering Weapons of Mass Destruction: The U.S. Department of Homeland Security Could Improve its Acquisition of Key Technology and Coordination with Partners. GAO-22-104498. April 19, 2022.

Native American Veterans: Improvements to U.S. Department of Veterans Affairs Management Could Help Increase Mortgage Loan Program Participation. GAO-22-104627. April 19, 2022.

Scientific Integrity: U.S. Department of Health and Human Services Agencies Need to Develop Procedures and Train Staff on Reporting and Addressing Political Interference. GAO-22-104613. April 20, 2022.

State Department: Additional Actions Needed to Address it Workforce Challenges. GAO-22-104233SU. April 26, 2022.

Capitol Attack: Federal Agencies' Use of Open Source Data and Related Threat Products Prior to January 6, 2021. GAO-22-105963. May 2, 2022.

Department of Defense Animal Use: Objectives and Performance Measures Needed to Monitor Use of Alternatives for Trauma Training. GAO-22-103992. May 3, 2022.

Artificial Intelligence: Key Practices to Help Federal Use of Artificial Intelligence. May 11, 2022.

COVID-19: U.S. Food and Drug Administration Took Steps to Help Make Test Available; Policy for Future Public Health Emergencies Needed. GAO-22-104266. May 12, 2022.

Border Patrol: Actions Needed to Improve Checkpoint Oversight and Data. GAO-22-104568. June 6, 2022.

Maritime Cargo Security: U.S. Customs and Border Protection Should Provide Additional Guidance for Certain Non-Containerized Cargo Inspections. GAO-22-104210. June 22, 2022.

COVID-19: Agencies Increased Use of Some Regulatory Flexibilities and are Taking Steps to Assess Them. GAO-22-105047. June 23, 2022.

Federal Personal Property: Better Internal Guidance and More Action from the General Services Administration are Needed to Help Agencies Maximize Use of Excess. GAO-22-104626. June 28, 2022.

State Department: Additional Actions Needed To Address It Workforce Challenges. GAO-22-105932. July 12, 2022.

Countering Weapons of Mass Destruction: The U.S. Department of Homeland Security Office Has Opportunities to Improve Partner Services and Employee Morale. GAO-22-106133. July 19, 2022.

Persistent Chemicals: Technologies for PFAS Assessment, Detection, and Treatment. GAO-22-105088. July 28, 2022.

Spectrum Management: Improved Planning and Interagency Collaboration Could Strengthen Spectrum Reallocation Efforts. GAO-22-106170. August 2, 2022.

U.S. Department of Veterans Affairs Acquisition Management: Action Needed to Ensure Success of New Oversight Framework. GAO-22-105195. August 11, 2022.

Federal Real Property: General Services Administration Could Further Support Agencies' Post Pandemic Planning For Office Space Use. GAO-22-105105. September 7, 2022.

Privacy: Dedicated Leadership Can Improve Programs and Address Challenges. GAO-22-105065. September 22, 2022.

Medicare Telehealth: Actions Needed to Strengthen Oversight and Help Provided Educate Patients on Privacy and Security Risks. GAO-22-104454. September 26, 2022.

Southwest Border: Challenges and Efforts Implementing New Processes for Noncitizen Families. GAO-22-105456. September 28, 2022.

Persistent Chemicals: The U.S. Environmental Protection Agency Should Use New Data to Analyze the Demographics of Communities with PFAS in Their Drinking Water. GAO-22-105135. September 30, 2022.

Critical Infrastructure Protection: Additional Federal Coordination is Needed to Enhance K-12 Cybersecurity. GAO-23-105480. October 20, 2022.

Federal Vehicles: Agency Fleets Have Potential to Transition to Electric Vehicles. GAO-23-105635. October 20, 2022.

Federal Real Property: Agencies Attribute Substantial Increases in Reported Deferred Maintenance to Multiple Factors. GAO-23-106124. October 28, 2022.

Renewable Fuel Standard: Actions Needed to Improve Decision-Making in the Small Refinery Exemption Program. GAO-23-105801. November 3, 2022.

Aviation Security: The U.S. Transportation Security Administration Should Assess Potential For Discrimination And Better Inform Passengers Of The Complaint Process. GAO-23-105201. November 7, 2022.

Wildland Fire: Barriers to Recruitment and Retention of Federal Wildland Firefighters. GAO-23-105517. November 17, 2022.

Internal Revenue Service: Information about Funding, Financial Reporting Controls, and The Government Accountability Office Recommendations. GAO-23-106351. November 28, 2022.

CARES Act: Structural Characteristics That Can Help Insulate U.S. Department of Health and Human Services Agencies against Potential Political Interference. GAO-23-105415. December 15, 2022.

COVID-19 Funds: Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients. GAO-23-105473. December 15, 2022.

Oral Presentation on U.S. Park Police Staffing. December 16, 2022.

Federal Reserve Lending Programs: Risks Remain Low in Related Credit Markets, and Main Street Loans Have Generally Performed Well. GAO-23-105629. December 19, 2022.

Information Management: Agencies Need To Streamline Electronic Services. GAO-23-105562. December 20, 2022.

Unemployment Insurance: Data Indicate Substantial Levels of Fraud during The Pandemic; Department of Labor Should Implement An Antifraud Strategy. GAO-23-105523. December 22, 2022.

VI. OFFICIAL COMMUNICATIONS

During the 117th Congress, 741 official communications were referred to the Committee. Of these, 722 were Executive Communications, and 19 were Petitions or Memorials. Of the official communications, 340 dealt with the District of Columbia.

VII. LEGISLATIVE ACTIONS

During the 117th Congress, the Committee reported significant legislation that was approved by Congress and signed by the President.

The following are brief legislative histories of measures to the Committee and, in some cases, drafted by the Committee, which (1) became public law or (2) were favorably reported from the Committee and passed by the Senate, but did not become law. In addition to the measures listed below, the Committee received during the 117th Congress numerous legislative proposals that were not considered or reported, or that were reported but not passed by the Senate. Additional information on these measures appears in the Committee's Legislative Calendar for the 117th 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. 26.—Construction Consensus Procurement Improvement Act of 2021. (Public Law 117–28). July 26, 2021.

This bill prohibits the federal government from using reverse auctions for complex, specialized, or substantial design and construction services. Reverse auctions allow the sellers to bid down the price of a project and typically result in the contractor with the lowest bid winning the contract. The Federal Acquisition Regulatory Council (FARC) must define complex, specialized, or substantial design and construction services. The General Services Administration (GSA) shall report to specified congressional committees on this bill's effectiveness.

H.R. 521.—First Responder Fair (RETIRE) Act. (Public Law 117–225). December 09, 2022.

This bill allows disabled federal first responders (e.g., law enforcement officers, customs and border protection officers, and firefighters) to continue receiving federal retirement benefits in the same manner as though they had not been disabled. Under current law, federal first responders are subject to a mandatory retirement age of 57. To facilitate this earlier retirement, federal first responders are required to pay a greater percentage of their salary towards retirement. Additionally, their annuity amount is calculated at a higher rate than other federal employees. This bill allows a federal first responder to remain in the accelerated retirement system if they are placed in another civil service position outside of that system after returning to work from a work-related injury or illness. Further, if such an employee is separated from service before they are entitled to receive an annuity, they may receive a refund of their accelerated contributions.

S. 231.—Protecting Firefighters from Adverse Substances (PFAS) Act. (Public Law 117–248). December 20, 2022.

This act requires the Department of Homeland Security (DHS) to develop guidance for firefighters and other emergency response personnel on training, education programs, and best practices to protect them from exposure to perfluoroalkyl and polyfluoroalkyl substances, commonly referred to as PFASs, from firefighting foam

and to prevent the release of PFASs into the environment. These substances are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing. This bill requires the Department of Homeland Security to develop and conduct an exercise related to the detection and prevention of terrorist and foreign fighter travel. The bill requires the national exercise program (a program to test and evaluate the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies) to include emerging threats.

S. 272.—Congressional Budget Justification Transparency Act of 2021. (Public Law 117–40). September 24, 2021.

This bill requires federal agencies to make budget justification materials available to the public on a website. The bill also requires the Office of Management and Budget (OMB) to make certain details regarding the materials available to the public, including a list of the agencies that submit budget justification materials to Congress, the dates that the materials are submitted to Congress and posted online, and links to the materials.

S. 442.—Bulb Replacement Improving Government with High-efficiency Technology (BRIGHT) Act. (Public Law 117–202). October 17, 2022.

This act expands requirements relating to the procurement and use of energy-efficient lighting in federal buildings. Under current law, public buildings that are constructed or managed by the General Services Administration (GSA) must be equipped with energy-efficient light bulbs and fixtures. Under the act, buildings must be equipped with the most life-cycle cost effective and energy-efficient lighting systems available, including with respect to sensors, fixture distribution, and other elements. The act also specifically establishes requirements relating to the procurement of such lighting systems and modifies other requirements accordingly. The act also requires the GSA to provide information to federal, state, local, and tribal entities about procuring and using such lighting systems in furtherance of governmental efficiency.

S. 583.—Promoting Rigorous and Innovative Cost Efficiencies for Federal Procurement and Acquisitions (PRICE) Act of 2021. (Public Law 117–88). February 22, 2022.

This bill directs the Management Directorate of the Department of Homeland Security (DHS) to publish an annual report on a DHS website on projects that have used innovative procurement techniques within DHS to accomplish specified goals. Such goals are improving or encouraging better competition, reducing time to award, achieving cost savings, achieving better mission outcomes, or meeting the goals for contracts and awarded to small business concerns. The Management Directorate shall (1) develop and disseminate guidance and offer training for specified personnel concerning when and how to use such techniques, and (2) share best practices across DHS and make available to other federal agencies information to improve procurement methods and training. The Office of Federal Procurement Policy (OFPP) shall convene a Chief Acquisition Officers Council (CAOC) to examine best practices for acquisition innovation in contracting in the federal government.

S. 658.—National Cybersecurity Preparedness Consortium Act of 2021. (Public Law 117–122). May 12, 2022.

This bill allows the Department of Homeland Security (DHS) to work with one or more consortia composed of nonprofit entities to develop, update, and deliver cybersecurity training in support of homeland security.

H.R. 1917.—Hazard Eligibility and Local Projects Act. (Public Law 117–332). January 05, 2023.

This bill makes an entity seeking assistance under a hazard mitigation assistance program eligible to receive such assistance for certain projects already in progress. Specifically, this bill covers a project that is an acquisition and demolition project for which an entity began implementation, including planning or construction, before or after requesting assistance for the project under a hazard mitigation assistance program, and qualifies for a categorical exclusion under the National Environmental Policy Act of 1969. The Federal Emergency Management Agency (FEMA) must have determined that the project qualifies for a categorical exclusion, is compliant with applicable floodplain management and protection of wetland regulations and criteria, and does not require consultation under any other environmental or historic preservation law or regulation or involve any extraordinary circumstances. FEMA must report to Congress, within 180 days of enactment and annually thereafter for three years, on use of the authority under this bill. Such authority terminates three years after enactment.

S. 1097.—Federal Rotational Cyber Workforce Program Act of 2021. (Public Law 117–149). June 21, 2022.

This bill establishes a rotational cyber workforce program under which certain federal employees may be detailed among rotational cyber workforce positions at other agencies. This bill authorizes an agency to determine whether a workforce position involving information technology, cybersecurity, or other cyber-related functions in that agency is eligible for the program. Additionally, the bill requires the Office of Personnel Management (OPM) to issue a Federal Rotational Cyber Workforce Program operation plan providing policies, processes, and procedures for detailing employees among rotational cyber workforce positions at agencies. The Government Accountability Office (GAO) must assess the operation and effectiveness of the rotational cyber workforce program by addressing the extent to which agencies have participated in the program and the experiences of employees serving in the program.

H.R. 2617.—Consolidated Appropriations Act, 2023. (Public Law 117–328). December 29, 2022.

This bill provides appropriations to federal agencies for the remainder of FY2023, provides supplemental appropriations for disaster relief and to support Ukraine, extends several expiring authorities, and modifies or establishes various programs that address a wide range of policy areas. The bill includes the 12 regular appropriations bills that fund federal agencies for FY2023. These bills include the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2023; the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2023; the Department of Defense Appropriations Act, 2023; the Energy and Water Development and Related Agencies Appropriations Act, 2023; the Financial Services and General Government Appropriations Act, 2023; the Department of Homeland Security Appropriations Act, 2023; the Department of the Interior,

Environment, and Related Agencies Appropriations Act, 2023; the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2023; the Legislative Branch Appropriations Act, 2023; the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2023; the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023; and the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2023.

S. 1828.—Helping American Victims Afflicted by Neurological Attacks (HAVANA) of 2021. (Public Law 117–46). October 08, 2021.

This bill specifically authorizes the Central Intelligence Agency (CIA), the Department of State, and other agencies to provide payments to agency personnel who incur brain injuries from hostilities while on assignment. Specifically, the bill allows agency personnel and their families to receive payments for brain injuries that are incurred (1) during a period of assignment to a foreign or domestic duty station; (2) in connection with war, insurgency, hostile acts, terrorist activity, or other agency-designated incidents; and (3) not as the result of willful misconduct. The bill’s authority applies to injuries incurred before, on, or after the date of the bill’s enactment. Agencies must submit classified reports on the bill’s implementation, including the number of payments made and the amount of each payment. Since 2016, some intelligence, diplomatic, and other governmental personnel have reported experiencing unusual cognitive and neurological impairments while on assignment (particularly abroad), the source of which is currently under investigation. Symptoms were first reported by personnel stationed in Cuba and have since been collectively referred to as Havana Syndrome.

S. 1917.—K–12 Cybersecurity Act of 2021. (Public Law 117–47). October 08, 2021.

This bill requires the Cybersecurity and Infrastructure Security Agency (CISA) to study the cybersecurity risks facing elementary and secondary schools and develop recommendations that include cybersecurity guidelines designed to assist schools in facing those risks. The use of such recommendations shall be voluntary. The study must evaluate the challenges that schools face in securing (1) information systems owned, leased, or relied upon by those schools; and (2) sensitive student and employee records. Further, the bill requires CISA to (1) develop an online training toolkit designed for school officials; and (2) make available on the Department of Homeland Security website the study’s findings, the cybersecurity guidelines, and the toolkit.

S. 1941.—Metropolitan Areas Protection and Standardization Act (MAPS) of 2021. (Public Law 117–219). December 05, 2022.

This act limits the automatic application of, and directs the Office of Management and Budget (OMB) to provide information about, changes to the standards for designating a core-based statistical area (CBSA). The standards are used to delineate metropolitan and micropolitan areas for statistical purposes. Specifically, any change to the standards of CBSA delineations (1) shall not apply automatically for any nonstatistical use by any domestic assistance program, and (2) shall apply for such uses only if a relevant agency determines that the change supports the purposes of

the program and is in the public interest and the change is adopted through rulemaking procedures. The OMB must ensure that any change to the standards of CBSA delineations are accompanied by a public report that explains the scientific basis, criteria, and methodology for such change and the opinions of experts in statistics and demographics who were consulted regarding the change; are not influenced by any nonstatistical considerations; and are not applied automatically for any nonstatistical use by any domestic assistance program. Additionally, the OMB must collect information on the uses of CBSA delineations by domestic assistance programs for purposes including prime recipient and subrecipient eligibility for, and distribution of, any federal service, benefit, or funding. The Government Accountability Office (GAO) must submit a report assessing the information collected by the OMB pursuant to this act.

S. 2201.—Supply Chain Security Training Act of 2021. (Public Law 117–145). June 16, 2022.

This bill requires the Federal Acquisition Institute (FAI) to develop a training program for officials with supply chain risk management responsibilities at federal agencies (defined to include the legislative and judicial branches, as well as the executive branch, of the federal government). The program shall be designed to prepare such personnel to perform supply chain risk management activities and identify and mitigate supply chain security risks that arise throughout the acquisition life cycle, including for the acquisition of information and communications technology. The Office of Management and Budget (OMB) shall (1) promulgate guidance to federal agencies requiring executive agency adoption and use of the program, and (2) make the guidance available to federal agencies of the legislative and judicial branches.

S. 2293.—Civilian Reservist Emergency Workforce Act (CREW) of 2021. (Public Law 117–178). September 29, 2022.

This bill makes employment protections under the Uniformed Services Employment and Reemployment Rights Act (USERRA) applicable to Federal Emergency Management Agency (FEMA) reservists who deploy to major disaster and emergency sites. It allows such reservists to claim such rights under USERRA even if they do not provide notice of their absence from work due to deployment.

H.R. 4426.—Homeland Security for Children Act. (Public Law 117–130). June 6, 2022.

This bill requires the Department of Homeland Security (DHS) to ensure that the needs of children are considered in homeland security planning. Specifically, each DHS office and component must take into account the needs of children, including children within underserved communities, in mission planning and execution. DHS must require each office and component to seek advice and feedback from organizations representing the needs of children. The bill directs the Federal Emergency Management Agency (FEMA) to identify and integrate the needs of children into activities to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other disasters, including by appointing a technical expert to coordinate such integration.

S. 2520.—State and Local Government Cybersecurity Act of 2021. (Public Law 117–150). June 21, 2021.

This bill provides for collaboration between the Department of Homeland Security (DHS) and state, local, tribal, and territorial governments, as well as corporations, associations, and the general public, regarding cybersecurity. The bill expands DHS responsibilities through grants and cooperative agreements, including provision of assistance and education related to cyber threat indicators, proactive and defensive measures and cybersecurity technologies, cybersecurity risks and vulnerabilities, incident response and management, analysis, and warnings. The bill requires the National Cybersecurity and Communications Integration Center, upon request, to coordinate with entities such as the Multi-State Information Sharing and Analysis Center to engage in specified activities, including to (1) conduct exercises with state, local, tribal, or territorial government entities; (2) provide operational and technical cybersecurity training to such entities; and (3) promote cybersecurity education and awareness.

S. 2551.—Artificial Intelligence Training for the Acquisition Workforce (AI Training) Act. (Public Law 117–207). October 17, 2022.

This bill requires the Office of Management and Budget (OMB) to establish or otherwise provide an artificial intelligence (AI) training program for the acquisition workforce of executive agencies (e.g., those responsible for program management or logistics), with exceptions. The purpose of the program is to ensure that the workforce has knowledge of the capabilities and risks associated with AI. The OMB must (1) update the program at least every two years, and (2) ensure there is a way to understand and measure the participation of the workforce and to receive and consider feedback from program participants.

S. 2991.—Countering Human Trafficking Act of 2021. (Public Law 117–322). December 27, 2022.

This act provides statutory authority for the Center for Countering Human Trafficking (CCHT) within the Department of Homeland Security (DHS). The CCHT coordinates DHS efforts to combat human trafficking and the importation of goods produced with forced labor. The act requires the CCHT to develop a strategy to improve the systems and processes used throughout DHS to combat human trafficking and the importation of goods produced with forced labor. The act transfers the functions and resources of the Blue Campaign (i.e., the national public awareness effort to combat human trafficking) to the CCHT. DHS may also transfer to the CCHT any other component, directorate, or office of the department related to combating human trafficking.

H.R. 5641.—Small Project Efficient and Effective Disaster Recovery Act. (Public Law 117–189). October 10, 2022.

This act increases to \$1 million the threshold for eligibility for assistance for what qualifies as a small project under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, thereby allowing more recovery projects to proceed under simplified procedures. The threshold must be reviewed every three years. The Inspector General (IG) of the Department of Homeland Security (DHS) must conduct an audit, and report to Congress, on whether there has been waste and abuse as a result of the change in the threshold.

S. 3059.—Courthouse Ethics and Transparency Act. (Public Law 117–125). May 13, 2022.

This bill requires federal judicial officers, bankruptcy judges, and magistrate judges to file periodic transaction reports disclosing certain securities transactions. The bill also requires online publication of judicial financial disclosure reports. Specifically, the bill requires federal judicial officers, bankruptcy judges, and magistrate judges to file reports within 45 days after a purchase, sale, or exchange that exceeds \$1,000 in stocks, bonds, commodities futures, and other forms of securities. Additionally, the bill directs the Administrative Office of the U.S. Courts to establish a searchable internet database of judicial financial disclosure reports. The office must, within 90 days of the date by which a report must be filed, make the report available on the database in a searchable, sortable, and downloadable format. The bill does not require the immediate and unconditional availability of reports filed by a judicial officer or employee if the Judicial Conference finds that revealing personal and sensitive information could endanger that individual or a family member of that individual.

S. 3092.—FEMA Improvement, Reform, and Efficiency (FIRE) Act of 2022. (Public Law 117–251). December 20, 2022.

This bill addresses the federal government's approach to wildfires. Specifically, the bill requires the Federal Emergency Management Agency (FEMA) to report to Congress regarding the use of relocation assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for wildfire risk. FEMA, in coordination with the National Weather Service, must study, develop recommendations for, and initiate a process for the use of forecasts and data, including information that supports Red Flag Warnings and similar weather alert and notification methods, to establish plans and actions that can be implemented prior to a wildfire event that can limit the impact, duration, or severity of the fire; and mechanisms to increase interagency collaboration to expedite the delivery of disaster assistance. The Government Accountability Office (GAO) must report to Congress regarding wildfires, including the effectiveness of FEMA programs. Each state, local agency, or private mental health organization providing professional crisis counseling assistance must ensure that those providing case management services to victims of a major disaster have training to address impacts in communities and to individuals with socioeconomically disadvantaged backgrounds. FEMA must conduct a study and develop a plan to address providing housing assistance to survivors of major disasters or emergencies when presented with challenges such as the presence of multiple families within a single household. The bill allows Indian tribal governments to apply for grants for equipping, upgrading, and constructing state and local emergency operations centers.

S. 3470.—End Human Trafficking in Government Contracts Act of 2022. (Public Law 117–211). October 17, 2022.

This bill requires the implementation of certain contracting provisions related to human trafficking. Specifically, the bill requires, upon receipt of an office of inspector general report substantiating an allegation that the recipient of a contract, grant, or cooperative agreement (or any subgrantee, subcontractor, or agent of the recipient) engaged in human trafficking, that the agency refer the mat-

ter to the agency suspension and debarment office (current law requires that the agency consider remedial actions that include such referral). The Office of Management and Budget (OMB) must report to Congress on implementation of provisions to end human trafficking in government contracting.

S. 3499.—A bill to amend the Post-Katrina Emergency Management Reform Act of 2006. (Public Law 117–253). December 20, 2022.

This act repeals a provision of the Post-Katrina Emergency Management Reform Act of 2006 that requires the Department of Homeland Security to promulgate regulations to minimize the excessive use by contractors of subcontractors or tiers of subcontractors to perform the principal work of any contract for facilitating response to or recovery from a natural or man-made disaster.

S. 3510.—Disaster Resiliency Planning Act. (Public Law 117–221). December 05, 2022.

This act requires the Office of Management and Budget (OMB) to establish guidance that requires federal agencies to incorporate natural disaster resilience into real property asset management and investment decisions. Specifically, the guidance must direct each agency to incorporate assessments of natural disaster risk information conducted by the agency, such as vulnerability and other risk assessments, into real property asset management and investment decisions.

S. 3655.—Civil Rights Cold Case Investigations Support Act of 2022. (Public Law 117–222). December 05, 2022.

This act extends the Civil Rights Cold Case Records Review Board until 2026 (or 2027 if the board opts for an additional one-year extension). The board reviews the decisions of federal agencies to postpone the disclosure of civil rights cold case records (i.e., unsolved civil rights cases from 1940–1979).

H.R. 7077.—Empowering the U.S. Fire Administration Act. (Public Law 117–246). December 20, 2022.

This act authorizes the U.S. Fire Administration (USFA) to conduct on-site fire safety investigations of major fires and other fires under other specified circumstances. In the case of a major fire, the USFA may send incident investigators (e.g., safety specialists, fire protection engineers, codes and standards experts, researchers, and fire training specialists) to the site. Any such investigation shall (1) be conducted in coordination and cooperation with appropriate federal, state, local, tribal, and territorial authorities; and (2) examine the previously determined cause and origin of the fire and assess broader systematic matters. Upon concluding any such investigation, the USFA must issue a public report to federal, state, local, tribal, and territorial authorities on the findings of such investigation or collaborate with another investigating federal, state, local, tribal, or territorial agency on that agency's report. The act makes an exception where issuing a report would have a negative impact on a potential or ongoing criminal investigation. Additionally, the USFA may send fire investigators to conduct fire safety investigations at the site of any fire with unusual or remarkable context that results in losses less severe than those occurring as a result of a major fire, in coordination and cooperation with the appropriate federal, state, local, tribal, and territorial authorities.

S. 3875.—Community Disaster Resilience Zones Act of 2022. (Public Law 117–255). December 20, 2022.

This act requires the President to continue to maintain a natural hazard assessment program that develops and maintains publicly available products to show the risk of natural hazards across the United States. Such products shall show the risk of natural hazards and include ratings and data for loss exposure, social vulnerability, community resilience, and any other element determined by the President. The President shall (1) review the underlying methodology of any product that is a natural hazard risk assessment and receive public input on the methodology and data used for the product, and (2) consider including additional data in any product that is a natural disaster hazard risk assessment. Additionally, the President must conduct such reviews to evaluate and update the assessments at least every five years. Using the reviewed assessments, the President must periodically identify and designate community disaster resilience zones (CDRZs), which shall be (1) the 50 census tracts assigned the highest individual hazard risk ratings; and (2) in each state, not less than 1% of census tracts that are assigned a high individual risk rating, taking into consideration specified geographic balance. The President may provide financial, technical, or other assistance to an eligible entity (a state, Indian tribal government, or local government) that plans to perform a resilience or mitigation project within, or that primarily benefits, a CDRZ.

S. 3905.—Preventing Organizational Conflicts of Interest in Federal Acquisition Act. (Public Law 117–324). December 27, 2022.

This act addresses conflicts of interest in federal acquisitions. Specifically, the act directs the Federal Acquisition Regulatory Council to revise the Federal Acquisition Regulation (FAR) to provide and update definitions related to specific types of organizational conflicts of interest; definitions, guidance, and illustrative examples related to relationships of contractors with public, private, domestic, and foreign entities that may cause contract support to be subject to potential organizational conflicts; and illustrative examples of situations related to the potential organizational conflicts identified. Further, the council must revise the FAR to provide executive agencies with solicitation provisions and contract clauses to avoid or mitigate organizational conflicts, for agency use as needed, that require contractors to disclose information relevant to potential organizational conflicts and limit future contracting with respect to potential conflicts with the work to be performed under awarded contracts; allow agencies to tailor such solicitation provisions and contract clauses as necessary to address risks associated with conflicts of interest and other considerations that may be unique to the agency; require agencies to establish or update agency conflict of interest procedures to implement the revisions to the FAR made under this act and periodically assess and update such procedures as needed to address agency-specific conflict issues; and update FAR procedures to permit contracting officers to take into consideration professional standards and procedures to prevent organizational conflicts of interest to which an offeror or contractor is subject.

H.R. 7535.—Quantum Computing Cybersecurity Preparedness Act. (Public Law 117–260). December 21, 2022.

This act addresses the migration of executive agencies' information technology systems to post-quantum cryptography. Post-quantum cryptography is encryption strong enough to resist attacks from quantum computers developed in the future. The act does not apply to national security systems. The Office of Management and Budget (OMB) shall issue guidance on the migration of information technology to post-quantum cryptography. Each executive agency must maintain an inventory of all information technology in use by the executive agency that is vulnerable to decryption by quantum computers. After the National Institutes of Standards and Technology (NIST) has issued post-quantum cryptography standards, the OMB shall issue guidance requiring each executive agency to develop a plan to migrate information technology of the agency to post-quantum cryptography. OMB shall submit to Congress a report on a strategy to address the risk posed by the vulnerabilities of information technology of executive agencies to weakened encryption due to the potential and possible capability of a quantum computer to breach such encryption; the funding needed by executive agencies to secure such information technology from the risk posed by an adversary of the United States using a quantum computer to breach the encryption; and a description of federal civilian executive branch coordination efforts led by NIST, including timelines, to develop standards for post-quantum cryptography.

S. 4205.—Planning for Animal Wellness (PAW) Act. (Public Law 117–212). October 17, 2022.

This act directs the Federal Emergency Management Agency (FEMA) to establish a working group relating to best practices and federal guidance for animals in emergencies and disasters. Specifically, the working group shall (1) encourage and foster collaborative efforts among individuals and entities working to address the needs of household pets, service and assistance animals, and captive animals in emergency and disaster preparedness, response, and recovery; and (2) review best practices and federal guidance on sheltering and evacuation planning relating to the needs of such pets and animals.

B. POSTAL NAMING BILLS

H.R. 91—To designate the facility of the United States Postal Service located at 810 South Pendleton Street in Easley, South Carolina as the “Private First Class Barrett Lyle Austin Post Office Building”. (Public Law 117–193). October 11, 2022.

H.R. 92—To designate the facility of the United States Postal Service located at 110 Johnson Street in Pickens, South Carolina, as the “Specialist Four Charles Johnson Post Office”. (Public Law 117–194). October 11, 2022.

H.R. 203—To designate the facility of the United States Postal Service located at 4020 Broadway Street in Houston, Texas, as the “Benny C. Martinez Post Office Building”. (Public Law 117–265). December 27, 2022.

H.R. 208—To designate the facility of the United States Postal Service located at 500 West Main Street, Suite 102 in Tupelo, Mississippi, as the “Colonel Carlyle Smitty Harris Post Office”. (Public Law 117–33). August 06, 2021.

H.R. 228—To designate the facility of the United States Postal Service located at 2141 Ferry Street in Anderson, California, as the

“Norma Comnick Post Office Building”. (Public Law 117–230). December 19, 2022.

H.R. 264—To designate the facility of the United States Postal Service located at 1101 Charlotte Street in Georgetown, South Carolina, as the “Joseph Hayne Rainey Memorial Post Office Building”. (Public Law 117–34). August 06, 2021.

H.R. 700—To designate the facility of the United States Postal Service located at 303 East Mississippi Avenue in Elwood, Illinois, as the “Lawrence M. ‘Larry’ Walsh Sr. Post Office”. (Public Law 117–231). December 19, 2022.

H.R. 735—To designate the facility of the United States Postal Service located at 502 East Cotati Avenue in Cotati, California, as the “Arturo L. Ibleto Post Office Building”. (Public Law 117–155). June 14, 2022.

H.R. 767—To designate the facility of the United States Postal Service located at 40 Fulton Street in Middletown, New York, as the “Benjamin A. Gilman Post Office Building”. (Public Law 117–156). June 14, 2022.

H.R. 772—To designate the facility of the United States Postal Service located at 229 Minnetonka Avenue South in Wayzata, Minnesota, as the “Jim Ramstad Post Office”. (Public Law 117–35). August 06, 2021.

H.R. 960—To designate the facility of the United States Postal Service located at 3493 Burnet Avenue in Cincinnati, Ohio, as the “John H. Lehr and Herbert M. Heilbrun Post Office”. (Public Law 117–93). March 11, 2022.

H.R. 1095—To designate the facility of the United States Postal Service located at 101 South Willowbrook Avenue in Compton, California, as the “PFC James Anderson, Jr., Post Office Building”. (Public Law 117–268). December 27, 2022.

H.R. 1170—To designate the facility of the United States Postal Service located at 1 League in Irvine, California, as the “Tuskegee Airman Lieutenant Colonel Robert J. Friend Memorial Post Office Building”. (Public Law 117–152). June 23, 2022.

H.R. 1298—To designate the facility of the United States Postal Service located at 1233 North Cedar Street in Owasso, Oklahoma, as the “Technical Sergeant Marshal Roberts Post Office Building”. (Public Law 117–143). June 16, 2022.

H.R. 1444—To designate the facility of the United States Postal Service located at 132 North Loudoun Street, Suite 1 in Winchester, Virginia, as the “Patsy Cline Post Office”. (Public Law 117–157). June 24, 2022.

S. 566—To designate the facility of the United States Postal Service located at 42 Main Street in Slatersville, Rhode Island, as the “Specialist Matthew R. Turcotte Post Office”. (Public Law 117–87). February 22, 2022.

H.R. 2044—To designate the facility of the United States Postal Service located at 17 East Main Street in Herington, Kansas, as the “Captain Emil J. Kapaun Post Office Building”. (Public Law 117–91). March 10, 2022.

H.R. 2142—To designate the facility of the United States Postal Service located at 170 Manhattan Avenue in Buffalo, New York, as the “Indiana Hunt-Martin Post Office Building”. (Public Law 117–195). October 11, 2022.

H.R. 2324—To designate the facility of the United States Postal Service located at 2800 South Adams Street in Tallahassee, Florida, as the “D. Edwina Stephens Post Office”. (Public Law 117–153). June 23, 2022.

H.R. 2472—To designate the facility of the United States Postal Service located at 82422 Cadiz Jewett Road in Cadiz, Ohio, as the “John Armor Bingham Post Office”. (Public Law 117–269). December 27, 2022.

H.R. 2473—To designate the facility of the United States Postal Service located at 275 Penn Avenue in Salem, Ohio, as the “Howard Arthur Tibbs Post Office”. (Public Law 117–270). December 27, 2022.

H.R. 3175—To designate the facility of the United States Postal Service located at 135 Main Street in Biloxi, Mississippi, as the “Robert S. McKeithen Post Office Building”. (Public Law 117–232). December 19, 2022.

H.R. 3210—To designate the facility of the United States Postal Service located at 1905 15th Street in Boulder, Colorado, as the “Officer Eric H. Talley Post Office Building”. (Public Law 117–92). March 10, 2022.

H.R. 3419—To designate the facility of the United States Postal Service located at 66 Meserole Avenue in Brooklyn, New York, as the “Joseph R. Lentol Post Office”. (Public Law 117–94). March 11, 2022.

H.R. 3508—To designate the facility of the United States Postal Service located at 39 West Main Street in Honeoye Falls, New York, as the “CW4 Christian J. Koch Post Office”. (Public Law 117–196). October 11, 2022.

H.R. 3539—To designate the facility of the United States Postal Service located at 223 West Chalan Santo Papa in Hagatna, Guam, as the “Atanasio Taitano Perez Post Office”. (Public Law 117–197). October 11, 2022.

H.R. 3579—To designate the facility of the United States Postal Service located at 200 East Main Street in Maroa, Illinois, as the “Jeremy L. Ridlen Post Office”. (Public Law 117–141). June 15, 2022.

H.R. 3613—To designate the facility of the United States Postal Service located at 202 Trumbull Street in Saint Clair, Michigan, as the “Corporal Jeffrey Robert Standfest Post Office Building”. (Public Law 117–147). June 16, 2022.

H.R. 4168—To designate the facility of the United States Postal Service located at 6223 Maple Street in Omaha, Nebraska, as the “Petty Officer 1st Class Charles Jackson French Post Office”. (Public Law 117–142). June 15, 2022.

H.R. 4622—To designate the facility of the United States Postal Service located at 226 North Main Street in Roseville, Ohio, as the “Ronald E. Rosser Post Office”. (Public Law 117–274). December 27, 2022.

H.R. 4899—To designate the facility of the United States Postal Service located at 10 Broadway Street West in Akeley, Minnesota, as the “Neal Kenneth Todd Post Office”. (Public Law 117–276). December 27, 2022.

H.R. 5271—To designate the facility of the United States Postal Service located at 2245 Rosa L. Parks Boulevard in Nashville, Ten-

nessee, as the “Thelma Harper Post Office Building”. (Public Law 117–277). December 27, 2022.

H.R. 5577—To designate the facility of the United States Postal Service located at 3900 Crown Road Southwest in Atlanta, Georgia, as the “John R. Lewis Post Office Building”. (Public Law 117–184) October 04, 2022.

H.R. 5659—To designate the facility of the United States Postal Service located at 1961 North C. Street in Oxnard, California, as the “John R. Hatcher III Post Office Building”. (Public Law 117–280). December 27, 2022.

H.R. 5794—To designate the facility of the United States Postal Service located at 850 Walnut Street in McKeesport, Pennsylvania, as the “First Sergeant Leonard A. Funk, Jr. Post Office Building”. (Public Law 117–281). December 27, 2022.

H.R. 5809—To designate the facility of the United States Postal Service located at 1801 Town and Country Drive in Norco, California, as the “Lance Corporal Kareem Nikoui Memorial Post Office Building”. (Public Law 117–198). October 11, 2022.

H.R. 5900—To designate the facility of the United States Postal Service located at 2016 East 1st Street in Los Angeles, California, as the “Marine Corps Reserve PVT Jacob Cruz Post Office”. (Public Law 117–283). December 27, 2022.

H.R. 6080—To designate the facility of the United States Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the “Ronald A. Robinson Post Office”. (Public Law 117–290). December 27, 2022.

H.R. 6267—To designate the facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, as the “Sergeant Gerald T. ‘Jerry’ Donnellan Post Office”. (Public Law 117–294). December 27, 2022.

H.R. 6386—To designate the facility of the United States Postal Service located at 450 West Schaumburg, Illinois, as the “Veterans of Iraq and Afghanistan Memorial Post Office Building”. (Public Law 117–295). December 27, 2022.

H.R. 6614—To designate the facility of the United States Postal Service located at 4744 Grand River Avenue in Detroit, Michigan, as the “Rosa Louise McCauley Parks Post Office Building”. (Public Law 117–243). December 19, 2022.

H.R. 6917—To designate the facility of the United States Postal Service located at 301 East Congress Parkway in Crystal Lake, Illinois, as the “Ryan J. Cummings Post Office Building”. (Public Law 117–299). December 27, 2022.

S. 3825—To designate the facility of the United States Postal Service located at 3903 Melear Drive in Arlington, Texas, as the “Ron Wright Post Office Building”. (Public Law 117–239). December 20, 2022.

S. 3826—To designate the facility of the United States Postal Service located at 1304 4th Avenue in Canyon, Texas, as the “Gary James Fletcher Post Office Building”. (Public Law 117–217). December 02, 2022.

S. 3884—To designate the facility of the United States Postal Service located at 404 U.S. Highway 41 in Baraga, Michigan, as the “Cora Reynolds Anderson Post Office”. (Public Law 117–218). December 02, 2022.

H.R. 7518—A bill to designate the facility of the United States Postal Service located at 23200 John R. Road in Hazel Park, Michigan, as the “Roy E. Dickens Post Office”. (Public Law 117–305). December 27, 2022.

H.R. 8025—A bill to designate the facility of the United States Postal Service located at 100 South 1st Street in Minneapolis, Minnesota, as the “Martin Olav Sabo Post Office”. (Public Law 117–309). December 27, 2022.

S. 4411—A bill to designate the facility of the United States Postal Service located at 5302 Galveston Road in Houston, Texas, as the “Vanessa Guillen Post Office Building”. (Public Law 117–352). January 05, 2023.

H.R. 8203—A bill to designate the facility of the United States Postal Service located at 651 Business Interstate Highway 35 North, Suite 420, in New Braunfels, Texas, as the “Bob Krueger Post Office”. (Public Law 117–311). December 27, 2022.

H.R. 9308—A bill to designate the facility of the United States Postal Service located at 6401 El Cajon Boulevard in San Diego, California, as the “Susan A. Davis Post Office”. (Public Law 117–314). December 27, 2022.

VIII. ACTIVITIES OF THE SUBCOMMITTEES
 PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

CHAIRMAN: JON OSSOFF

RANKING MINORITY MEMBER: RON JOHNSON

The following is the Activities Report of the Permanent Subcommittee on Investigations for the 117th 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 twelve chairmen: Senators Homer Ferguson of Michigan (1948); Clyde R. Hoey of North Carolina (1949–1952); Joseph R. McCarthy of Wisconsin (1953–1954); John L. McClellan of Arkansas (1955–1972); Henry M. Jackson of Washington (1973–1978); Sam Nunn of Georgia (1979–1980 and 1987–1994); William V. Roth of Delaware (1981–1986 and 1995–1996); Susan M. Collins of Maine (1997–2001); Norman B. Coleman of Minnesota (2003–2007); Carl M. Levin of Michigan (2001–2002 and 2007–2014); Robert J. Portman of Ohio (2015–2021); and Jon Ossoff of Georgia (2021–2023).

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 its 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

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.

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

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

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

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

In 1998, the Subcommittee marked the fiftieth anniversary of the Truman Committee's conversion into a permanent subcommittee of

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

B. SUBCOMMITTEE INVESTIGATIONS

Armed with its broad jurisdictional mandate, the Subcommittee has conducted investigations into a wide variety of topics of public concern, ranging from financial misconduct, to commodities speculation, predatory lending, and tax evasion. Over the years, the Subcommittee has also conducted investigations into criminal wrongdoing, including money laundering, the narcotics trade, child pornography, labor racketeering, human trafficking, the opioid crisis, and organized crime activities. In addition, the Subcommittee has investigated a wide range of allegations of waste, fraud, and abuse in government programs and consumer protection issues, addressing problems ranging from unfair credit card practices to health care fraud. In the 117th Congress, the Subcommittee held five hearings and issued four reports on a wide range of issues. Under Chairman Ossoff, the Subcommittee focused on conditions in privatized military housing, abuse and mistreatment of women in detention, and poor conditions in federal prisons.

(1) Historical Highlights

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

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 twenty years has elapsed, the Permanent Subcommittee on Investigations, as an investigatory body, may close its records for fifty 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.

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 eighteen 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 Teamster leaders Dave Beck and Jimmy Hoffa to testify. The televised hearings of the special committee also introduced Senators Barry Goldwater and John F. Kennedy to the nation, as well as led to passage of the Landrum-Griffin Labor Act.

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

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

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

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.

nor 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's chairmanship, the Subcommittee conducted investigations into issues affecting Americans in their day-to-day lives, including mortgage fraud, deceptive mailings and sweepstakes promotions, phony credentials obtained through the Internet, day trading of securities, and securities fraud on the Internet. Senator Levin initiated an investigation into money laundering. At his request, in 1999, the Subcommittee held hearings on money laundering issues affecting private banking services provided to wealthy individuals, and, in 2001, on how major U.S. banks providing correspondent accounts to offshore banks were being used to advance money laundering and other criminal schemes.

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

In January 2003, at the start of the 108th Congress, after the Senate majority party again changed hands, Senator Collins was elevated to Chairman of the full Committee on Governmental Affairs, and Republican Senator Norman Coleman of Minnesota be-

came 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 the former Iraqi President Saddam Hussein had abused the United Nations Oil-for-Food Program. At the request of Senator Levin, then Ranking Minority Member, the Subcommittee examined how some U.S. accounting firms, banks, investment firms, and tax lawyers were designing, promoting, and implementing abusive tax shelters across the country. Also at Senator Levin's request, the Subcommittee investigated how some U.S. financial institutions were failing to comply with anti-money laundering controls mandated by the Patriot Act, using as a case history Riggs Bank accounts involving Augusto Pinochet, the former President of Chile, and Equatorial Guinea, an oil-rich country in Africa.

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

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

During the 111th Congress, Senator Levin continued as Subcommittee Chairman, while Senator Tom Coburn joined the Subcommittee as its Ranking Minority Member. Under their leader-

ship, 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, Microsoft and Hewlett Packard engaged in offshore tax abuses; and how excessive commodity speculation by mutual funds and others were taking place without Dodd-Frank safeguards such as position limits being put into effect. At the request of Senator Coburn, the Subcommittee also conducted bipartisan investigations into problems with Social Security disability determinations that, due to poor procedures, perfunctory hearings, and poor quality decisions, resulted in over one in five disability cases containing errors or inadequate justifications; how Department of Homeland Security state and local intelligence fusion centers failed to yield significant, useful information to support federal counterterrorism efforts; and how certain federal contractors that received taxpayer dollars through stimulus funding failed to pay their federal taxes.

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

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

(2) More Recent Investigations

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

During the 116th Congress, Senator Portman again served as Subcommittee Chairman while Senator Carper continued his tenure as Ranking Minority Member. The Subcommittee held seven hearings and issued nine reports covering a wide range of issues. The Subcommittee examined China's impact on the U.S. education system, private sector data breaches, Federal Infrastructure Permitting and FAST-41, federal cybersecurity, the cost of government shutdowns, E-Rulemaking comment systems, China's talent recruitment plans and the impact on the U.S. research enterprise, Chinese government-owned carriers and threats to U.S. networks, the art industry and U.S. policies that undermine sanctions, HHS shelter grants for UACs, and oversight and implementation of the STOP Act.

Faced with the unprecedented circumstances of the COVID-19 pandemic, the Subcommittee conducted a virtual roundtable in April 2020 to examine continuity of Senate operations and remote voting in times of crisis. This fully remote roundtable was the first entirely virtual proceeding held in either chamber of Congress. The processes and standards developed by Subcommittee staff in conjunction with larger Senate community standardized the practices for virtual and hybrid hearings across the Senate for the remainder of the pandemic.

II. SUBCOMMITTEE HEARINGS DURING THE 117TH CONGRESS

During the 117th Congress, Senator Jon Ossoff served as Subcommittee Chairman with Senator Ron Johnson serving as Ranking Minority Member.

Mistreatment of Military Families in Privatized Housing. April 26, 2022. S. Hrg. 117–561.

The Subcommittee uncovered ongoing mistreatment of service members and their families and mismanagement by one of the largest private military housing companies—Balfour Beatty Communities, LLC (“Balfour”)—that put the health and safety of military families at risk. Balfour operates more than 43,000 on-base homes at 55 separate Army, Navy, and Air Force bases in 26 states serving approximately 150,000 residents. PSI’s eight month-long bipartisan inquiry found numerous instances between November 2019 and February 2022 where Balfour’s executives and managers failed to properly respond to both repairs and environmental hazards such as mold in homes on two military bases—the Fort Gordon Army Base in Georgia, where Balfour operates approximately 1,000 homes, and Sheppard Air Force Base in Texas, where Balfour operates an estimated 700 homes. The PSI review was a case study of these bases, particularly Ft. Gordon. Balfour’s failures in these instances exposed military service members and their families living on these bases to hazards that jeopardized their health and safety.

The hearing featured two panels of witnesses. The first panel included Captain Samuel Choe, USA, Former Resident in Balfour Beatty Housing, Fort Gordon Army Base; Technical Sergeant Jack Fe Torres, USAF, Current Resident in Balfour Beatty Housing, Sheppard Air Force Base; Rachel Christian, Founder and Chief Legislative Officer, Armed Forces Housing Advocates; and Jana Wanner, Military Spouse. The second panel featured Richard C. Taylor, President, Facility Operations, Renovation and Construction, Balfour Beatty Communities; and Paula Cook, Vice President, Military Community Management, Balfour Beatty Communities.

Corruption, Abuse, and Misconduct at U.S. Penitentiary Atlanta. July 26, 2022.

The Subcommittee’s second hearing concluded a ten-month investigation into abuse, corruption, and misconduct at U.S. Penitentiary Atlanta (“USPA”), a federal prison in Georgia. The investigation revealed long-term failures of federal prison administration that likely contributed to loss of life; jeopardized the health and safety of inmates and staff; and undermined public safety and civil rights in Georgia and the Southeast Region of the United States. Further, it found that gross misconduct persisted at this prison for at least nine years, and that much of the information was known to BOP and accessible to BOP leadership during that period.

Correctional Services staff at USPA engaged in misconduct with impunity and, according to BOP’s own internal investigations, lacked regard for human life. Vast quantities of contraband, including weapons and narcotics, flowed through the prison, enabled by

staff corruption. Conditions for inmates and pre-trial detainees have been abusive and inhumane, violated both the Eighth Amendment right to be free from cruel and unusual punishment and the Sixth Amendment right to counsel.

Interviews and records revealed a facility where inmates, including presumptively innocent pre-trial detainees, were denied proper nutrition, access to clean drinking water, and hygiene products; lacked access to medical care; endured months of lockdowns with limited or no access to the outdoors or basic services; and had rats and roaches in their food and cells.

The hearing featured two panels of witnesses. The first panel included Erika Ramirez, Ph.D., Former Chief Psychologist, U.S. Penitentiary Atlanta; Terri Whitehead, Former Jail Administrator, U.S. Penitentiary Atlanta; and Rebecca Shepard, Staff Attorney, Federal Defender Program, Inc. The second panel featured Michael Carvajal, Director, Federal Bureau of Prisons.

Uncounted Deaths in America's Prisons and Jails: How the Department of Justice Failed to Implement the Death in Custody Reporting Act. September 20, 2022.

The Subcommittee's third hearing was held in conjunction with the release of its report titled *Unaccounted Deaths in America's Prisons and Jails: How the Department of Failed to Implement the Death in Custody Reporting Act*. The hearing examined the Subcommittee's findings that the Department of Justice (DOJ) was failing to effectively implement the Death in Custody Reporting Act of 2013 ("DCRA 2013"). DCRA 2013, which reauthorized a law first passed in 2000, requires states that accept certain federal funding to report to DOJ about who is dying in prisons and jails. DOJ's failed implementation of DCRA 2013 undermined the effective, comprehensive, and accurate collection of custodial death data. This failure in turn undermined transparency and Congressional oversight of deaths in custody.

The hearing featured two panels of witnesses. The first panel included Vanessa Fano, Sister of Jonathon Fano, Witness' Brother Died in the East Baton Rouge Parish Prison in Louisiana; Belinda L. Maley, Mother of Matthew Loflin, Witness' Son Died in the Chatham County Detention Center in Georgia; and Andrea Armstrong, Professor of Law, Loyola University New Orleans College of Law. The second panel featured Maureen A. Henneberg, Deputy Assistant Attorney General for Operations and Management, Office of Justice Programs, U.S. Department of Justice; and Gretta L. Goodwin, Ph.D., Director of Homeland Security and Justice, U.S. Government Accountability Office.

Medical Mistreatment of Women in ICE Detention. November 15, 2022.

The Subcommittee's fourth hearing was released in conjunction with its report titled *Medical Mistreatment of Women in ICE Detention*. The hearing examined the Subcommittee's investigation of alleged mistreatment of Immigration and Customs Enforcement ("ICE") detainees housed in the Irwin County Detention Center ("ICDC") in Ocilla, Georgia. The Subcommittee's investigation iden-

tified serious issues relating to medical treatment of women held in ICDC:

- Female detainees appeared to have been subjected to excessive, invasive, and often unnecessary gynecological procedures.
- There appeared to have been repeated failures to secure informed consent for offsite medical procedures performed on ICDC detainees.
- Medical care provided to detainees at ICDC was known by DHS to be deficient, but neither ICE nor LaSalle took effective corrective action.
- ICE did not conduct thorough oversight of off-site medical providers and procedures.

The hearing featured two panels of witnesses. The first panel included Karina Cisneros Preciado, Former Detainee at Irwin County Detention Center; Peter H. Cherouny, MD, Professor Emeritus of Obstetrics, Gynecology, and Reproductive Services, University of Vermont College of Medicine; and Margaret G. Mueller, MD, Associate Professor, Obstetrics and Gynecology, Northwestern Medicine. The second panel featured Stewart D. Smith, DHSc, Assistant Director, U.S. Immigration and Customs Enforcement Health Service Corps, U.S. Department of Homeland Security; Pamela Hearn, MD, Medical Director, LaSalle Corrections; and the Honorable Joseph V. Cuffari, Ph.D., Inspector General, U.S. Department of Homeland Security Office of Inspector General.

Sexual Abuse of Female Inmates in Federal Prisons. December 13, 2022.

The Subcommittee's final hearing was held in conjunction with the release of a report titled *Sexual Abuse of Female Inmates in Federal Prisons*. The hearing examined the Subcommittee's findings that:

- BOP employees sexually abused female prisoners in at least two-thirds (19 of 29 facilities) of federal prisons that have held women over the past decade.
- BOP has failed to successfully implement the Prison Rape Elimination Act. It failed to prevent, detect, and stop recurring sexual abuse in at least four federal prisons, including abuse by senior prison officials. At FCI Dublin, for example, the former Warden and Chaplain both sexually abused female prisoners.
- BOP management failures enabled continued sexual abuse of female prisoners by BOP's own employees.
- BOP Office of Internal Affairs' investigative practices are seriously flawed. There is currently a backlog of 8,000 internal affairs cases, including at least hundreds of sexual abuse cases.

The hearing featured two panels of witnesses. The first panel included Carolyn Richardson, Formerly Incarcerated in the Federal Bureau of Prisons; Briane Moore, Formerly Incarcerated in the Federal Bureau of Prisons; Linda De La Rosa, Formerly Incarcerated in the Federal Bureau of Prisons; and Brenda V. Smith, Pro-

fessor of Law, American University Washington College of Law. The second panel included the Honorable Michael E. Horowitz, Inspector General, U.S. Department of Justice; and Colette S. Peters, Director, Federal Bureau of Prisons.

III. LEGISLATIVE ACTIVITIES DURING THE 117TH 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 117th Congress was no exception, with Subcommittee hearings and Members playing prominent roles in several legislative initiatives.

1. *Prison Camera Reform Act (P.L. 117-321)*

The Subcommittee's multiple investigations into crime and corruption in federal prisons underscored the role that broken or outdated security camera systems play in enabling misconduct and abuse. Senators Ossoff, Grassley, and Durbin introduced the bipartisan *Prison Camera Reform Act of 2021*, requiring the BOP to upgrade its security camera systems to ensure that all facilities have the coverage necessary to protect the safety and wellbeing of incarcerated people and staff.

The bill was referred to the Judiciary Committee and passed the Senate by unanimous consent on October 20, 2021. A companion bill passed the House on December 14, 2022, and the bill was signed into law on December 27, 2022.

2. *Federal Prison Oversight Act (S. 4988)*

The Subcommittee's ten-month investigation into corruption, abuse, and misconduct at USP Atlanta and the BOP, Senators Ossoff, Durbin, and Braun introduced major bipartisan legislation to overhaul federal prison oversight on September 28, 2022. That investigation uncovered a lack of oversight of the federal prison system that led to long-term failures that likely contributed to loss of life; jeopardized the health and safety of incarcerated people and staff; and undermined public safety and civil rights. Specifically, the bill:

- Requires the DOJ's Inspector General (DOJ IG) to conduct comprehensive, risk-based inspections of the BOP's 122 correctional facilities, provide recommendations to fix problems, and assign each facility a risk score, with higher-risk facilities required to be inspected more often.
- Requires the DOJ IG to report its findings and recommendations to Congress and the public, and BOP must respond to all inspection reports within 60 days with a corrective action plan.
- Establishes an independent DOJ Ombudsman to investigate the health, safety, welfare, and rights of incarcerated people and staff. The Ombudsman would create a secure hotline and online form for family members, friends, and representa-

tives of incarcerated people to submit complaints and inquiries.

The bill was referred to the Judiciary Committee. A bipartisan House companion bill was also introduced September 28, 2022.

IV. REPORTS, PRINTS, AND STUDIES

In connection with its investigations, the Subcommittee often issues lengthy and detailed reports. During the 117th Congress, the Subcommittee released four such reports, listed below.

1. *Mistreatment of Military Families in Privatized Housing*, April 26, 2022 (Report Prepared by the Majority and Minority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee’s hearing on April 26, 2022.)

During service to the nation, America’s military service members and their families may live in on-base housing across the country. Nearly all of the family housing on military installations are operated by private companies, and service members pay rent to these companies with taxpayer dollars. The U.S. Senate Permanent Subcommittee on Investigations (“Subcommittee” or “PSI”) has uncovered ongoing mistreatment of these service members and their families and mismanagement by one of the largest private military housing companies—Balfour Beatty Communities, LLC (“Balfour”)—that has put the health and safety of military families at risk.

Balfour operates more than 43,000 on-base homes at 55 separate Army, Navy, and Air Force bases in 26 states serving approximately 150,000 residents.¹ PSI’s eight month-long inquiry found numerous instances between November 2019 and February 2022 where Balfour’s executives and managers failed to properly respond to both repairs and environmental hazards such as mold in homes on two military bases—the Fort Gordon Army Base in Georgia (“Ft. Gordon”), where Balfour operates approximately 1,000 homes, and Sheppard Air Force Base in Texas (“Sheppard AFB”), where Balfour operates an estimated 700 homes. The PSI review was a case study of these bases, particularly Ft. Gordon. Balfour’s failures in these instances exposed military service members and their families living on these bases to hazards that jeopardized their health and safety.

PSI’s inquiry found numerous examples since late 2019 of poor conditions in Balfour’s military housing and disregard of safety concerns and environmental hazards that put military families at risk, including:

- Failures to properly remediate mold growth in military housing subjected medically vulnerable spouses and children of U.S. service members at Ft. Gordon to mold exposure deemed by their physicians to pose significant health risks.
- One child of a service member living in Balfour housing at Ft. Gordon suffered from severe atopic dermatitis that her

¹See Balfour Beatty Communities, *Find Your Home-Military*, <https://www.balfourbeattycommunities.com/find-your-home/military> (last visited Apr. 11, 2022).

physician believed was likely caused by untreated mold growth in the service member's home. Other families, including one with a child with a pre-existing medical condition, expressed frustration at Balfour's lackluster response to concerns about their children's mold exposure. The spouse of a service member at the Sheppard AFB also had asthma which she believed was exacerbated due to mold exposure in their home and their children suffered from respiratory issues they believed were also due to these exposures.

- Military families were moved into homes at Ft. Gordon with broken floor tiles held together by packing tape, clogged HVAC vents, carpets filled with pet hair, rusting pipes, and broken appliances—including a furnace leaking gas.
- Military families at Ft. Gordon lived in Balfour housing where significant water leaks went unrepaired for months causing, in several cases, collapsed and punctured ceilings, warped walls, doorframes, and flooring, and damage to service members' belongings and appliances.
- According to a Balfour employee, Balfour's facility manager at Ft. Gordon stated that health concerns about asbestos are "overblown or overstated" and suggested that the employee should just "glue down" broken floor tiles that may contain asbestos without testing them for asbestos or attempting to remediate the issue.

These poor conditions persisted well after Richard Taylor, one of Balfour's two co-presidents, publicly pledged in testimony before Congress on December 5, 2019, to improve Balfour's ability to monitor repairs and responses to conditions such as mold, to prioritize the health and safety of residents, and to prepare homes for moves.²

Mr. Taylor's pledge came in response to Balfour learning that its military housing operations were the subject of a Department of Justice ("DOJ") fraud investigation initiated earlier that year.³ In December 2021, Balfour pled guilty to committing major fraud against the United States from 2013 to 2019. Balfour's fraudulent activities included Balfour employees manipulating and falsifying its military housing work order data to obtain performance incentive fees from taxpayer funds that it had not earned.⁴ Balfour was

²See House Armed Services Committee, Subcommittee on Readiness, Written Testimony of Richard C. Taylor at 3–6, Hearing on Privatized Housing: Are Conditions Improving for Our Military Families, 116th Congress (Dec. 5, 2019) ("2019 Taylor HSAC Testimony"). According to Balfour's leadership directory, Mr. Taylor's military housing responsibilities include "preventative maintenance, optimal utilities management, quality assurance, and above all, Zero Harm, the Balfour Beatty safety pledge." See "Our Leadership," Balfour Beatty Communities, <https://www.balfourbeattycommunities.com/get-to-know-us/leadership> (last visited Apr. 10, 2022).

³See 2019 Taylor HSAC Testimony at 2.

⁴See U.S. Department of Justice: *Justice Department Announces Global Resolution of Criminal and Civil Investigations with Privatized Military Housing Contractor for Defrauding U.S. Military* (Dec. 22, 2021) ("DOJ Balfour Guilty Plea Press Release"). See: <https://www.justice.gov/opa/pr/justice-department-announces-global-resolution-criminal-and-civil-investigations-privatized>. According to DOJ's press release, Balfour was eligible for performance incentives for managing and maintaining military housing if it "satisfied performance objectives related to, among other things, maintenance of the housing[.]" When "Balfour employees altered or manipulated [work order] data," this "falsely inflated" Balfour's performance metrics and, ultimately, "fraudulently induce[d] the [military] service branches to pay performance incentive fees which [Balfour] had not earned." See *id.*

ordered to pay \$65.4 million in fines and restitution and was placed under an independent compliance monitor for three years.⁵

In announcing the guilty plea, Deputy Attorney General Lisa O. Monaco said, “Instead of promptly repairing housing for U.S. service members as required, [Balfour] lied about the repairs to pocket millions of dollars in performance bonuses. This pervasive fraud was a consequence of [Balfour’s] broken corporate culture, which valued profit over the welfare of service members.”⁶

Despite Balfour’s awareness of the DOJ investigation, PSI uncovered multiple instances after 2019—even after Balfour’s guilty plea in December 2021—where Balfour employees recorded inaccurate and incomplete housing work order data for repair requests in its internal work order tracking system—named Yardi—which could lead to Balfour receiving improper performance fees from taxpayers’ funds.⁷ For example:

- Contrary to company policy, Balfour employees repeatedly failed to record military families’ complaints about mold in their home in Balfour’s Yardi internal data management software, and also inaccurately entered the complaints about mold on multiple occasions referring to them instead as issues involving “interior repairs,” “painting,” “carpentry,” or “plumbing” issues;
- According to a former Balfour employee, two successive Balfour facility managers at Ft. Gordon routinely directed maintenance staff to advise military families to contact them directly, instead of submitting repair requests online.⁸ However, the families’ verbal repair requests often would not be logged into Balfour’s internal work order tracking system. Further, when a service member followed up on his repeated verbal requests for mold remediation in his home, Balfour staff cited the lack of such a record in Yardi to allege that the service member had not been complaining about mold in his home, which the service member adamantly denies;
- Another former Balfour supervisor informed the Subcommittee that due to pressure from the Balfour facility manager, Balfour’s maintenance staff at Ft. Gordon prematurely closed out mold work orders after only making superficial repairs and without trying to fix the root cause of the mold growth; and
- A senior Balfour executive acknowledged to the Subcommittee that she was made aware of concerns of inaccurate and incomplete work order data at Ft. Gordon after 2019, but failed to ensure that Balfour took any action to in-

⁵*Id.* DOJ also specifically noted that Balfour’s compliance program and internal controls were not yet fully implemented or tested to ensure prevention and detection of similar conduct in the future, and Balfour agreed to be subject to independent compliance monitoring for at least three years as part of its guilty plea. *See id.*

⁶*See* DOJ Balfour Guilty Plea Press Release.

⁷The Subcommittee was not able to determine the extent to which Balfour received improper payments due to the inaccurate work order data discussed in this report.

⁸From 2019 to present, Balfour has had three facility managers at Ft. Gordon—1) the manager who was in charge of the Ft. Gordon facility department from 2019 until early October 2020 (“Former Balfour Facility Manager”); 2) Tom Rodriguez, who took over in October 2020 and remained in charge until November 2021, and 3) the current facility manager. The two successive managers referenced above are the Former Balfour Facility Manager and Mr. Rodriguez.

investigate or correct these problems, thus highlighting structural oversight deficiencies that remain at Balfour.

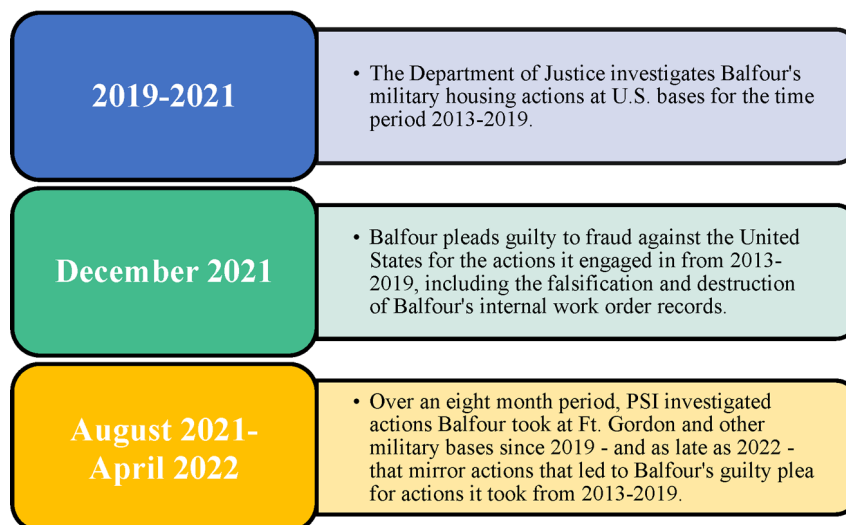
The types of improper behavior uncovered by PSI at Balfour after 2019 bear striking similarities to the types of conduct which Balfour admitted to in its December 2021 guilty plea for actions it took between 2013 and 2019.

The Subcommittee's Inquiry

In August 2021, the Subcommittee initiated its inquiry into Balfour's military housing operations after Chairman Ossoff received multiple housing complaints from residents when he visited Ft. Gordon the previous month. Examining homes at Ft. Gordon, the Subcommittee sought to determine whether Balfour has fulfilled the public pledge that its co-president, Richard Taylor, made in December 2019 to improve how the company responds to mold and other significant environmental issues, how it addresses residents' health and safety concerns and basic repairs, and how it prepares homes prior to move-in.

Given Balfour's December 2021 guilty plea for fraud connected to its compliance and internal controls practices, and that Balfour is eligible to collect incentive payments from taxpayer dollars for completing timely repairs, the Subcommittee further sought to assess whether Balfour has improved its compliance controls and internal procedures. The Subcommittee also sought to determine whether Balfour's work order data is now more accurate and complete than it had been between 2013 and 2019, the time period DOJ examined in its fraud investigation of Balfour.

The Subcommittee received and reviewed more than 11,000 pages of records from Balfour. These records included Balfour's written policies and procedures, work order data and records, e-mails and internal memos concerning the presence of mold and asbestos and other potentially unsafe conditions in the homes that Balfour manages for the U.S. military. The Subcommittee also received internal complaints, reports, and analyses regarding the poor conditions of some of these homes.

Figure 1: Balfour Investigative Timelines

In addition, the Subcommittee received and reviewed documents provided by military families and former Balfour employees. These records included those families' correspondence with Balfour, the maintenance requests the families filed, and medical records of their consultation with physicians concerning the potential effect of environmental hazards, such as mold, on the health and safety of family members.

Beyond reviewing records, the Subcommittee interviewed more than one dozen military family members and former Balfour employees. The Subcommittee secured testimony from eleven executives, managers, and employees from Balfour—ranging from maintenance supervisors to Balfour's co-president. Finally, the Subcommittee received briefings from the U.S. Department of Defense ("DoD"), the U.S. Army, the Government Accountability Office, and advocacy groups for military families.

The Subcommittee's Key Findings

Balfour's staff at Ft. Gordon frequently ignored or delayed responding to urgent requests from military families to address conditions such as mold and roof leaks that threatened the families' health and safety. A former Balfour employee at Ft. Gordon ("Former Balfour Ft. Gordon Employee #1") described to the Subcommittee how military families often contacted him multiple times each week because other Balfour employees were not responding properly to those families' repair requests, including requests involving potentially serious health issues.⁹ The Subcommittee's inquiry found numerous corroborating examples:

- From October 2020 until July 2021, Balfour failed to address water leaks and mold growth in the home of a military fam-

⁹See Former Balfour Ft. Gordon Employee #1, Balfour Beatty Communities, Interview with PSI.

ily at Ft. Gordon. According to a Balfour internal memo—the unrepaired water leak resulted in a “[h]ole in the ceiling of the master bedroom” and left the bathroom wall “wet and squishy.”¹⁰ The mold in the home exposed the military spouse in this family—who has a serious immune disorder—to risks of “significant health consequences,” according to her doctor.¹¹

- In 2020, Balfour’s failure to respond to mold in the Ft. Gordon home of an U.S. Army officer likely caused that officer’s 8-year daughter to suffer from severe atopic dermatitis, a serious skin condition, according to the girl’s physician.
- Balfour’s months-long failure in the summer of 2020 to repair a roof leak in another military family’s home at Ft. Gordon led to mold growth that required the military spouse to seek treatment from an infectious disease specialist for her respiratory symptoms.
- For six weeks in 2020, Balfour’s facility manager at Ft. Gordon did not return “multiple” calls from a military family even after their hallway ceiling caved in due to a roof leak that had gone unrepaired for months.
- As recently as February 2022, Balfour failed to promptly repair a water leak, which a military family reported in October 2021, or to remediate mold that had formed as a result of the leak until a hole appeared in the military family’s bathroom ceiling months after the leak first began.¹²

Balfour repeatedly failed to clean or to make basic repairs to homes at Ft. Gordon prior to move-ins. Balfour failed to clean or remove carpets, including when it was requested to accommodate concerns about exacerbation of asthma and severe allergies, for three of the eight Ft. Gordon military families whose experiences are detailed in this report. Information provided to PSI by former Balfour employees and military families, as well as Balfour’s records, further show that Balfour’s failure to clean or make basic repairs prior to move-ins at Ft. Gordon was widespread. For example, a former Balfour employee told the Subcommittee that he received multiple complaints in a typical week from new residents

¹⁰See Balfour Document Production to PSI with production number BBCPSI-011021 (hereafter, references to documents produced by Balfour to PSI will be identified by their production numbers, i.e., BBCPSI-xxxxx).

¹¹See BBCPSI-007427.

¹²As noted above, this PSI inquiry primarily focused on Ft. Gordon and Sheppard AFB as a case study of Balfour’s operational, management, and work order data recording practices. This report details the specific experiences of nine military families due to Balfour’s failures to make timely and thorough repairs to their homes on these two bases, to repair and clean homes prior to move-ins and to fully and properly address environmental hazards in these homes. These nine military families represent a small percentage of residents served by Balfour at Ft. Gordon and Sheppard AFB. However, the Subcommittee’s interviews of former Balfour employees, information provided to PSI by military housing advocates, and Balfour’s own records together show that many other families—particularly at Ft. Gordon—experienced similar housing issues due to failures on Balfour’s part. As noted above, a former Balfour employee described receiving multiple calls each week from frustrated Ft. Gordon military families. Further, a tracking chart that Balfour produced to PSI with summaries of Ft. Gordon residents’ written comments contain dozens of complaints after 2019 from military service members and veterans—who are not from the nine families detailed in this report—concerning Balfour’s delays and failures to address conditions like water leaks and mold hazards in these homes. See generally BBCPSI-011019. Lastly, just since May 2021, the advocacy group Armed Forces Housing Advocates (AFHA) has helped 350 families deal with problems due to Balfour’s housing operations at military bases in seven states across the United States: California (119), Colorado (6), Texas (30), Florida (23), Georgia (124), South Carolina (1), and Oklahoma (47).

about conditions such as mold, clogged HVAC vents, rusting pipes, broken appliances, and leaks that had not been repaired or addressed while the homes were vacant.¹³

The Subcommittee uncovered numerous examples of inaccuracies and omissions in Yardi, Balfour's internal work order data tracking system after 2019, when the company initially vowed to correct these problems. In December 2021, Balfour pled guilty for having knowingly obtained incentive fees from 2013 to 2019 based on inaccurate and incomplete work order data. Balfour misrepresented that “maintenance issues raised by residents were being addressed in a timely manner,” according to the criminal charges filed against Balfour.¹⁴ The Subcommittee found that inaccurate and incomplete work order data has persisted at Ft. Gordon since 2019.

Specifically, the Subcommittee found numerous instances where Balfour's internal records show that military families at Ft. Gordon and Sheppard AFB reported mold in their homes, yet Balfour's internal work order database did not reflect those repair requests nor did it cite “mold” as the issue reported. Instead, they described these requests as being related to “internal repairs,” “carpentry” and “painting,” for instance. Further, former Balfour employees described to the Subcommittee the practices in 2020 and 2021 by two successive facility managers at Ft. Gordon—that included telling staff to encourage military families to verbally request repairs and then frequently not entering those verbal requests into Balfour's internal tracking system—that likely undermined the data integrity of this system.¹⁵

A senior Balfour executive acknowledged to the Subcommittee that she was made aware of concerns of inaccurate and incomplete work order data at Ft. Gordon after 2019, but failed to ensure that Balfour took any action to investigate or correct these concerns, highlighting ongoing internal oversight weaknesses at Balfour. Paula Cook, a Balfour vice president with “executive leadership responsibility for the Army military housing portfolio,”¹⁶ admitted in an interview with the Subcommittee that she knew that the Balfour facility manager who was in charge at Ft. Gordon from 2019 to early October 2020 (“Former Balfour Ft. Gordon Facility Manager”), was not implementing repairs that he promised to make for residents.¹⁷ Ms. Cook did not directly supervise this employee. However, as a senior Balfour executive she failed to ensure that Balfour took steps to investigate or correct these issues at Ft. Gordon.¹⁸

¹³ See Former Balfour Ft. Gordon Employee 1 PSI Interview.

¹⁴ *U.S. v. Balfour Beatty Communities, LLC, 1:21-cr-742-EGS (D.D.C.), Information ¶9, Dkt.*

¹⁵ See Former Balfour Ft. Gordon Employee #1 PSI Interview.

¹⁶ See “Our Leadership,” Balfour Beatty Communities, <https://www.balfourbeattycommunities.com/get-to-know-us/leadership> (last visited Apr. 10, 2022). In 2019, Balfour restructured its military housing business and “split the roles of Community Management, which is responsible for customer service and support and community leasing activities, and Facilities Management, which is responsible for maintenance.” See Taylor 2019 HSAC Testimony at 3. Since 2019, Ms. Cook has been one of three Community Management vice presidents and is responsible for the 17 Army bases where Balfour operates housing. The other two Community Management vice presidents oversee Balfour's housing operations on U.S. Navy and U.S. Air Force bases, respectively.

¹⁷ Paula Cook, Balfour Beatty Communities, Interview with PSI.

¹⁸ See *id.*

Further, in February 2021, an Army officer at Ft. Gordon presented Ms. Cook with allegations of missing mold work orders for his home in 2020.¹⁹ A day earlier, Ms. Cook had received an email in which Tom Rodriguez, Former Balfour Ft. Gordon Facility Manager's successor at Ft. Gordon, wrote that when he "arrived on site [on] October 5, 2020[,] words could not describe the total Chaos that was the Facilities Department."²⁰ Yet, Ms. Cook told the Subcommittee that she "did not ask anyone anything" in order to investigate the Army officer's allegations of missing work orders in 2020 despite being aware of concerns raised by Balfour's own staff about the chaotic state of the facility department at Ft. Gordon at that time.²¹

The Subcommittee identified significant gaps that remain in Balfour's compliance procedures. Balfour admitted that its "inadequate controls [from 2013 to 2019] contributed to the misconduct" relevant to its December 2021 guilty plea.²² However, the Subcommittee found that as of late 2021, significant gaps in compliance procedures continued to exist at Balfour. For example, Balfour's compliance staff were kept in the dark for months about two internal complaints submitted by departing facility employees at Ft. Gordon—including one that specifically stated that the way Tom Rodriguez, Balfour's facility manager at Ft. Gordon from October 2020 to November 2021 "handles asbestos needs to be investigated."²³

The Subcommittee uncovered numerous specific instances where Balfour's housing practices since 2019 put military families' health and safety at risk. The Subcommittee further found that Balfour's practices since 2019 at the bases it examined mirror Balfour's practices between 2013 and 2019 that led to its December 2021 guilty plea for fraud. The chart below provides a comparison between Balfour's conduct from 2013 to 2019 and the actions the Subcommittee discovered that Balfour was engaged in after 2019:

¹⁹ See BBCPSI-000994.

²⁰ See BBCPSI-008394.

²¹ Paula Cook PSI Interview. Ms. Cook was not directly responsible for Balfour's work order data and records, but, as she acknowledged in her interview, she had access to these data and records and she often was informed of concerns that military families expressed about delayed or inadequate repairs. Similarly, while Ms. Cook did not directly supervise Facilities Management staff like Tom Rodriguez or Former Balfour Facility Manager, she had direct access to senior Facility Management executives like Richard Taylor. *See id.*; *see also, e.g.*, BBCPSI-009598. Ultimately, regardless of whom she supervised directly, Ms. Cook is a senior Balfour executive. As a result, once she was made aware of critical data integrity issues regarding problems with Balfour's work order data she had a responsibility to follow up and to ensure that these issues were addressed by the appropriate Balfour staff.

²² *U.S. v. Balfour Beatty Communities, LLC*, 1:21-cr-742-EGS (D.D.C.), Statement of Facts at A-10, Dkt. 5-1 ("*U.S. v. Balfour* Statement of Facts").

²³ See Richard Taylor, Balfour Beatty Communities, Interview with PSI; *see also* BBCPSI-008033

Balfour’s Post-2019 Conduct Mirrored Its 2013–2019 Conduct Relevant to Its Guilty Plea		
Issue	2013–2019 Conduct That Balfour Admitted to In Its 2021 Guilty Plea	Balfour’s Post-2019 Conduct Uncovered by the Subcommittee
Prematurely closing work orders to give the false appearance of timely resolution of repair requests	Intentionally misleading the military into thinking that repairs were being done “in a timely manner. On multiple occasions Balfour “opened work orders in response to resident complaints about acute (e.g., leaks) and long-term (e.g., warped floors) maintenance issues, and then closed the work orders prior to completing the required work.” <i>U.S. v. Balfour Stmt. of Facts, ¶¶ 24-25.</i>	Due to pressure from one facility manager to close out mold work orders, Balfour’s facility staff at Ft. Gordon prematurely closed out mold work orders after only making superficial repairs without making an effort to find or resolve the root causes of the problem. <u>PSI Interview of Former Balfour Ft. Gordon Employee #2.</u>
Undermining the integrity of the data in the work order tracking system data to misrepresent Balfour’s performance	Former Balfour vice president “[Rick] Cunefare gave instructions to community managers and others that resulted in the community managers and others manipulating and falsifying information in Balfour’s internal work order tracking system in order to give “the effect of falsely inflating” Balfour’s performance. <i>U.S. v. Balfour Stmt. of Facts, ¶ 33.</i>	In 2020 and 2021, Balfour managers at Ft. Gordon instructed staff to advise military families to verbally request repairs to get quicker responses, and then frequently did not log the verbal requests into its work order tracking system, thereby undermining the system’s accuracy and integrity. <u>PSI Interviews of Capt. Samuel Choe and Former Balfour Ft. Gordon Employee #1.</u>
Failing to investigate or take corrective action after being made aware of data discrepancies and data integrity concerns	Balfour’s “regional personnel were aware of data discrepancy and data falsification allegations and failed to take corrective action,” and its senior executives “were aware of warning signs of Performance Incentive Fee-related misconduct,” but “failed to take immediate action to investigate the allegations and correct any misconduct.” <i>U.S. v. Balfour Stmt. of Facts, ¶¶ 46, 48.</i>	Paula Cook, a vice president at Balfour, was aware of work order data discrepancies and data integrity concerns in 2020 and 2021, but she did not ensure that the issues were properly investigated or that appropriate corrective actions were taken, pointing to ongoing structural oversight issues at Balfour that may impact the health and safety of military service members and their families. <u>PSI Interview of Paula Cook.</u>

2. *Uncounted Deaths in America’s Prisons and Jails: How the Department of Justice Failed to Implement the Death in Custody Reporting Act, September 20, 2022.* (Report Prepared by the Majority and Minority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee’s hearing on September 20, 2022.)

Approximately 1.5 million people are incarcerated in state and local correctional facilities throughout the United States.²⁴ Thousands die every year.²⁵ The Death in Custody Reporting Act of 2013 (“DCRA 2013” or “the reauthorization”)—reauthorizing a law that first passed in 2000—requires states that accept certain federal funding to report to the Department of Justice (“DOJ” or “the Department”) about who is dying in prisons and jails.²⁶

Over the course of a ten-month bipartisan investigation into DOJ’s implementation of the law, the Permanent Subcommittee on Investigations (“PSI” or “the Subcommittee”) found that DOJ is failing to effectively implement DCRA 2013. DOJ’s failed implementation of DCRA 2013 undermined the effective, comprehensive, and accurate collection of custodial death data.

This failure in turn undermined transparency and Congressional oversight of deaths in custody. The Subcommittee has found that DOJ will be at least eight years past-due in providing Congress with the DCRA 2013-required 2016 report on how custodial deaths can be reduced. The Subcommittee also highlights the following key facts: in Fiscal Year (“FY”) 2021 alone, DOJ failed to identify at least 990 prison and arrest related deaths; and 70 percent of the data DOJ collected was incomplete.²⁷ DOJ failed to implement effective data collection methodology, despite internal warnings from the DOJ Office of the Inspector General (“OIG”) and the Bureau of Justice Statistics (BJS).²⁸ DOJ’s failures were preventable.

The co-sponsors of DCRA, which passed the United States Senate by unanimous consent and the United States House of Representatives by wide bipartisan margins in both 2000 and again in 2013, described why collecting death data was critical: it would bring a “new level of accountability to our Nation’s correctional institutions”; “provide openness in government”; “bolster public confidence

²⁴ Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 1 (GAO–22–106033) (Sept. 20, 2022).

²⁵ In FY 2019, for example, a total of 3,853 individuals died in state prisons or private prison facilities under a state contract and a total of 1,200 individuals died in local jails. See Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Mortality in State and Federal Prisons 2001–2019—Statistical Tables* (Dec. 2021) (bjs.ojp.gov/content/pub/pdf/msfp0119st.pdf); Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Mortality in Local Jails 2000–2019—Statistical Tables* (Dec. 2021) (bjs.ojp.gov/content/pub/pdf/mlj0019st.pdf).

²⁶ Death in Custody Reporting Act of 2013, Pub. L. No. 113–242; Death in Custody Reporting Act of 2000, Pub. L. No. 106–297. DCRA 2013, which became law in 2014, requires federal agencies to report deaths in custody to DOJ. *Id.* This report and investigation focuses on the portion of DCRA 2013 that concerns deaths in state or local custody, and does not consider the portion of the law that concerns deaths in federal custody.

²⁷ Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 1 (GAO–22–106033) (Sept. 20, 2022).

²⁸ Dr. E. Ann Carson, Bureau of Justice Statistics, *Report Comparing Bureau of Justice Statistics and Bureau of Justice Assistance Mortality Death Collections, to fulfill Terms of Clearance for OMB Control Number 1121–0249* (May 11, 2021) (omb.report/icr/202105-1121-001/doc/111526800); Department of Justice, Office of the Inspector General, *Review of the Department of Justice’s Implementation of the Death in Custody Reporting Act of 2013* (Dec. 2018) (oig.justice.gov/reports/2018/e1901.pdf).

and trust in our judicial system”; and “bring additional transparency.”²⁹

DOJ itself described the law in similar terms. According to DOJ:

The requirements set forth in DCRA provide an opportunity to improve understanding of why deaths occur in custody and develop solutions to prevent avoidable deaths. Knowledge of the circumstances leading to death and the number of fatalities is crucial to developing policies and program changes that could reduce the number of deaths in custody.³⁰

DCRA 2013 requires “at a minimum” that states report to DOJ the following information about custodial deaths: the name, gender, race, ethnicity, and age of the deceased; the date, time, and location of death; the law enforcement agency that was holding the decedent; and a brief description of the circumstances surrounding the death.³¹ DCRA 2013 also requires DOJ to report to Congress on how that information can be used to prevent avoidable deaths.³² This report was due on December 18, 2016, two years after DCRA 2013 became law.³³

DOJ’s efforts to implement DCRA 2013 were a continuation of its efforts to implement the original version of the law, the Death in Custody Reporting Act of 2000 (“DCRA 2000”)³⁴. In response to DCRA 2000, DOJ tasked its criminal justice statistics agency, BJS, with creating a national survey of deaths in federal, state, and local custody.³⁵ From 2000 through 2019, BJS collected, studied, and made public information about deaths in custody, information that went far beyond the statutory requirements.³⁶ During this period, BJS claims to have collected data from an average of 98 percent of all local jails and 100 percent of all state prisons.³⁷

In a change from DCRA 2000, DCRA 2013 authorizes the Attorney General to withhold up to 10 percent of Edward Byrne Memorial Justice Assistance Grant (“JAG”) funding from states that accepted those funds but did not report custodial death data to

²⁹ Statement of Representative Asa Hutchinson, Congressional Record, H6737 (July 24, 2000); Statement of Senator Patrick Leahy, Congressional Record, S6341 (Dec. 4, 2014).

³⁰ Department of Justice, Bureau of Justice Assistance, Death in Custody Reporting Act (DCRA) Data Collection (bja.ojp.gov/program/dkra/overview).

³¹ Death in Custody Reporting Act of 2013, Pub. L. No. 113–242.

³² Death in Custody Reporting Act of 2013, Pub. L. No. 113–242.

³³ Death in Custody Reporting Act of 2013, Pub. L. No. 113–242.

³⁴ Death in Custody Reporting Act of 2000, Pub. L. No. 106–297. DCRA 2000 required DOJ to collect almost all of the same information as required under DCRA 2013. Specifically, the law required that the information collected “at a minimum” includes: (1) the name, gender, race, ethnicity, and age of the deceased; (2) the date, time, and location of death; and (3) a brief description of the circumstances surrounding the death. *Id.* Unlike DCRA 2013, DCRA 2000 did not require the collection of “the law enforcement agency that detained, arrested, or was in the process of arresting the deceased.”

³⁵ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Mortality in Correctional Institutions (MCI) (Formerly Deaths in Custody Reporting Program (DCRP))* (bjs.ojp.gov/data-collection/mortality-correctional-institutions-mci-formerly-deaths-custody-reporting-program).

³⁶ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Mortality in Correctional Institutions (MCI) (Formerly Deaths in Custody Reporting Program (DCRP))* (bjs.ojp.gov/data-collection/mortality-correctional-institutions-mci-formerly-deaths-custody-reporting-program).

³⁷ Dr. E. Ann Carson, Bureau of Justice Statistics, *Report Comparing Bureau of Justice Statistics and Bureau of Justice Assistance Mortality Death Collections, to fulfill Terms of Clearance for OMB Control Number 1121-0249*, at 3 (May 11, 2021) (omb.report/icr/202105-1121-001/doc/111526800).

DOJ³⁸ In 2016, two years after DCRA 2013 became law, DOJ decided that BJS could no longer implement DCRA 2013.³⁹ DOJ explained its rationale in a December 2016 report to Congress.⁴⁰ According to DOJ, because BJS was a statistical agency, it was precluded from administering a data collection program with “compliance and penalty determinations,” such as the penalty included in DCRA 2013.⁴¹ DOJ informed Congress that it would be reassigning the state death data collection from BJS to the Bureau of Justice Assistance (“BJA”), a grant-making agency within DOJ’s Office of Justice Programs (“OJP”).⁴²

However, BJS had already been collecting, studying, and reporting on state and local death data for sixteen years.⁴³ BJS continued to collect state and local custodial death data until BJA finally began its collection in FY 2020.⁴⁴

Since the transfer of data collection responsibility to BJA, DOJ has not publicly reported on any data that BJA has collected.⁴⁵ Additionally, DOJ is not expected to complete the statutorily required report to Congress before September 2024, at least eight years past due.⁴⁶ DOJ also has no plans to make public any further state and local death information.⁴⁷

In December 2021, PSI began a ten-month bipartisan investigation into DOJ’s efforts to implement DCRA 2013, and, specifically, BJA’s efforts to collect and report on state and local custodial deaths.⁴⁸ During the course of this investigation, PSI interviewed a DOJ official who spoke on behalf of the agency, family members of ten people who died in state or local custody across the country,

³⁸ Department of Justice, *Report of the Attorney General to Congress Pursuant to the Death in Custody Reporting Act*, at 5 (Dec. 16, 2016) (www.justice.gov/archives/page/file/918846/download).

³⁹ See Department of Justice, *Report of the Attorney General to Congress Pursuant to the Death in Custody Reporting Act* (Dec. 16, 2016) (www.justice.gov/archives/page/file/918846/download).

⁴⁰ Department of Justice, *Report of the Attorney General to Congress Pursuant to the Death in Custody Reporting Act* (Dec. 16, 2016) (www.justice.gov/archives/page/file/918846/download).

⁴¹ Department of Justice, *Report of the Attorney General to Congress Pursuant to the Death in Custody Reporting Act*, at 8 n.17 (Dec. 16, 2016) (www.justice.gov/archives/page/file/918846/download); Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022).

⁴² Department of Justice, *Report of the Attorney General to Congress Pursuant to the Death in Custody Reporting Act*, at 8 n.17 (Dec. 16, 2016) (www.justice.gov/archives/page/file/918846/download). Federal data collection remained with BJS however, because there was no penalty associated with federal data collection. See *Death in Custody Reporting Act of 2013*, Pub. L. No. 113–242.

⁴³ Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022); Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Mortality in Correctional Institutions (MCI) (Formerly Deaths in Custody Reporting Program (DCRP))* (bjs.ojp.gov/data-collection/mortality-correctional-institutions-mci-formerly-deaths-custody-reporting-program).

⁴⁴ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Mortality in Correctional Institutions (MCI) (Formerly Deaths in Custody Reporting Program (DCRP))* (bjs.ojp.gov/data-collection/mortality-correctional-institutions-mci-formerly-deaths-custody-reporting-program).

⁴⁵ See Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022). DOJ is not required to make public DCRA data under the statute. *Death in Custody Reporting Act of 2013*, Pub. L. No. 113–242.

⁴⁶ Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022); Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 7 (GAO–22–106033) (Sept. 20, 2022).

⁴⁷ Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022).

⁴⁸ The Subcommittee did not evaluate DOJ’s efforts to comply with the section of DCRA 2013 concerning federal agencies’ reporting of deaths in custody, which is administered by BJS and appears to be proceeding pursuant to the requirements of the law.

and two criminal justice experts to assess how DCRA data can be used to bring transparency to custodial deaths.⁴⁹ On March 23, 2022, PSI requested that the Government Accountability Office (“GAO”) analyze data that BJA had collected for FY 2021 pursuant to DCRA 2013.⁵⁰ Based on a review of public and non-public information, including GAO’s analysis, the Subcommittee found that DOJ has failed to implement DCRA 2013.

The Subcommittee notes that DOJ failed to provide full and complete information to the Subcommittee.⁵¹ DOJ’s resistance to bipartisan Congressional oversight impeded Congress’ ability to understand whether DCRA 2013 had been properly implemented, delaying potential reforms that could restore the integrity of this critical program.

The Subcommittee’s Key Findings

1. *Nearly One Thousand Missing Deaths.* As part of its review for PSI, GAO identified at least 990 deaths that were potentially reportable to BJA in FY 2021, but that BJA had not counted.⁵² Of the 990 uncounted deaths, 341 were prison deaths disclosed on states’ public websites and 649 were arrest-related deaths disclosed in a reliable, public database.⁵³ GAO determined that BJA’s collection was missing information that is already in the public domain.⁵⁴

2. *Incomplete Data.* GAO found that for FY 2021, the vast majority of death in custody information that BJA collected from the states was incomplete.⁵⁵ Specifically, 70 percent of records on deaths in custody were missing at least one DCRA 2013-required data field; approximately 40 percent of the records did not include a description of the circumstances surrounding the death; and 32

⁴⁹ Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022); University of California Los Angeles School of Law Carceral Mortality Project, Briefing with Senate Permanent Subcommittee on Investigations (Aug. 3, 2022); Shanelle Jenkins, Interview with Senate Permanent Subcommittee on Investigations (May 31, 2022); Sandy Ray, Interview with Senate Permanent Subcommittee on Investigations (May 25, 2022); Dawn Reid, Interview with Senate Permanent Subcommittee on Investigations (May 9, 2022); Melania Brown, Interview with Senate Permanent Subcommittee on Investigations (May 9, 2022); Glenda Hester, Interview with Senate Permanent Subcommittee on Investigations (May 6, 2022); Belinda Maley, Interview with Senate Permanent Subcommittee on Investigations (May 4, 2022); Sherilyn Sabo, Interview with Senate Permanent Subcommittee on Investigations (Apr. 22, 2022); Vanessa Fano, Interview with Senate Permanent Subcommittee on Investigations (Apr. 20, 2022); Linda Franks, Interview with Senate Permanent Subcommittee on Investigations (Apr. 14, 2022); Jennifer Bradley, Interview with Senate Permanent Subcommittee on Investigations (Apr. 19, 2022); Professor Andrea Armstrong, Loyola University New Orleans School of Law, Briefing with Senate Permanent Subcommittee on Investigations (Apr. 19, 2022).

⁵⁰ Letter from Chair Jon Ossoff, Senate Permanent Subcommittee on Investigations, to Government Accountability Office (Mar. 23, 2022); U.S. Government Accountability Office, About Page (www.gao.gov/about) (accessed Sept. 19, 2022).

⁵¹ Letter from Senate Permanent Subcommittee on Investigations to Department of Justice (Dec. 3, 2021); Letter from Department of Justice to Senate Permanent Subcommittee on Investigations (Feb. 11, 2022); Letter from Senate Permanent Subcommittee on Investigations to Department of Justice (Apr. 27, 2022). DOJ provided only a single interview to the Subcommittee and provide only aggregate death data from six states over two-years.

⁵² Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 10 n.33 (GAO–22–106033) (Sept. 20, 2022).

⁵³ Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 10 n.33 (GAO–22–106033) (Sept. 20, 2022).

⁵⁴ Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 10 (GAO–22–106033) (Sept. 20, 2022).

⁵⁵ Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 9 (GAO–22–106033) (Sept. 20, 2022).

percent of the records were missing more than one DCRA 2013-required data field.⁵⁶

3. *Failure to Report.* DCRA 2013 required DOJ to report to Congress by December 18, 2016 on how the data it collected can be used “to reduce the number of such deaths” and to “examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other specified facilities relating to such deaths.”⁵⁷ DOJ does not expect to complete these reporting requirements before September 2024—eight years late.⁵⁸ DOJ has not yet evaluated whether the data that it had collected in FY 2020 or FY 2021 is of sufficient quality to be used in the DCRA 2013-required analysis and report to Congress.⁵⁹

4. *Failed Transition.* DOJ failed to properly manage the transition of DCRA 2013 data collection from BJS to BJA. BJA’s failure to properly collect and report on custodial death data stands in marked contrast to BJS’s successful efforts to do these same things for 20 years. To the extent that DOJ sought to assign DCRA 2013 responsibilities to BJA, it should have done more to equip it with the resources and strategies it already knew to be successful so that DOJ could meet its statutory obligations.⁶⁰

DOJ’s failure to implement DCRA has deprived Congress and the American public of information about who is dying in custody and why. This information is critical to improve transparency in prisons and jails, identifying trends in custodial deaths that may warrant corrective action—such as failure to provide adequate medical care, mental health services, or safeguard prisoners from violence—and identifying specific facilities with outlying death rates. DOJ’s failure to implement this law and to continue to voluntarily publish this information is a missed opportunity to prevent avoidable deaths.

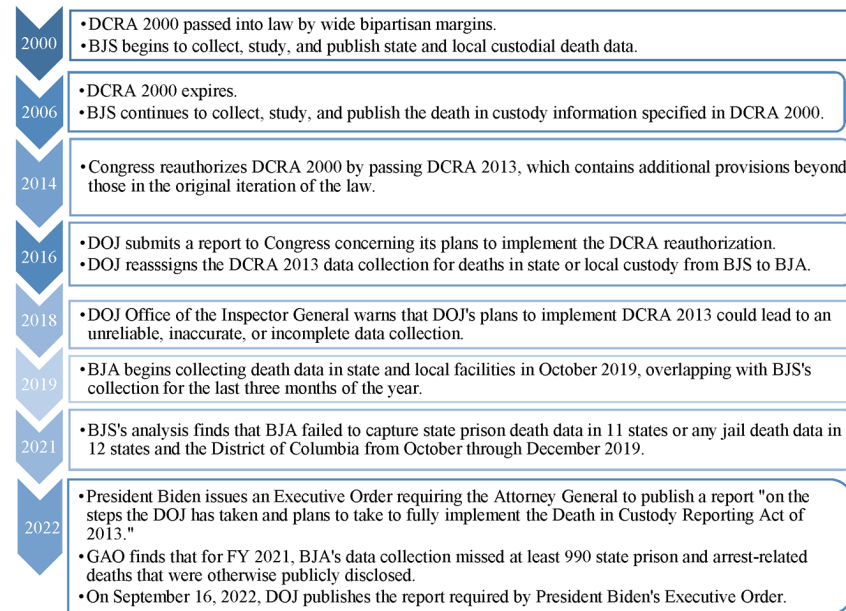
⁵⁶ Government Accountability Office, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized*, at 9 (GAO-22-106033) (Sept. 20, 2022).

⁵⁷ Death in Custody Reporting Act of 2013, Pub. L. No. 113-242.

⁵⁸ Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022).

⁵⁹ Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022).

⁶⁰ Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022). The Subcommittee further notes that DOJ’s rationale for reassigning the state death data collection from BJS—a statistical agency that had successfully collected and published DCRA data for 20 years—to BJA—a grant-making agency with no track record of collecting or reporting on similar data—was that the *DCRA 2013 JAG* penalty precluded BJS’s administration of the program. Department of Justice, *Report of the Attorney General to Congress Pursuant to the Death in Custody Reporting Act* (Dec. 16, 2016) (www.justice.gov/archives/page/file/918846/download). Yet, DOJ’s decision came two years after BJS had already been collecting state death data pursuant to DCRA 2013, and DOJ permitted BJS to continue its collection for another three years. Dr. Phelan Wyrick, Department of Justice, Interview with Senate Permanent Subcommittee on Investigations (Sept. 12, 2022).

Figure 1: Death in Custody Reporting Act Timeline

3. *Medical Mistreatment of Women in ICE Detention*, November 15, 2022 (Report Prepared by the Majority and Minority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee's hearing on November 15, 2022.)

In May 2021, the Permanent Subcommittee on Investigations ("Subcommittee" or "PSI") initiated a bipartisan investigation into the alleged mistreatment of Immigration and Customs Enforcement ("ICE") detainees housed in the Irwin County Detention Center ("ICDC") in Ocilla, Georgia. Over the course of its 18-month-long investigation, the Subcommittee examined multiple allegations of medical abuse against detainees at ICDC, a private detention center owned and operated by LaSalle Southeast, LLC ("LaSalle" or "LaSalle Corrections"). The allegations stemmed from a September 2020 whistleblower complaint ("September 2020 complaint") filed by immigration advocacy groups and attorneys alleging that an off-site obstetrician and gynecologist ("OB-GYN"), Dr. Mahendra Amin, performed "high rates" of unauthorized hysterectomies on ICDC detainees.⁶¹ The groups also alleged that

⁶¹ Complaint by Project South, Georgia Detention Watch, Georgia Latino Alliance for Human Rights & South Georgia Immigrant Support Network to Joseph V. Cuffari, Cameron Quinn, Thomas P. Giles, & David Paulk, *Re: Lack of Medical Care, Unsafe Work Practices, and Absence of Adequate Protection Against COVID-19 for Detained Immigrants and Employees Alike at the ICDC County Detention Center* (Sept. 14, 2020) (projectsouth.org/wp-content/uploads/2020/09/OIG-ICDC-Complaint-1.pdf) [hereinafter *Project South Complaint*].

ICDC had poor medical conditions and lax COVID-19 mitigation procedures.⁶²

The Subcommittee’s investigation identified serious issues relating to ICDC and specifically connected to Dr. Amin’s care:

- Female detainees appear to have been subjected to excessive, invasive, and often unnecessary gynecological procedures.
- There appears to have been repeated failures to secure informed consent for off-site medical procedures performed on ICDC detainees.
- Medical care provided to detainees at ICDC was known by DHS to be deficient, but neither ICE nor LaSalle took effective corrective action.
- ICE did not conduct thorough oversight of off-site medical providers and procedures.

The Subcommittee did not substantiate the allegations of mass hysterectomies on ICDC detainees. Records indicate that Dr. Amin performed two hysterectomies on ICDC detainees between 2017 and 2019. Both procedures were deemed medically necessary by ICE.

Dr. Amin stopped treating ICE detainees after the September 2020 complaint became public. In December 2020, former ICDC detainees filed a class action lawsuit (“December 2020 lawsuit”) against ICDC, ICE, Dr. Amin, Irwin County Hospital (“ICH”), and other federal and nonfederal parties alleging that the detainees had undergone nonconsensual and unnecessary gynecological procedures.⁶³ In addition, the lawsuit alleged a broader pattern of medical abuse and mistreatment of detainees at ICDC. The plaintiffs demanded \$5 million in money damages and other relief. The litigation is ongoing.

As of early 2022, Dr. Amin was under criminal investigation by multiple federal agencies.⁶⁴ PSI staff attempted on multiple occasions to obtain voluntary testimony from Dr. Amin regarding his treatment of female ICE detainees at ICDC. Dr. Amin declined these requests. On February 7, 2022, the Subcommittee served Dr. Amin with a subpoena for deposition. Through his attorney, Dr. Amin submitted an affidavit stating that he declined to provide testimony pursuant to his Fifth Amendment privilege against self-incrimination. The Subcommittee accepted Dr. Amin’s invocation of his rights and did not question him throughout the investigation.

In May 2021, the Department of Homeland Security (“DHS”) directed ICE to discontinue its contract with ICDC. As of September 3, 2021, all immigrant detainees were removed from the ICDC facility and moved to other detention facilities. Effective October 7, 2021, ICE terminated the contract with LaSalle regarding its management of ICDC.⁶⁵ As of today, ICDC is still utilized to detain individuals under the custody of the U.S. Marshals Service. The fed-

⁶²*Id.*

⁶³ Consolidated Amended Petition for Writ of Habeas Corpus and Class Action Complaint for Declaratory and Injunctive Relief and for Damages (Dec. 21, 2020), *Oldaker v. Giles*, M.D. GA (No. 7:20-cv-00224-WLS-MSH).

⁶⁴ Letter from Counsel for Dr. Amin to the Senate Permanent Subcommittee on Investigations (Feb. 21, 2022). PSI is unaware of the current status of these investigations.

⁶⁵ U.S. Department of Homeland Security, Office of Inspector General, *Medical Processes and Communication Protocols Need Improvement at Irwin County Detention Center* (OIG-22-14) (Jan. 3, 2022) (<https://www.oig.dhs.gov/sites/default/files/assets/2022-01/OIG-22-14-Jan22.pdf>).

eral government continues to contract with LaSalle to operate other detention facilities throughout the country.

The Subcommittee investigated the veracity of the allegations surrounding medical treatment at ICDC and sought to determine whether these treatments occurred against a backdrop of general medical neglect or abuse at the facility. The Subcommittee also sought to determine whether gaps in ICE policies permitted an off-site provider of medical care to perform unnecessary, nonconsensual, or excessive procedures on ICE detainees.

1. Female Detainees Appear to Have Been Subjected to Excessive, Invasive, and Often Unnecessary Gynecological Procedures

According to expert medical analysis conducted for the Subcommittee, under Dr. Amin’s care, female detainees appear to have undergone excessive, invasive, and often unnecessary gynecological procedures. Over the course of its review, the Subcommittee determined that Dr. Amin holds no board certifications, and in 2013 the Department of Justice (“DOJ”) and the State of Georgia sued Dr. Amin, claiming he had committed Medicaid fraud by ordering unnecessary and excessive medical procedures.⁶⁶ That lawsuit was settled in 2015, when Dr. Amin and his codefendants paid a \$520,000 settlement to the federal government while admitting no wrongdoing.⁶⁷

The Subcommittee’s review of Dr. Amin’s treatment practices of ICE detainees after the settlement, from 2017 to 2020, identified a similar pattern of potentially excessive medical procedures. Dr. Amin was a clear outlier in both the number and types of procedures he performed compared to other OB–GYNs that treated ICE detainees. ICDC housed roughly 4 percent of female ICE detainees nationwide from 2017 to 2020. Dr. Amin accounted for roughly 6.5 percent of total OB–GYN visits among all ICE detainees in the same time period. However, he performed nearly one-third of certain OB–GYN procedures on ICE detainees across the country between 2017 and 2020 and more than 90 percent of some key procedures.

For example, from 2017 to 2020:⁶⁸

- Dr. Amin performed 44 laparoscopies to excise lesions, or 94 percent of all such procedures conducted on all ICE detainees.⁶⁹

⁶⁶ Complaint (July 8, 2013), *United States v. Hospital Authority of Irwin County*, M.D. Ga. (No. 7:13-cv-00097–HL).

⁶⁷ The United States of America’s Filing of Settlement Agreement (July 8, 2013), *United States v. Hospital Authority of Irwin County*, M.D. Ga. (No. 7:13-cv-00097–HL); U.S. Department of Justice, U.S. Attorney’s Office Middle District of Georgia, *Hospital Authority of Irwin County Resolves False Claims Act Investigation for \$520,000* (Apr. 29, 2015) (www.justice.gov/usao-mdga/pr/hospital-authority-irwin-county-resolves-false-claims-act-investigation-520000).

⁶⁸ The Subcommittee recognizes that this data in and of itself does not indicate that the treatments were unnecessary. ICE does not track the demographic information of its female population, and the agency could not provide the Subcommittee with information regarding key variables of the female detainee population, including age and medical history.

⁶⁹ A laparoscopy may be used to obtain a small tissue sample for testing or even remove organs like the appendix or gallbladder, and it is generally performed under anesthesia. Johns Hopkins Medicine, *Laparoscopy* (www.hopkinsmedicine.org/health/treatment-tests-and-therapies/laparoscopy) (accessed Nov. 13, 2022).

- Dr. Amin administered 102 Depo-Provera injections, or 93 percent of all such injections provided by all OB–GYN specialists to ICE detainees.⁷⁰
- Dr. Amin performed 163 limited pelvic exams, or 92 percent of limited pelvic exams conducted on all ICE detainees.
- Dr. Amin performed 53 dilation and curettage (“D&C”) procedures, or 82 percent of all D&C procedures conducted by all OB–GYN specialists treating ICE detainees.⁷¹

⁷⁰Depo-Provera is an injection that contains the hormone progestin and is typically administered every three months to prevent pregnancy and manage issues related to the menstrual cycle. Mayo Clinic, *Depo-Provera (contraceptive injection)* (www.mayoclinic.org/tests-procedures/depo-provera/about/pac-20392204) (accessed Nov. 13, 2022).

⁷¹A D&C procedure removes tissue from inside the uterus. During this procedure, a provider will dilate the cervix and then use a surgical instrument called a curette (a sharp instrument or suction device) to remove uterine tissue. Mayo Clinic, *Dilation and Curettage (D&C)* (www.mayoclinic.org/tests-procedures/dilation-and-curettage/about/pac-20384910) (accessed Nov. 13, 2022).

Figure 1: Number of OB-GYN Medical Procedures Performed on ICE Detainees and Percentage Nationwide of Dr. Amin's Procedures for FY 2017-2020⁷²

<i>Medical Procedure</i>	Dr. Mahendra Amin	Second Highest-Ranking Physician⁷³	Total Number of Procedures on ICE Detainees Nationwide
<i>Limited Pelvic Exam</i>	163 (92%)	4	179
<i>Depo-Provera Injection</i>	102 (93%)	2	110
<i>D&C</i>	53 (82%)	3	65
<i>Laparoscopy</i>	44 (94%)	1	47
Total Procedures	362 (90%)	10	401 (100%)

⁷² U.S. Immigration and Customs Enforcement, *Q&A Paper: IHSC Response to PSI Requests: Irwin County Detention Center* (Sept. 1, 2021) (response on file with the Subcommittee) [hereinafter *Sept. 1, 2021 ICE Q&A Paper*].

⁷³ The second highest-ranking physician for these procedures varied. This column represents the second highest-ranking physician providing these treatments to ICE detainees for each procedure.

Following the September 2020 complaint, the ICE Health Services Corps (“IHSC”) stated it “conducted a comparative analysis of medical referrals and claims completed after receiving allegations about Dr. Amin.”⁷⁴ IHSC also stated that it “conduct[ed] an analysis of referral and claims data at ICDC compared to other ICE de-

⁷⁴ U.S. Immigration and Customs Enforcement, *Q&A Paper: Responses to Allegations of Inappropriate Care Provided by Dr. Amin for the Female Population of the Irwin County Detention Center (ICDC)* (June 23, 2021) (response on file with the Subcommittee) [hereinafter *June 23, 2021 ICE Q&A Paper*].

tention facilities housing females and determined that the number of referrals and claims was not abnormal.”⁷⁵ IHSC stated that it never identified any red flags regarding Dr. Amin’s treatment of detainees before or after officials reviewed his procedures following the publication of the September 2020 complaint.⁷⁶

An IHSC Regional Clinical Director (“RCD”) approved each procedure before it was authorized. In interviews with the Subcommittee, IHSC officials explained that the disparity in the number of Dr. Amin’s procedures compared to other doctors treating ICE detainees alone did not raise alarm either when the RCD approved the surgeries, or when IHSC retrospectively reviewed Dr. Amin’s medical care. However, IHSC could not explain or provide context explaining why Dr. Amin was such an outlier compared to other doctors treating ICE detainees.

To better understand the appropriateness of Dr. Amin’s treatment and care of ICDC detainees, the Subcommittee engaged Dr. Peter Cherouny, an OB–GYN physician who previously conducted medical reviews for the Department of Health and Human Services (“HHS”) Office of Inspector General (“OIG”) in other contexts. To support this investigation, Dr. Cherouny conducted an independent review of more than 16,600 pages of medical records obtained by the Subcommittee, pertaining to approximately 94 ICDC women Dr. Amin treated.

Dr. Cherouny identified significant issues with the care Dr. Amin provided to ICDC detainees and found Dr. Amin’s use of certain surgical procedures to be “too aggressive” and inappropriate.⁷⁷ Dr. Cherouny’s key findings include:

- Dr. Cherouny found that Dr. Amin performed 40 D&C procedures with a laparoscopy on ICDC detainees. He found that Dr. Amin’s use of these procedures were “too aggressive” and that the “vast majority [of cases where Dr. Amin performed a D&C] appear to be manageable with imaging and appropriate hormonal therapy.”⁷⁸
- Dr. Cherouny concluded that Dr. Amin’s practices were “woefully behind the times” and his treatment of ICDC detainees “is not meeting current standards of care.”⁷⁹ He added, “[d]ue to a lack of knowledge or capability, Dr. Amin persistently uses inpatient, surgical options as diagnostic tools for benign clinical conditions.”⁸⁰ Such conditions are “more appropriately managed with imaging studies and outpatient clinical tools.”⁸¹ Dr. Cherouny told the Subcommittee that

⁷⁵*Id.* Information ICE used in this analysis is discussed in more detail in Section IV

⁷⁶U.S. Immigration and Customs Enforcement Health Service Corps, Briefing with Senate Permanent Subcommittee on Investigations (Sept. 29, 2021). ICE later stated to the Subcommittee that based on the comparative analysis, ICE noted a possible overutilization of the D&C and laparoscopic procedures, but that it would need an expert OB–GYN review of the medical records because its analysis was based solely on medical claims data. Email from U.S. Immigration and Customs Enforcement Staff to the Senate Permanent Subcommittee on Investigations (Nov. 11, 2022).

⁷⁷Dr. Peter Cherouny, Interview with Senate Permanent Subcommittee on Investigations (Jan. 26, 2022); Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁷⁸Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁷⁹*Id.*

⁸⁰Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁸¹*Id.*

Dr. Amin “appears unaware of these current options or does not have them available in his office or hospital.”⁸² In one interview with the Subcommittee, Dr. Cherouny summarized Dr. Amin’s care as “pretty good medicine for the 1980s, but we’re not there anymore.”⁸³

- Dr. Cherouny found that “Dr. Amin seemed to use a boiler plate approach to care. He uses a D&C and laparoscopy for primary diagnostic reasons and seems to ‘pile on’ the pathologic diagnoses postoperatively.”⁸⁴
- Dr. Cherouny flagged that because Dr. Amin is not board certified, Dr. Amin “likely does no or limited continuing education to stay current” on up-to-date medical practices in these areas. He explained further that there appeared to be board certified OB–GYN providers in the area of ICDC and that he was “concerned” with how and why Dr. Amin was selected to treat this population.⁸⁵
- Dr. Cherouny found that Dr. Amin performed 36 transvaginal ultrasounds on patients in the records he reviewed. Those records indicate Dr. Amin generally had “[p]oor performance and documentation of transvaginal ultrasound evaluation.”⁸⁶ Dr. Cherouny commented further that Dr. Amin is “clearly not skilled in ultrasound of the female pelvis” and that he “appears to frequently confuse normal findings for pathology and uses these as indications for surgery.”⁸⁷ Dr. Cherouny explained to the Subcommittee that these practices did not appear to comply with the American Institute of Ultrasound in Medicine Guidelines.⁸⁸
- Dr. Cherouny explained that Dr. Amin “does not appear to follow the current recommendations regarding Pap smear management through colposcopy and further treatment.”⁸⁹
- Dr. Cherouny also found that Dr. Amin did not give “adequate time to affect a clinical response” in most of the 40 cases he examined where Depo-Provera injections were administered for abnormal uterine bleeding.⁹⁰ He explained that the “adequate time” for a response to this medication was six months and that was not given to these patients.⁹¹ Dr. Cherouny noted that Dr. Amin generally used 2–6 weeks

⁸²*Id.*

⁸³Dr. Peter Cherouny, Interview with Senate Permanent Subcommittee on Investigations (Sept. 8, 2022).

⁸⁴Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁸⁵*Id.*

⁸⁶Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁸⁷Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁸⁸The American Institute of Ultrasound in Medicine is a multidisciplinary medical association of more than 10,000 physicians, sonographers, scientists, students, and other healthcare providers. See American Institute of Ultrasound in Medicine, Training Guidelines (<https://www.aium.org/resources/ptGuidelines.aspx>) (accessed Nov. 13, 2022).

⁸⁹Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁹⁰Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Feb. 1, 2022).

⁹¹Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

- of clinical response time before declaring that the Depo-Provera medication failed and proceeded to surgery.⁹²
- Dr. Cherouny explained that 40 patient records—of the 94 examined—indicated the patients had benign ovarian cysts removed by Dr. Amin, despite the fact that benign ovarian cysts “generally resolve without surgical intervention.”⁹³ He noted that in the records he reviewed, Dr. Amin “persistently finds and removes functional ovarian cysts” and that the “vast majority” of the cysts “did not require removal.”⁹⁴ He also noted that there are risks with this surgery like any other, including infection and bleeding, and other issues that “can result in pain and infertility, among other risks.”⁹⁵
 - Dr. Cherouny explained that seven patients underwent a Loop Electrosurgical Excision Procedure (“LEEP”),⁹⁶ used to identify abnormalities on Pap smears,⁹⁷ and he found that the records he reviewed suggest Dr. Amin has “limited knowledge and/or skill in Pap smear management.”⁹⁸ He noted that the “point of the [LEEP] procedure is to get tissue for diagnostic purposes and in each case [Dr. Amin] failed this outcome.”⁹⁹ Dr. Cherouny attributed these failures to Dr. Amin’s “technique” in performing the procedure.¹⁰⁰
 - Dr. Cherouny also found that “Dr. Amin frequently prescribes multiple treatments for a vaginal discharge complaint without an appropriate clinical evaluation.”¹⁰¹ The failure to conduct appropriate clinical evaluation in these circumstances “results in patients receiving multiple treatments for the same complaints without improvement.”¹⁰²
 - Dr. Cherouny stated that “[i]t appears there was, likely, no oversight of the care provided to these patients. The repetitive nature of some of the issues, like inadequate cervical tissue after a LEEP procedure, would seem to prompt a review in many hospitals.”¹⁰³

⁹² *Id.*

⁹³ Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Feb. 1, 2022).

⁹⁴ Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022); Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁹⁵ Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Feb. 1, 2022).

⁹⁶ A LEEP is a procedure in which a provider uses a heated, electric wire to remove cell s and tissues in the cervix and vagina. John Hopkins Medicine, *Loop Electrosurgical Excision Procedure (LEEP)* (www.hopkinsmedicine.org/health/treatment-tests-and-therapies/loop-electrosurgical-excision-procedure-leep) (accessed Nov. 13, 2022).

⁹⁷ A Pap smear or Pap test is a procedure used to test for cervical cancer in women. A Pap test requires a provider to insert an instrument called a speculum into the vagina to take a tissue sample from the cervix using a soft brush and scraping device known as a spatula. Mayo Clinic, *Pap Smear* (www.mayoclinic.org/tests-procedures/pap-smear/about/pac-20394841) (accessed Nov. 13, 2022).

⁹⁸ Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Letter from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

¹⁰² *Id.*

¹⁰³ Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

Additionally, the Subcommittee interviewed three physicians—Dr. Ted Anderson, Dr. Margaret Mueller, and Dr. Sarah Collins.¹⁰⁴ These physicians were part of a medical team asked by attorneys and advocacy groups later involved with the December 2020 lawsuit to review the medical charts for 19 ICDC detainees Dr. Amin treated.¹⁰⁵ The plaintiffs in the December 2020 lawsuit filed the summary findings of the medical review team and declarations from these doctors summarizing the chart reviews of select individual plaintiffs in support of the litigation.¹⁰⁶

These experts concluded that Dr. Amin subjected women to aggressive and unethical gynecological care.¹⁰⁷ They found that Dr. Amin quickly scheduled surgeries when non-surgical options were available, misinterpreted test results, performed unnecessary injections and treatments, and proceeded without informed consent.¹⁰⁸ Dr. Collins later reviewed a new set of over 500 pages of medical records associated with 36 ICDC detainees in coordination with attorneys involved in the lawsuit by former detainees.¹⁰⁹ Dr. Collins stated that in many cases, Dr. Amin appeared to have proceeded with unnecessary or excessive treatment regardless of patient conditions.¹¹⁰

Subcommittee staff interviewed six former ICDC detainee patients treated by Dr. Amin—Karina Cisneros Preciado, Jaromy Floriano Navarro, Wendy Dowe, Maribel Castaneda-Reyes, Jane Doe #1, and Jane Doe #2—who described negative experiences with Dr. Amin.¹¹¹ All of these women, except Jane Doe #2, are plaintiffs in the December 2020 lawsuit. These women described feeling confused, afraid, and violated after their treatment by Dr. Amin. Sev-

¹⁰⁴Dr. Anderson is the Vice Chair for Clinical Operations and Director of the Division of Gynecology at Vanderbilt University Medical Center. Vanderbilt University Medical Center, *Ted L. Anderson, MD, PhD* (<https://www.vumc.org/obgyn/person/ted-l-anderson-md-phd>) (accessed Nov. 13, 2022). Dr. Collins is an Assistant Professor at the Northwestern University, Feinberg School of Medicine. Northwestern Medicine, *Sarah A. Collins, MD* (<https://www.nm.org/doctors/1942401948/sarah-a-collins-md>) (accessed Nov. 13, 2022). Dr. Mueller is also an Assistant Professor at the Northwestern University, Feinberg School of Medicine. Northwestern Medicine, *Margaret G. Mueller, MD* (<https://www.nm.org/doctors/1346570405/margaret-g-mueller-md>) (accessed Nov. 13, 2022).

¹⁰⁵The review team consisted of nine board-certified OB–GYN physicians and two nursing experts. The team examined 3,200 pages of medical records for 19 women who alleged medical maltreatment while detained at ICDC. The records for these 19 detainees were included in the files of the 94 detainees that Dr. Cherouny reviewed. *Executive Summary of Findings by the Independent Medical Review Team Regarding Medical Abuse Allegations at the Irwin County Detention Center* (Oct. 21, 2020) (on file with the Subcommittee).

¹⁰⁶Docket, *Oldaker v. Giles*, M.D. GA (No. 7:20-cv-00224–WLS–MSH).

¹⁰⁷*Executive Summary of Findings by the Independent Medical Review Team Regarding Medical Abuse Allegations at the Irwin County Detention Center* (Oct. 21, 2020) (on file with the Subcommittee).

¹⁰⁸*Id.* Informed consent requires that patients are well informed of the planned benefits, potential risks, and possible alternative options of medical treatments, procedures or surgeries that a healthcare provider intends to perform. Importantly, it also requires that the patient clearly understands the benefits and potential risks of the proposed treatment option and is afforded ample opportunity to ask questions and obtain medically sound responses. Based on witness testimony to the Subcommittee and a review of medical records by a number of physicians, it appears that informed consent was not provided to multiple ICDC detainees treated off-site by OB–GYN specialist Dr. Amin. Dr. Amin did not voluntarily sit for an interview with the Subcommittee. However, in civil litigation against Dr. Amin he has claimed he always obtains informed consent from his patients.

¹⁰⁹Email from Counsel for the National Immigration Project of the National Lawyers Guild to the Senate Permanent Subcommittee on Investigations (Oct. 22, 2021).

¹¹⁰Dr. Sarah Collins, Interview with Senate Permanent Subcommittee on Investigations (Oct. 19, 2021).

¹¹¹All of these women entered ICDC detention following arrests by local law enforcement in the interior of the United States. These women’s records were included in the documents reviewed by the medical experts engaged by the Subcommittee. Two former ICDC detainees the Subcommittee interviewed asked to remain anonymous.

eral reported that they still live with physical pain and uncertainty regarding the effect of his treatments on their fertility. These women also described instances in which Dr. Amin was rough and insensitive while performing procedures, continued despite their complaints regarding pain, and failed to disclose the potential side effects of certain procedures or even answer questions regarding his diagnosis or treatment plan. Several women stated that they did not provide their consent to the examinations or procedures Dr. Amin performed.

2. *There Appears to Have Been Repeated Failures to Secure Informed Consent for Off-Site Medical Procedures Performed on ICDC Detainees*

Obtaining informed consent from any patient is a sacrosanct responsibility of practicing physicians. This is particularly true when treating a vulnerable population in a confined institution. The American Medical Association’s Code of Medical Ethics describes the importance of informed consent:

To enable patients to participate meaningfully in decisions about health care, physicians have a responsibility to provide information and help patients understand their medical condition and options for treatment. [...] Informed consent to medical treatment is fundamental in both ethics and law. It helps patients make well-considered decisions about their care and treatment.¹¹²

Furthermore, the Code of Medical Ethics advises: “Document the informed consent conversation and the patient’s (or surrogate’s) decision in the medical record in some manner. When the patient/surrogate has provided specific written consent, the consent form should be included in the record.”¹¹³

ICE Performance-Based National Detention Standards (“PBNDS”) define informed consent as: “An agreement by a patient to a treatment, examination, or procedure after the patient receives the material facts about the nature, consequences, and risks of the proposed treatment, examination or procedure; the alternatives to it; and the prognosis if the proposed action is not undertaken.”¹¹⁴

The Subcommittee found that ICE does not monitor informed consent procedures for off-site medical providers and does not have a responsibility to do so.¹¹⁵ IHSC officials stated to the Subcommittee that it is the sole professional obligation of the off-site provider to obtain informed consent from patients. Furthermore, there is no requirement in ICE’s process for the approval or review of off-site medical procedures that an ICE official verifies that a consent form from a visit with an off-site provider is included in

¹¹²American Medical Association, *Code of Medical Ethics: Consent, Communication & Decision Making*, (<https://www.ama-assn.org/delivering-care/ethics/code-medical-ethics-consent-communication-decision-making>) (accessed Nov. 13, 2022).

¹¹³American Medical Association, *Informed Consent: Code of Medical Ethics Opinion 2.1.1* (<https://www.ama-assn.org/delivering-care/ethics/informed-consent>) (accessed Nov. 13, 2022).

¹¹⁴U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Performance-Based National Detention Standards 2011*, at 469–470 (Revised December 2016) (<https://www.ice.gov/doclib/detentionstandards/2011/pbnds2011r2016.pdf>).

¹¹⁵U.S. Immigration and Customs Enforcement Health Service Corps, Briefing with Senate Permanent Subcommittee on Investigations (Sept. 29, 2021). According to ICE, the agency does not have a responsibility to monitor informed consent because providers are professionally and legally obligated to ensure informed consent. Email from U.S. Immigration and Customs Enforcement Staff to the Senate Permanent Subcommittee on Investigations (Nov. 11, 2022).

a detainee's medical file. The Subcommittee also found that LaSalle, the ICDC contractor, did not have any contractual obligation with ICE to oversee the off-site care of detainees housed at its facility.

According to medical experts who reviewed the records of Dr. Amin's ICDC patients, there was a lack of informed consent in many instances. For example, based on the records Dr. Cherouny reviewed, he stated that Dr. Amin did not provide sufficient information regarding surgical procedures with detainee patients.¹¹⁶ The medical records reviewed do not consistently document thorough patient-doctor discussions and do not establish that patients were fully informed of all of their treatment options, including the benefits and risks of surgical procedures and other treatments, or whether they were clearly given a choice to opt out of any treatment at all.

Former ICDC detainees interviewed by Subcommittee staff stated that Dr. Amin did not explain or answer questions regarding examinations, medication administration, or surgical procedures he performed on them. For example, one former detainee treated by Dr. Amin, Ms. Castaneda-Reyes, stated that she was told she was having surgery to remove an ovarian cyst and that when she arrived for the surgery, an electronic tablet and a stylus were simply handed to her to sign with no explanation from the nurses, the anesthesiologist, or Dr. Amin about the surgery or its risks, and they did not ask if she had any questions.¹¹⁷ This would appear to violate best practices of the doctor-patient informed consent process.

The Subcommittee received incomplete records from ICH, the hospital where Dr. Amin performed the procedures on ICDC detainees, and no records from Dr. Amin. Thus, the Subcommittee could not verify whether any consent forms for the anonymized patients the medical experts reviewed may have existed in files separately maintained by Dr. Amin or ICH. The records from ICH included signed consent forms from some anonymized ICDC patients. In some cases, the records indicate that a nurse discussed the surgical process with Dr. Amin's patients. However, these files do not indicate that Dr. Amin himself engaged in a thorough discussion with all of his patients regarding the informed consent process as would be expected medical practice for a physician. Furthermore, the records provided to the Subcommittee do not establish that the detainees Dr. Amin treated were fully informed of all of their treatment options.

3. Medical Care Provided to Detainees at ICDC Was Known by DHS to Be Deficient, but neither ICE nor LaSalle Took Effective Corrective Action

Following its review of records and interviews with former detainees, former employees, and DHS auditors, the Subcommittee found that ICDC detainees made frequent complaints about the quality and timeliness of medical care they received at the facil-

¹¹⁶Memorandum from Dr. Peter Cherouny to Senate Permanent Subcommittee on Investigations (Oct. 27, 2022).

¹¹⁷Maribel Castaneda-Reyes, Interview with Senate Permanent Subcommittee on Investigations (Oct. 5, 2021).

ity.¹¹⁸ Former ICDC nurses described deficiencies and delays in the treatment of detainees. Moreover, DHS offices responsible for oversight of detention facilities identified numerous, repeated, and serious deficiencies with the ICDC medical unit as far back as 2012, but ICDC and ICE failed to take effective corrective action to address these issues.

ICDC medical staff dealt with a large number of medical complaints from detainees on a regular basis. These complaints ranged from cosmetic issues like dandruff and dry skin to more serious medical and mental health conditions.¹¹⁹ When detainees were not satisfied with the services they received from the medical unit, they submitted grievances to be addressed by ICDC leadership. The Subcommittee reviewed more than 760 grievances filed by ICDC ICE detainees between 2018 and 2020. Of those grievances reviewed, the Subcommittee identified 659 medical grievances that contained allegations of delayed or deficient medical care. For example, one detainee stated that the facility failed to provide their diabetes medicine and as a result they started experiencing blurry vision due to elevated sugar levels.¹²⁰ In other instances, an individual with chronic seizures and those with other chronic ailments, such as asthma, high blood pressure, and anemia, stated they were forced to wait days and weeks for the ICDC medical staff to address their critical prescription needs. Records reviewed by the Subcommittee showed that medical unit staff generally responded to these grievances within 24 to 48 hours.¹²¹

One detainee interviewed by Subcommittee staff said he submitted multiple requests related to a toothache but never received a response.¹²² He claimed his pain eventually stopped because the tooth fell out.¹²³ Another detainee, who fell and broke her foot while at ICDC, told Subcommittee staff she was not taken to see anyone to treat the injury for a full month.¹²⁴ Former detainees also described making multiple requests for access to their own medical laboratory or imaging results that went unaddressed.¹²⁵ The Subcommittee was not able to review the medical records for these detainees and could not verify their claims. Some detainees alleged that their medical complaints were either not addressed or they received delayed care.¹²⁶ The Subcommittee did not obtain records to corroborate the allegations made by these detainees.

¹¹⁸The Subcommittee did not seek to verify every complaint heard from witnesses or every allegation reviewed in written grievances. However, the Subcommittee reviewed an estimated 760 grievances and nearly 650 of them were related to medical care. In addition, the complaints by detainees mirrored observations that former ICDC nurses relayed to Subcommittee staff in interviews and that have previously been documented by DHS.

¹¹⁹See, e.g., LaSalle—167885–88, LaSalle—216450, LaSalle—216456 (sick calls for dandruff); LaSalle—232939–40, LaSalle—232942 (sick calls for dry skin and dry scalp); LaSalle—177638–41 (mental health sick call for depression); LaSalle—281516–19 (sick call for pain related to a hernia).

¹²⁰Records indicate that ICDC staff responded three days later stating that staff would contact the detainee's previous detention center again to request records and obtain medication names and dosages. LaSalle—002652.

¹²¹Records indicate that ICDC medical staff generally responded to these grievances within one to two days after the grievance was filed. LaSalle—000187; LaSalle—002668; LaSalle—002598; LaSalle—002600.

¹²²Senate Permanent Subcommittee on Investigations Staff Visit to Irwin County Detention Center (Aug. 17, 2021) (memorandum on file with the Subcommittee).

¹²³*Id.*

¹²⁴A.K., Interview with Senate Permanent Subcommittee on Investigations (June 23, 2021).

¹²⁵Senate Permanent Subcommittee on Investigations Staff Visit to Irwin County Detention Center (Aug. 17, 2021) (memorandum on file with the Subcommittee).

¹²⁶*Id.*

However, medical records reviewed by the Subcommittee showed that the ICDC medical unit frequently responded to medical requests within a few days and provided lab or imaging results when requested.¹²⁷

Interviews with former ICDC staff provided additional insight on the issues with the ICDC medical unit. A former nurse described the facility's medical unit as "filthy."¹²⁸ Another former nurse described ICDC as "the least clean place of any place I have worked in."¹²⁹

As far back as 2012, internal DHS audit and oversight entities identified deficiencies with the ICDC medical unit.¹³⁰ For example, the DHS Office for Civil Rights and Civil Liberties ("CRCL") cited issues at ICDC with record maintenance and medication distribution, including an incident involving a cancer patient who was never allegedly provided medication.¹³¹

In addition, a 2017 ICE Office of Detention Oversight ("ODO") review of ICDC found that ICDC staff inconsistently reviewed detainees' medical intake forms and often left sections of those forms blank.¹³² The review also found a lack of documentation showing that medical staff had completed required staff training.¹³³ Finally, ODO found syringes and needles in examination rooms that were "neither secured nor inventoried."¹³⁴ Overall, the inspection examined 15 ICE detention standards and found 26 deficiencies in 10 standards, which included nine "medical care" deficiencies, a number of which were repeat deficiencies.¹³⁵

In March 2020, five months prior to the public allegations against ICDC surfaced, another ODO inspection found that medical files at ICDC were stored improperly, on the floor and across desks, and examination tables in facility medical units were "torn beyond repair, making cleaning and decontamination impossible."¹³⁶ The ODO review found that ICDC was only in compliance with five of

¹²⁷ For example, one detainee filed a sick call request on September 9, 2020 requesting test results and complaining of skin irritation and pain in her ovaries (LaSalle—177857–61). She was seen for all three requests at the medical unit on September 10, 2020 where she also requested her medical records at the same visit (LaSalle—177863–65). The detainee received her medical records on September 21, 2020 (LaSalle—177869). The detainee requested all of her ICDC medical records on December 7, 2020 (LaSalle—178320). She signed an acknowledgment that she received her ICDC medical records on December 10, 2020 (LaSalle—178329).

¹²⁸ LPN #1, formerly of Irwin County Detention Center, Interview with Senate Permanent Subcommittee on Investigations (June 30, 2021).

¹²⁹ LPN #2, formerly of Irwin County Detention Center, Interview with Senate Permanent Subcommittee on Investigations (July 12, 2021).

¹³⁰ U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, *Redacted Irwin Rec & Close Memorandum from FY13 Expert Report Memorandum* (Nov. 5, 2012) (notes from document review on file with the Subcommittee).

¹³¹ U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, *Redacted Irwin Rec & Close Memorandum Expert Report Memorandum* (Nov. 4, 2016) (notes from document review on file with the Subcommittee).

¹³² U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Office of Professional Responsibility, Inspections and Detention Oversight Division, *Compliance Inspection for the Irwin County Detention Center Ocilla, Georgia* (Mar. 2017) (<https://www.ice.gov/doclib/foia/odo-complianceinspections/2017IrwinCountyGA.pdf>).

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Office of Professional Responsibility, Inspections and Detention Oversight Division, *Compliance Inspection for the Irwin County Detention Center Ocilla, Georgia* (Mar. 2020) (<https://www.ice.gov/doclib/foia/odo-complianceinspections/irwinCoDetCntr—OcillaGA—Mar3—5—2020.pdf>).

18 ICE detention standards they examined overall and documented 36 deficiencies, including three regarding “medical care.”¹³⁷

4. ICE Did Not Conduct Thorough Oversight of Off-Site Medical Providers and Procedures

Past DHS reviews have documented consistent, ongoing, and unresolved deficiencies in ICE’s medical record keeping procedures, prescription medication distribution practices, and overall quality of medical care at various ICE detention facilities, including ICDC. In addition, through multiple interviews with senior IHSC officials and a review of ICE documents, the Subcommittee identified key gaps in ICE oversight of physicians providing medical care to ICE detainees at facilities outside of its detention centers.

Highlights of the Subcommittee’s investigation on ICE oversight of off-site medical providers include:

- ICE was not aware of, and did not review key information regarding Dr. Amin’s professional history prior to the agency’s agreement to allow Dr. Amin to treat ICDC detainees in 2014. ICE authorized Dr. Amin to treat ICE detainees based solely on the fact that he had an active medical license, admitting privileges at ICH, and was not otherwise prohibited from treating ICE detainees.
- ICE did not have access to the National Practitioner Data Bank (“NPDB”)—a confidential federal clearinghouse of healthcare provider information—and was unable to conduct a search for Dr. Amin in the database before he began treating ICDC detainees. Had ICE been able to conduct this search, it would have found multiple past medical malpractice claims against Dr. Amin, and the fact that a major U.S. insurance company dropped him as a covered physician in 2005 due to “excessive malpractice cases” and an “extensive malpractice history.”¹³⁸ ICE was not aware of the medical malpractice suits filed against Dr. Amin until after the September 2020 public allegations against him.
- ICE was unaware that DOJ and the State of Georgia had filed a 2013 lawsuit against Dr. Amin and other physicians at ICH until after the September 2020 allegations. The lawsuit included five counts, including allegations that Dr. Amin and his codefendants had engaged in Medicaid fraud, violated the Federal Anti-Kickback Statute and Georgia Medicaid policies, and maintained “standing orders” to conduct unnecessary gynecological procedures.
- Dr. Amin began treating ICDC detainee patients in 2014, the year after DOJ filed its lawsuit against him. In 2015, Dr. Amin, other physicians, and the hospital entered into a settlement agreement with DOJ and the State of Georgia and agreed to pay \$520,000 to resolve the allegations regarding Medicaid fraud.
- ICE did not have a process to automatically flag the disproportionately high number of medical procedures Dr. Amin

¹³⁷ *Id.*

¹³⁸ Staff conducted an *in camera review* at the U.S. Department of Health and Human Services of National Practitioner Data Bank information on Dr. Amin. (Dec. 9, 2021) (Notes on file with the Subcommittee).

or any given doctor performs compared to his or her peers. While ICE informed the Subcommittee that the disparity in the number of Dr. Amin’s procedures alone would not be disqualifying, additional scrutiny of Dr. Amin’s practices may have prevented unnecessary procedures from occurring.¹³⁹

Since the initial September 2020 public allegations against Dr. Amin and ICE, IHSC has initiated limited vetting procedures of off-site medical providers. IHSC officials also noted, however, that even these new procedures likely would not have disqualified Dr. Amin from treating ICE detainees. An IHSC official told Subcommittee staff that the agency would not have deemed the information on Dr. Amin in the NPDB as disqualifying based on the fact that he maintains a current, active medical license with the state of Georgia, and the state had never restricted his license or otherwise intervened at any point in his medical service. As a result, the IHSC official said IHSC “would not have had any issues” with allowing Dr. Amin to treat ICE patients.¹⁴⁰

Following the public allegations against Dr. Amin in September 2020, ICE conducted a limited review of medical records, claims, and referrals for his patients. ICE did not, however, obtain complete files from ICDC or ICH and ultimately suspended its investigation pending completion of a DHS OIG investigation into the allegations of inappropriate off-site gynecological care at ICDC.¹⁴¹ In multiple conversations with Subcommittee staff, IHSC officials were only able to speculate about the reasons why Dr. Amin performed so many more procedures than other physicians providing OB–GYN care to ICE detainees. Dr. Amin stopped treating ICE detainees in September 2020.

The Subcommittee’s Investigation

During the Subcommittee’s 18-month long investigation, the Subcommittee interviewed more than 70 witnesses and reviewed more than 541,000 pages of records, including records from DHS, ICE, ICDC, LaSalle, and ICH.

The Subcommittee evaluated litigation materials, reports, declarations, expert medical assessments, and documents provided by the Department of Veterans Affairs Financial Services Center (“VAFSC”), and conducted an *in camera* review of documents from HHS and the Departments of Treasury.

¹³⁹U.S. Immigration and Customs Enforcement Health Service Corps, Briefing with Senate Permanent Subcommittee on Investigations (Sept. 29, 2021). ICE later stated to the Subcommittee that based on the comparative analysis, ICE noted a possible overutilization of the D&C and laparoscopic procedures, but that it would need an expert OB–GYN review of the medical records because its analysis was based solely on medical claims data. Email from U.S. Immigration and Customs Enforcement Staff to the Senate Permanent Subcommittee on Investigations (Nov. 11, 2022).

¹⁴⁰U.S. Immigration and Customs Enforcement Health Service Corps, Briefing with Senate Permanent Subcommittee on Investigations (Sept. 29, 2021).

¹⁴¹The DHS OIG started its review in October 2020. However, this review did not evaluate off-site medical care of ICDC detainees. This review “sought to determine whether ICDC provided detainees adequate [on-site] medical care and adhered to COVID–19 protections. This inspection did not review the gynecological procedure approval process for detainees at ICDC, which has been referred to our Office of Investigations.” The review of gynecological treatment is currently underway. U.S. Department of Homeland Security, Office of Inspector General, *Medical Processes and Communication Protocols Need Improvement at Irwin County Detention Center* (OIG–22–14) (Jan. 3, 2022) (<https://www.oig.dhs.gov/sites/default/files/assets/2022-01/OIG-22-14-Jan22.pdf>).

The Subcommittee secured briefings from attorneys, advocates, physicians, and other entities including: the U.S. Marshals Service, the Centers for Medicare & Medicaid Services (“CMS”), HHS OIG, DHS OIG, the Nakamoto Group, and the Georgia Composite Medical Board.

Additionally, the Subcommittee interviewed nearly 50 former ICDC detainees, 40 of which were interviewed during the Subcommittee’s August 2021 staff visit to ICDC. Subcommittee staff also interviewed seven former ICDC employees, four current ICDC or LaSalle employees, two ICH executives, three ICH nurses, six current ICE officials, and one former ICE official.

The Subcommittee’s Findings of Fact and Recommendations

Findings of Fact:

- (1) *Female detainees at ICDC appear to have been subjected to excessive, invasive, and often unnecessary gynecological procedures.*
- (2) *The Subcommittee did not substantiate the allegation that ICDC detainees underwent “high rates” of unauthorized hysterectomies.* Dr. Amin performed two hysterectomies on ICDC detainees between 2017 and 2019. According to ICE, patient records indicated that both procedures were medically necessary.
- (3) *Between 2017 and 2020 Dr. Amin performed a significantly higher volume of invasive procedures on ICE detainees compared to other OB–GYN physicians serving ICE detainees.* Dr. Amin ranked first among all physicians treating ICE detainees across the country during this period in terms of the number of D&C procedures, laparoscopies to excise lesions, and limited pelvic exams he performed, as well as the number of Depo-Provera injections he administered. In fact, of the 401 combined total number of these procedures performed on all ICE detainees by OB–GYN specialists across the nation, Dr. Amin performed 362 of these procedures—or 90 percent of them. In ten categories of OB–GYN procedures the Subcommittee reviewed, Dr. Amin was among the top five providers for eight of the ten procedures. For the specific OB–GYN procedures the Subcommittee examined, Dr. Amin performed nearly one-third of the total procedures performed on ICE detainees at *all* ICE detention facilities between 2017 and 2020. This was despite the fact that ICDC housed about 4 percent of the female detainee population.
- (4) *For the specific OB–GYN procedures the Subcommittee examined, Dr. Amin received around half of all payments from ICE for these procedures.* From 2017 to 2020, physicians performed 1,201 of these ten types of OB–GYN procedures on ICE detainees, costing ICE over \$120,400. Dr. Amin performed 392 of the 1,201 procedures and received approximately \$60,000 for these procedures.
- (5) *Dr. Amin had a history of medical malpractice suits filed against him.* Due to this history, a major U.S. insurance company dropped its contract with him nearly one decade before ICE began using his services at ICDC.

(6) *ICE was not aware of publicly available information regarding medical malpractice suits and a DOJ and State of Georgia Medicaid fraud complaint against Dr. Amin before he began treating ICE detainees.*

(7) *Prior to October 2019, ICE did not employ a thorough vetting process for physicians treating detainees at facilities outside detention centers.* ICE has since established a process to review board certifications, records of adverse actions, and a list of individuals and entities excluded from federal healthcare programs, but ICE never completed this process for Dr. Amin.

(8) *ICE officials stated that its new vetting procedures would not necessarily have disqualified Dr. Amin from treating detainees.* Due to the fact that the state of Georgia had never restricted Dr. Amin's license or otherwise intervened at any point in his medical service, and the information in the NPDB were unsubstantiated allegations that had been settled, ICE would not necessarily have disqualified Dr. Amin from treating ICE detainees.

(9) *ICE lacked a medical utilization review process to identify potential trends in off-site medical treatment.* Until recently, ICE did not maintain a system to detect trends in medical procedures by off-site physicians that might indicate medical waste, fraud, or abuse. ICE states it intends to change its procedures to standardize the medical request approval process and has begun to employ a web-based application for medical utilization review and management, beginning with a retrospective review of ICE medical claims.

(10) *ICE performed an investigation of medical treatments provided to ICDC detainees following the public allegations against Dr. Amin, but did not obtain complete medical records for ICDC detainees.* During its investigation, ICE did not obtain complete medical records for ICDC detainees and ultimately did not conduct a more thorough review due to the pending DHS OIG investigation involving off-site gynecological procedures.

(11) *ICE personnel failed to conduct site visits at ICDC between January 2018 and October 2020.* The Field Medical Coordinator assigned to ICDC did not visit ICDC between January 2018 and October 2020—the period of greatest activity for Dr. Amin in terms of office visit claims and procedures.

(12) *ICE is not required to monitor the use of language translation services by off-site medical providers or ensure these providers obtain informed consent for off-site medical procedures.* Instead, ICE has relied on off-site providers to fulfill their professional obligations to ensure detainees understand and consent to the medical care they receive.

(13) *ICE conducts limited oversight of hospitals providing off-site care to detainees.* To date, ICE has also performed no reviews of hospitals treating detainees to review the appropriateness of the medical care they provide, although ICE told the Subcommittee that it intends to conduct these reviews in the future.

(14) *ICE approved Dr. Amin's performance of OB–GYN procedures on a case-by-case basis and never identified any of Dr. Amin's treatments as potentially excessive or unnecessary.*

(15) *ICE's contract with LaSalle did not require the company or ICDC to conduct oversight of off-site medical care for detainees. ICDC and LaSalle played no role in vetting off-site medical providers treating detainees, or ensuring that these providers obtained informed consent or used appropriate language translation services. No ICDC or LaSalle employee the Subcommittee interviewed recalled a review of treatment by Dr. Amin—prior to the public allegations in September 2020 or since—that found signs of waste, fraud, or abuse.*

Recommendations:

(1) *ICE should expedite efforts to improve the vetting of off-site medical providers for detainees and should consider expanding criteria for excluding providers.* ICE officials noted to the Subcommittee that even new vetting procedures ICE instituted in 2019 might not have excluded Dr. Amin—despite his previous malpractice settlements, the fact that a major insurance company severed its contract with him based on his history of malpractice cases, and his False Claims Act settlement with DOJ in 2015.

(2) *ICE should expedite efforts to identify trends in off-site medical procedures for detainees for potential waste, fraud, or abuse and should conduct regular audits of physicians, hospitals, or other facilities providing off-site care.* To provide context for its review efforts, ICE should also expand the range of information it collects from detention centers to include historic demographic population information and descriptions of on-site medical capabilities.

(3) *ICE should institute policies and procedures to ensure off-site providers obtain informed consent in connection with their treatment of detainees.* ICE currently expects that off-site medical providers will honor their professional obligations to ensure detainees understand and consent to medical procedures, but ICE has taken no responsibility for them doing so.

(4) *ICE should ensure it reviews all detainee complaints regarding medical treatment independently of site visits from Field Medical Coordinators.* ICE officials should have the ability to receive and review all detainee medical complaints electronically and contemporaneously, regardless of whether staffing challenges prevent annual visits to detention facilities.

(5) *Federal immigration policy should support and allow for the swifter adjudication of immigration cases without undermining the procedural due process rights of immigrants.*

4. *Sexual Abuse of Female Inmates in Federal Prisons, December 13, 2022* (Report Prepared by the Majority and Minority Staff of the Permanent Subcommittee on Investigations and released in conjunction with the Subcommittee’s hearing on December 13, 2022.)

In April 2022, the Permanent Subcommittee on Investigations (“PSI” or “the Subcommittee”) launched a bipartisan investigation into sexual abuse of female prisoners in custody of the Federal Bureau of Prisons (“BOP”).

The Subcommittee reviewed non-public BOP and whistleblower documents, and it conducted more than two dozen interviews with senior BOP leaders, whistleblowers, and survivors of sexual abuse. The Subcommittee found:

- BOP employees sexually abused female prisoners in at least two-thirds (19 of 29 facilities) of federal prisons that have held women over the past decade.¹⁴²
- BOP has failed to successfully implement the Prison Rape Elimination Act (“PREA”). It failed to prevent, detect, and stop recurring sexual abuse in at least four federal prisons, including abuse by senior prison officials. At FCI Dublin, for example, the former Warden and Chaplain both sexually abused female prisoners.
- BOP management failures enabled continued sexual abuse of female prisoners by BOP’s own employees.
- BOP Office of Internal Affairs’ (“BOP OIA” or “OIA”) investigative practices are seriously flawed. There is currently a backlog of 8,000 internal affairs cases, including at least hundreds of sexual abuse cases.¹⁴³

In 2003, Congress passed PREA “to eradicate prisoner rape in all types of correctional facilities in this country” by requiring federal prisons to adopt certain policies and practices designed to mitigate the risk of sexual abuse, track allegations of sexual abuse, and protect potential victims.¹⁴⁴ Yet according to the Subcommittee’s review of court filings and non-public BOP data dating back to 2012, BOP employees have sexually abused women in their custody in at

¹⁴²There are currently 27 female facilities where BOP holds women. Since 2012, there have been two BOP facilities that were used to hold women but no longer do: FCC Coleman and MCC New York. Thus, since 2012, there were 29 BOP facilities in total that have held women. See Exhibit 1; Bureau of Prisons, *Our Locations* (<https://www.bop.gov/locations/list.jsp>); Email from Congressional Research Service to PSI (Dec. 9, 2022) (on file with PSI) (confirming 29 total facilities between 2012 and 2022 held female prisoners). The Subcommittee reviewed public criminal convictions and data produced by BOP concerning substantiated sexual abuse cases of prisoners by BOP employees. See Exhibit 1; Staff-on-Inmate Cases by Facility (2012–2021), Production from DOJ to PSI (Nov. 4, 2022) (PSI-BOPIA-Prod4-0001-0049). The Subcommittee found sexual abuse of female prisoners by BOP employees in 19 of 29 federal facilities that held women since 2012. Because BOP did not disclose the gender of the victim of abuse in the data that it produced to the Subcommittee, the Subcommittee did not include BOP OIA substantiated sexual abuse cases in the remaining 10 of 29 facilities holding both men and women where there was no public criminal conviction. For this reason, there were abuse cases in at least 19 of 29 facilities, or, two-thirds.

¹⁴³Office of Internal Affairs, BOP, *Report for Fiscal Year 2020* (<https://www.bop.gov/foia/docs/FY-2020-Annual-OIA-Report.pdf>); Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022); *Lawsuit settled in which 15 women alleged sexual abuse at Florida prison*, Tampa Bay Times (May 5, 2022) (<https://www.tampabay.com/news/florida/2021/05/05/lawsuitsettled-in-which-15-women-alleged-sexual-abuse-at-florida-prison/>).

¹⁴⁴Bureau of Justice Assistance, *Prison Rape Elimination Act* (PREA): Overview (<https://bja.ojp.gov/program/prison-rape-elimination-act-prea/overview>).

least 19 of 29—or two-thirds—of facilities where BOP incarcerates women.¹⁴⁵

In at least four BOP facilities, multiple women endured ongoing sexual abuse for months or years.¹⁴⁶ Beginning in June 2021, the Department of Justice (“DOJ”) indicted five BOP employees at California’s Federal Correctional Institution (“FCI”) Dublin—including the Warden and the Chaplain—for repeated sexual abuse of at least eight female prisoners under their supervision.¹⁴⁷ The horrific abuse at FCI Dublin was not unique among BOP’s prisons. BOP failed to detect and prevent repeated sexual abuse in at least three other facilities before FCI Dublin.

- Starting in approximately 2012, at least two officers repeatedly sexually abused at least eight female prisoners at the Metropolitan Correctional Center (“MCC”) New York over the course of several years.¹⁴⁸
- Starting in approximately 2016, at least two male lieutenants and one officer sexually abused at least nine female prisoners at the Metropolitan Detention Center (“MDC”) Brooklyn in New York.¹⁴⁹
- Starting in approximately 2012 through 2020, there were at least six male BOP employees who sexually abused at least ten female prisoners at the Federal Correctional Complex (“FCC”) Coleman in Florida.¹⁵⁰ The Subcommittee obtained copies of non-public sworn, compelled statements from officers at FCC Coleman, wherein the officers admitted to sexual abuse of female detainees in graphic detail.¹⁵¹ DOJ’s Of-

¹⁴⁵ See footnote 1. “BOP employees” in this report includes bargaining staff, mid-level managers, and supervisors.

¹⁴⁶ See, e.g., U.S. Attorney’s Office, Southern District of New York: *Correctional Officer At Metropolitan Correctional Center Sentenced To 40 Months In Prison For Engaging In Abusive Sexual Contact With Inmates* (Dec. 8, 2020) (<https://www.justice.gov/usao-sdny/pr/correctional-officer-metropolitan-correctional-centersentenced-40-months-prison>); Office of Public Affairs, Department of Justice: *Jury Convicts Former Federal Prison Warden for Sexual Abuse of Three Female Inmates* (Dec. 8, 2022) (<https://www.justice.gov/opa/pr/jury-convicts-former-federal-prison-warden-sexual-abuse-three-female-inmates>); U.S. Attorney’s Office, Eastern District of New York: *Former Federal Bureau of Prisons Lieutenant Sentenced to 25 Years in Prison for Sexual Abuse and Violation of Civil Rights Convictions* (July 31, 2019) (<https://www.justice.gov/usao-edny/pr/former-federal-bureau-prisons-lieutenant-sentenced-25-years-prison-sexual-abuse-and>); Affidavit of Keith Vann, Production from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0135–0144).

¹⁴⁷ Lisa Fernandez, *5th officer at Dublin prison charged in widening sex abuse scandal*, KTVU FOX 2 (Mar. 24, 2022) (<https://www.ktvu.com/news/5th-guard-at-dublin-prison-charged-in-widening-sex-abuse-scandal>); *United States v. Highhouse*, No. 22-cr-000016–HSG (N.D. Cal. 2022); *United States v. Klinger*, No. 4:22–CR–00031–JSW (N.D. Cal., June 25, 2021); *United States v. Bellhouse*, No. 4:21–MJ–71905–MRGD (N.D. Cal., Nov. 30, 2021); *United States. Chavez*, No. 4:22–CR–00104–JSW (N.D. Cal., Mar. 10, 2022); *United States v. Garcia*, No. 4:21–CR–429 (N.D. Cal. 2022).

¹⁴⁸ Benjamin Weiser, *U.S. Pays \$4.2 Million to Victims of Jail Guard’s Long-Running Sex Abuse*, New York Times (July 18, 2022) (<https://www.nytimes.com/2022/07/18/nyregion/mcc-officer-sex-abuse-victims-payout.html>); *Herrera v. United States*, 20-cv-10206 (PKC) (S.D.N.Y. Mar. 27, 2022); U.S. Attorney’s Office, Eastern District of New York: *Former Federal Correctional Officer Sentenced to Seven Years for Sexually Abusing an Inmate* (May 4, 2022) (<https://oig.justice.gov/press/2016/2016-05-04.pdf>).

¹⁴⁹ Joseph Goldstein, *Brooklyn Prison Supervisors Charged With Sexually Assaulting Inmates*, New York Times (May 25, 2017) (<https://www.nytimes.com/2017/05/25/nyregion/prison-supervisors-sex-abuse-prevention-rapecharges.html>); *United States v. Eugenio Perez*, 1:17-cr-00280–KAM (E.D.N.Y. 2018); *United States v. Martinez*, 1:17-cr-00281–ERK (E.D.N.Y. 2019); *United States v. Armando Moronta*, 17–CR–281 (E.D.N.Y. 2017).

¹⁵⁰ See Answer at ¶ 26–29, *Beaubrun v. United States*, 5:19–CV–0615–TJC (M.D. Fl. 2020) [hereinafter *Beaubrun Answer*].

¹⁵¹ 2019 Affidavit of Christopher Palomares, Production from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0101–0111) [hereinafter 2019 Palomares Aff.]; 2018 Affidavit of Christopher Palomares, Production from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0112–0123) [hereinafter 2018 Palomares Aff.]; Affidavit of Daniel Kuilan, Production from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0188–0196) [hereinafter Kuilan Aff.]; Affidavit of Keith Vann, Pro-

office of the Inspector General (“OIG”) declined to investigate these FCC Coleman officers for sexual abuse and they were never prosecuted.¹⁵²

The Subcommittee found that the mechanisms that BOP employs to identify and prevent sexual abuse of female prisoners by BOP employees are ineffective. Audits intended to assess sexual abuse in prisons (known as “PREA audits”) found that FCC Coleman and FCI Dublin were compliant with every PREA standard during the time when senior BOP officials admitted to the Subcommittee that there was a “culture of abuse.”¹⁵³ Further, BOP failed to systematically analyze PREA data, missing a key opportunity to identify problematic facilities or employees.¹⁵⁴

BOP OIA, the component of BOP responsible for investigating staff misconduct, has failed to timely investigate and resolve allegations of employee misconduct concerning both sexual abuse of female prisoners and other matters. The Subcommittee’s investigation uncovered that as of November 2022, BOP OIA had a backlog of approximately 8,000 cases.¹⁵⁵ Some cases have been pending for more than five years.¹⁵⁶ BOP OIA’s failures impeded BOP’s ability to hold wrongdoers accountable.

The Subcommittee’s Key Findings

1. *Over the past decade, female inmates in at least two-thirds (19 of 29) of federal prisons that held women were sexually abused by male BOP employees, including senior prison officials.* Multiple BOP employees sexually abused multiple female prisoners at MCC New York, MDC Brooklyn, FCC Coleman, and FCI Dublin.¹⁵⁷ Between 2012 and 2020, BOP has opened 5,415 internal affairs cases alleging sexual abuse of male or female prisoners by BOP employees.¹⁵⁸ There were at least 134 instances across 19 female facilities where BOP employees were either prosecuted for sexual abuse of female prisoners or where BOP OIA substantiated allegations that BOP employees sexually abused female prisoners.¹⁵⁹

2. *BOP failed to detect, prevent, and respond to sexual abuse of female prisoners in its custody.* BOP failed to systematically analyze PREA complaint data and relied on flawed PREA audits that

duction from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0135–0144) [hereinafter Vann Aff.]; Affidavit of Tracy Laudenslager, Production from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0093–0100) [hereinafter Laudenslager Aff.]; Affidavit of Timothy Phillips, Production from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0124–0134) [hereinafter Phillips Aff.]; Affidavit of Scott Campbell Production from DOJ to PSI (Oct. 18, 2022) (PSI–BOPOIA–Prod2–0086–0092) [hereinafter Campbell Aff.].

¹⁵² OIG Briefing to PSI (Nov. 9, 2022); Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022).

¹⁵³ 2017 FCI Dublin PREA Audit, Production from DOJ to PSI (Oct. 4, 2022); 2022 FCI Dublin PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (PSI–BOPOIA–Prod1–0262–0381); 2018 FCC Coleman PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (PSI–BOPOIA–Prod1–0635–0726); 2021 FCC Coleman PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (PSI–BOPOIA–Prod1–0125–0261); Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022); Alix McLearn, PhD, Acting Director of Reentry Services, BOP, Interview with PSI (Nov. 4, 2022).

¹⁵⁴ Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022).

¹⁵⁵ See Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022).

¹⁵⁶ Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022).

¹⁵⁷ See Exhibit 1.

¹⁵⁸ Staff-on-Inmate Cases by Facility (2012–2021), Production from DOJ to PSI (Nov. 4, 2022) (PSI–BOPOIAProd4–0001–0049).

¹⁵⁹ See footnote 1; Exhibit 1.

missed sexual abuse of female prisoners by male BOP employees at FCC Coleman and FCI Dublin.¹⁶⁰ At FCC Coleman, BOP transferred all female prisoners out of the prison two days before the auditor's on-site inspection at a time when multiple women were being abused.¹⁶¹ At FCI Dublin, the former PREA compliance officer, responsible for training supervisors on the PREA requirements and coordinating the PREA audit, was convicted of sexually abusing female prisoners on December 8, 2022.¹⁶²

3. *BOP failed to hold employees accountable for misconduct.* BOP has a backlog of approximately 8,000 internal affairs cases alleging employee misconduct, some of which have been pending for more than five years.¹⁶³ OIA's failure to clear pending cases impedes BOP's ability to hold employees accountable.

4. *BOP failed to take agency-wide action to address sexual abuse of female inmates by male BOP employees.* In interviews with the Subcommittee, BOP could not identify any agency-wide actions it had undertaken in response to sexual abuse of numerous female inmates by multiple BOP employees at MCC New York, MDC Brooklyn, and FCC Coleman. It was only after the abuse at FCI Dublin came to light that BOP began to institute agency-wide changes.¹⁶⁴

V. GAO REPORTS

During the 117th Congress, the Government Accountability Office (GAO) issued 29 reports at the request of the Subcommittee. Reports are listed here by title, GAO number, and release date.

Chemical Security: Overlapping Programs Could Better Collaborate to Share Information and Identify Potential Security Gaps. GAO-21-12. January 21, 2021.

Southwest Border: DHS and DOJ Have Implemented Expedited Credible Fear Screening Pilot Programs, But Should Ensure Timely Data Entry. GAO-21-144. January 25, 2021.

Man-Made Chemicals and Potential Health Risks: EPA Has Completed Some Regulatory-Related Actions for PFAS. GAO-21-37. January 27, 2021.

Bureau of Prisons: Opportunities Exist to Better Analyze Staffing Data and Improve Employee Wellness Programs. GAO-21-123. February 24, 2021.

¹⁶⁰ See Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022); Alix McLearen, PhD, Acting Director of Reentry Services, BOP, Interview with PSI (Nov. 4, 2022); Melissa Rios, Western Regional Director, BOP, Interview with PSI (Nov. 10, 2022); Wiley Jenkins, Former Warden at FCI Dublin, BOP, Interview with PSI (Nov. 16, 2022); 2017 FCI Dublin PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (on file with PSI); 2022 FCI Dublin PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (PSI-BOPOIA-Prod1-0262-0381); 2018 FCC Coleman PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (PSI-BOPOIA-Prod1-0635-0726); 2021 FCC Coleman PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (PSI-BOPOIA-Prod1-0125-0261).

¹⁶¹ See FCC Coleman PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (PSI-BOPOIA-Prod1-0125-0261) at PSI-BOPOIA-Prod1-000136.

¹⁶² Office of Public Affairs, Department of Justice: *Jury Convicts Former Federal Prison Warden for Sexual Abuse of Three Female Inmates* (Dec. 8, 2022) (<https://www.justice.gov/opa/pr/jury-convicts-former-federal-prisonwarden-sexual-abuse-three-female-inmates>); 2017 FCI Dublin PREA Audit, Production from DOJ to PSI (Oct. 4, 2022) (on file with PSI).

¹⁶³ See Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022).

¹⁶⁴ See Beth Reese, Chief of the Office of Internal Affairs, BOP, Interview with PSI (Oct. 28, 2022); Alix McLearen, PhD, Acting Director of Reentry Services, BOP, Interview with PSI (Nov. 4, 2022); Melissa Rios, Western Regional Director, BOP, Interview with PSI (Nov. 10, 2022); Wiley Jenkins, Former Warden at FCI Dublin, BOP, Interview with PSI (Nov. 16, 2022).

U.S. Assistance to Mexico: State and USAID Should Strengthen Risk Management for Programs Under the Merida Initiative. GAO-21-335. March 1, 2021.

Electricity Grid: Opportunities Exist for DOE to Better Support Utilities in Improving Resilience to Hurricanes. GAO-21-274. March 5, 2021.

Cybersecurity and Infrastructure Security Agency: Actions Needed to Ensure Organizational Changes Result in More Effective Cybersecurity for Our Nation. GAO-21-236. March 10, 2021.

Decennial Census: Bureau Should Assess Significant Data Collection Challenges as It Undertakes Planning for 2030. GAO-21-365. March 22, 2021.

Disaster Recovery: HUD Should Take Additional Action to Assess Community Development Block Grant Fraud Risks. GAO-21-177. May 5, 2021.

ORAL Presentation on DHS's Countering Weapons of Mass Destruction (CWMD) Office. May 18, 2021.

Puerto Rico Recovery: FEMA Made Progress in Approving Projects, But Should Identify and Assess Risks to the Recovery. GAO-21-264. May 19, 2021.

La Recuperacion De Puerto Rico: FEMA Progreso en la Aprobacion de Proyectos, Per Deberia Identificary Evaular Los Riesgos Para La Recuperacion. GAO-21-442. May 19, 2021.

Biodefense: DHS Exploring New Methods to Replace Biowatch and Could Benefit from Additional Guidance. GAO-21-292. May 20, 2021.

DHS Office of Inspector General: Actions Needed to Address Long-Standing Management Weaknesses. GAO-21-316. June 3, 2021.

Homeland Security: DHS Needs to Fully Implement Key Practices in Acquiring Biometric Identity Management System. GAO-21-386. June 8, 2021.

Capital Fund Proposal: Upfront Funding Could Benefit Some Projects, But Other Potential Effects Not Clearly Identified. GAO-21-215. September 10, 2021.

Federal Real Property Asset Management: Additional Direction in Government-Wide Guidance Could Enhance Natural Disaster Resilience. GAO-21-596. September 14, 2021.

Critical Infrastructure Protection: CISA Should Improve Priority Setting, Stakeholder Involvement, and Threat Information Sharing. GAO-22-104279. March 1, 2022.

2020 Census: Bureau Released Apportionment and Redistricting Data, But Needs to Finalize Plans for Future Data Programs. GAO-22-105324. March 14, 2022.

Countering Weapons of Mass Destruction: DHS Could Improve Its Acquisition of Key Technology and Coordination with Partners. GAO-22-104498. April 19, 2022.

IRS Free File Program: IRS Should Develop Additional Options for Taxpayers to File For Free. GAO-22-105236. April 28, 2022.

Management Report: IRS Should Test Videoconference Visits with Paid Preparers. GAO-22-105978. July 14, 2022.

Persistent Chemicals: Technologies for PFAS Assessment, Detection, and Treatment. GAO-22-105088. July 28, 2022.

Federal Real Property: GSA Could Further Support Agencies' Post Pandemic Planning for Office Space. GAO-22-105105. September 7, 2022.

Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ are Utilized. GAO-22-106033. September 20, 2022.

Privacy: Dedicated Leadership Can Improve Programs and Address Challenges. GAO-22-105065. September 22, 2022.

Persistent Chemicals: EPA Should Use New Data to Analyze the Demographics of Communities with PFAS in Their Drinking Water. GAO-22-105135. September 30, 2022.

Cybersecurity: Secret Service Has Made Progress Toward Zero Trust Architecture, But Work Remains. GAO-23-105466. November 15, 2022.

Paid Tax Return Preparers: IRS Efforts to Oversee Refundable Credits Help Protect Taxpayers but Additional Actions and Authority are Needed. GAO-23-105217. November 30, 2022.

SUBCOMMITTEE ON EMERGING THREATS AND SPENDING OVERSIGHT

CHAIRMAN: MAGGIE HASSAN (D–NH)

RANKING MEMBER: RAND PAUL (R–KY)

I. AUTHORITY

The Subcommittee on Emerging Threats and Spending Oversight focuses on preventing waste, fraud, and abuse related to federal spending; identifying and examining emerging national and economic security threats; examining federal preparedness to respond and address emerging threats including terrorism, disruptive technologies, misinformation and disinformation, climate change, and chemical, biological, radiological, nuclear, and explosive attacks; improving coordination and addressing conflicts between federal departments and agencies, state, local, territorial, tribal governments, and private sector entities for emerging threat preparedness and prevention; conducting oversight of the protection of civil rights and civil liberties by the Department of Homeland Security; and modernizing federal information technology.

II. ACTIVITY

During the 117th Congress, the Subcommittee on Emerging Threats and Spending Oversight held eight hearings and introduced 22 pieces of legislation that were referred to the Homeland Security and Governmental Affairs Committee, 16 of which were reported out of committee; as well as others that pertain to the work of the committee.

A. HEARINGS

Preparing for Future Crises: Examining the National Response Enterprise. March 24, 2021. S. Hrg. 117–39.

This hybrid hearing held in person and via video conference examined the findings and recommendations of the Business Executives for National Security (BENS) Commission on the National Response Enterprise.

BENS is a national nonprofit, nonpartisan organization of senior executives who volunteer their time to address business-related challenges faced by public and private organizations across the national security enterprise. BENS established the Commission on the National Response Enterprise (Commission) in July 2020, recruiting 33 Commissioners and 58 executives from across all levels of government, business, and civil society, to research and analyze the nation's capacity to respond to crises. The Commission organized its analysis into five working groups: Surge, Supplies, People, Infrastructure & Economy, and Roles. After months of work, the Commission arrived at 11 recommendations to strengthen the nation's capacity to respond to future crises and threats categorized into three findings. These findings included facilitating communication and coordination, delivering supplies and volunteer resources, and leveraging technology. The Commission published its findings

and recommendations in its report: *Commission on the National Response Enterprise: A Call to Action*.

Witnesses: General Joseph L. Votel, Ret., President and Chief Executive Officer, Business Executives for National Security.

Accompanied by: The Honorable W. Craig Fugate, Former Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; Kristi M. Rogers, Managing Partner, Principal to Principal LLC; Michael Capps, Ph.D., Chief Executive Officer, Diveplane Corporation.

Controlling Federal Legacy IT Costs and Crafting 21st Century IT Management Solutions. April 27, 2021. S. Hrg. 117–38.

This hearing provided an opportunity for members of the Subcommittee to examine costs associated with the federal government's reliance on legacy information technology (IT) systems. The hearing also explored barriers to IT modernization, including the one-year budgeting and appropriations cycle, limited authority of agency chief information officers, and adoption of IT modernization plans.

The federal government has long had difficulties acquiring, developing, and managing IT investments. As a result, the government operates legacy IT systems that contribute to security risks, unmet mission needs, staffing issues, and increased costs. For oversight purposes, "federal legacy IT" describes the federal government's use of old technologies or custom systems that require additional maintenance or specialized knowledge to support agency missions, because the technology is no longer supported by industry vendors.

The rising costs of maintaining legacy systems crowds out investments for newer systems that would better serve the American people. In fiscal year (FY) 2020, the federal government spent roughly \$90 billion on IT, and is on track to spend at least that much in FY2021. Notably, \$29 billion, or roughly one-third of total IT spending, was dedicated to maintaining legacy systems. Costs are linked to the need for increased maintenance, specialized staff, and addressing cybersecurity risks. However, they are also the result of not meeting mission needs, which leads to inefficient operations and wasteful spending. The cost of maintaining outdated systems further hinders efforts to modernize and develop new or replacement systems. If IT modernization is not a priority among agency leadership who put together the annual budget, then costs will continue to rise due to increased maintenance on legacy systems.

Witnesses: Kevin Walsh, Director, Information Technology and Cybersecurity, U.S. Government Accountability Office; Casey Coleman, Senior Vice President for Digital Transformation at Salesforce, and Former Chief Information Officer of the General Services Administration; Renee Wynn, Chief Executive Officer, RP Wynn Consulting, and Former Chief Information Officer of the National Aeronautics and Space Administration; Max Everett, Chief Executive Officer, Adnovem Consulting Group, and Former Chief Information Officer of the U.S. Department of Energy.

Examining the Findings and Recommendations of GAO's 2021 Report on Duplication, Overlap, Fragmentation and Opportunities to Achieve Financial Benefits. May 12, 2021. S. Hrg. 117–36.

As it has done in the past, the Subcommittee held this hearing for members to ask questions about the issues and recommendations raised in the Government Accountability Office's 2021 report titled, "New Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Billions in Financial Benefits." In addition, this hearing provided an opportunity to conduct oversight of agency progress implementing recommendations made by GAO in the report.

Since 2010, GAO has annually compiled a report that identifies areas of duplication, overlap, and fragmentation in federal operations, as well as identifies opportunities to achieve financial benefits through better management. Colloquially referred to as the "Annual Duplication Report," GAO calculates that the federal government has realized roughly \$429 billion in financial benefits between FY2010 and FY2020 as a result of the progress made by agencies and Congress to address actions identified in these reports.

Chair Hassan and Ranking Member Paul have partnered since 2019 to introduce legislation to address the recommendations for congressional action identified in the report. These annual pieces of legislation—Acting on the Annual Duplication Report Acts of 2019 and 2020—provide commonsense solutions to the issues raised by GAO and ensure that Congress is doing its part to mitigate waste, fraud, and abuse of taxpayer dollars.

Witnesses: The Honorable Gene L. Dodaro, Comptroller General, U.S. Government Accountability Office.

Accompanied by: Jessica Lucas-Judy, Director, Strategic Issues, U.S. Government Accountability Office; Cathleen Berrick, Managing Director, Defense Capabilities and Management, U.S. Government Accountability Office; Vijay D'Souza, Director, Information Technology and Cybersecurity, U.S. Government Accountability Office; Mark Gaffigan, Managing Director, Natural Resources and Environment, U.S. Government Accountability Office; and Michele Mackin, Managing Director, Contracting and National Security Acquisitions, U.S. Government Accountability Office.

Addressing Emerging Cybersecurity Threats to State and Local Government. June 17, 2021. S. Hrg. 117–62.

This hybrid hearing held in person and via video conference examined the planning, needs, and resource constraints of state and local entities to prepare for and respond to cyber threats, and how federal authorities can best support state, local, and tribal authorities, including non-monetary support or assistance. The hearing also examined the interactions between and among federal, state, and local entities with regard to cybersecurity planning and response, and how to position state and local entities to be able to meet their own cybersecurity needs in the future.

Witnesses: Karen J. Huey, Assistant Director, Ohio Department of Public Safety; Hon. B. Glen Whitley, County Judge, Tarrant County, Texas; Hon. Stephen M. Schewel, Mayor, City of Durham, North Carolina; Russell E. Holden, Superintendent, Sunapee

School District, New Hampshire; and Daniel Lips, Vice President for National Security and Government Oversight, Lincoln Network.

Existing Resources and Innovations Needed to Replace Legacy IT and Save Taxpayer Dollars. September 28, 2021. S. Hrg. 117–167.

This hearing provided an opportunity for members of the Subcommittee to examine how the federal government can leverage existing resources or policy innovations to replace costly legacy information technology (IT) systems that fail to provide 21st century service to the American people. The hearing also explored existing administrative authorities and options for reducing the federal government's reliance on outdated and obsolete IT systems and discussing legislative solutions that can compel agency action where required, as a follow-up to the Subcommittee's April 27, 2021 hearing titled, "Controlling Federal Legacy IT Costs and Crafting 21st Century IT Management Solutions."

The Office of Management and Budget (OMB), U.S. Digital Service (USDS), and General Services Administration (GSA) each contribute unique services and resources to the IT modernization landscape. Combined, these services, tools, and funding resources facilitate agency efforts to modernize their IT systems while adhering to standards set by policymakers. Moreover, these resources and services allow agencies to save taxpayer dollars, because they not only provide critical frameworks and foundations for agencies to build upon, but leverage the strategic buying power of the federal government.

In addition, key takeaways from the Subcommittee hearing on April 27, 2021 are informing draft legislation to address the most pressing issues that continue to prevent agencies from moving away from outdated and obsolete technology, including no requirement to develop and maintain IT modernization plans and a lack of flexible spending authorities to fund major IT modernization projects over several years. This hearing allowed Subcommittee members to ask questions about potential provisions to mandate IT modernization planning and providing more flexible funding options through the Technology Modernization Fund or IT modernization working capital funds.

Witnesses: Clare Martorana, Federal Chief Information Officer, Office of Management and Budget; Mina Hsiang, Administrator of the U.S. Digital Service, Office of Management and Budget; and V. Dave Zvenyach, Director of Technology Transformation Services, U.S. General Services Administration.

Addressing the Evolving Threat of Illegal Drug Trafficking to Our Communities. March 14, 2022. S. Hrg. 117–258. Field Hearing in Manchester, NH.

This field hearing held in person in Manchester, New Hampshire examined the threats from the flow of narcotics into the United States and New Hampshire, efforts by DHS law enforcement agencies to investigate and stem this flow, and DHS coordination with other federal, state, and local law enforcement partners, particularly in New Hampshire. The hearing also examined the needs of federal, state, and local law enforcement and how Congress can

support law enforcement's efforts to fight drug trafficking. Representatives Kuster and Pappas also participated in the hearing.

Witnesses: Matthew Millhollin, Special Agent in Charge, New England, Homeland Security Investigations, Immigration and Customs Enforcement, U.S. Department of Homeland Security; Michael P. Manning, Assistant Director Field Operations Border Security, Boston Field Office, Customs and Border Protection, U.S. Department of Homeland Security; Jon DeLena, Deputy Special Agent in Charge, New England Field Division, Drug Enforcement Administration, U.S. Department of Justice; Ellen M. Arcieri, Commander, New Hampshire Attorney General's Drug Task Force, New Hampshire Department of Justice; and Joseph M. Ebert, Major, Investigative Services Bureau Commander, New Hampshire State Police.

Examining the Findings and Recommendations of GAO's 2022 Report on Duplication, Overlap, Fragmentation and Opportunities to Achieve Financial Benefits. June 14, 2022. S. Hrg. 117–371.

As it has done in the past, the Subcommittee held this hearing for members to ask questions about the issues and recommendations raised in the Government Accountability Office's 2022 report titled, "Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Billions of Dollars in Financial Benefits."

Since 2010, GAO has annually compiled a report that identifies areas of duplication, overlap, and fragmentation in federal operations, as well as identifies opportunities to achieve financial benefits through better management. Colloquially referred to as the "Annual Duplication Report," GAO calculates that the federal government has realized roughly \$531 billion in financial benefits between FY2010 and FY2021 as a result of the progress made by agencies and Congress to address actions identified in these reports.

Chair Hassan and Ranking Member Paul have partnered since 2019 to introduce legislation to address the recommendations for congressional action identified in the report. These annual pieces of legislation—Acting on the Annual Duplication Report Acts of 2019, 2020, and 2021—provide commonsense solutions to the issues raised by GAO and ensure that Congress is doing its part to mitigate waste, fraud, and abuse of taxpayer dollars. In part, this hearing was used to discuss recommendations made for congressional action.

Witnesses: The Honorable Eugene L. Dodaro, Comptroller General, U.S. Government Accountability Office.

Accompanied by: Allison Bawden, Director, Natural Resources and Environment, U.S. Government Accountability Office; Cathleen Berrick, Managing Director, Defense Capabilities and Management, U.S. Government Accountability Office; A. Nicole Clowers, Managing Director, Congressional Relations, U.S. Government Accountability Office; Elizabeth Curda, Director, Education, Workforce, and Income Security, U.S. Government Accountability Office; Dan Garcia Diaz, Managing Director, Financial Markets and Community Investment, U.S. Government Accountability Office; Charles Michael Johnson Jr., Managing Director, Homeland Secu-

ity and Justice, U.S. Government Accountability Office; Jessica Lucas-Judy, Director, Strategic Issues, U.S. Government Accountability Office; Marie Mak, Director, Contracting and National Security Acquisitions, U.S. Government Accountability Office; Nick Marinos, Managing Director, Information Technology and Cybersecurity, U.S. Government Accountability Office; and Candice Wright, Director, Science, Technology Assessment, and Analytics, U.S. Government Accountability Office.

Revisiting Gain of Function Research: What the Pandemic Taught Us and Where Do We Go From Here. August 3, 2022. S. Hrg. 117-555.

On Wednesday, August 3, 2022, at 2:30 p.m., the Senate Committee on Homeland Security and Governmental Affairs' Subcommittee on Emerging Threats and Spending Oversight convened a hearing titled *Revisiting Gain of Function Research: What the Pandemic Taught Us and Where Do We Go From Here*. Gain-of-function research involves the study and experimental manipulation of genetics in a laboratory setting in order to enhance the severity and transmissibility of existing viruses that may affect humans, and domestic and international research organizations have received federal funding for this research. The COVID-19 pandemic revived debate about gain-of-function research, and at the August 3 hearing Senators heard from a panel of experts who discussed the potential dangers associated with gain-of-function research, the role of the federal government in supporting gain-of-function research, the adequacy of government efforts to oversee and safeguard gain-of-function research, and whether gain-of-function research may have played a role in the emergence of the SARS-CoV-2 virus.

Witnesses: Richard H. Ebright, Ph.D., Laboratory Director, Waksman Institute of Microbiology, Rutgers University; Steven Quay, MD, Ph.D., Chief Executive Officer, Attossa Therapeutics, Inc.; and Kevin M. Esvelt, Ph.D., Assistant Professor of Media Arts and Sciences, MIT Media Lab.

B. LEGISLATION

Since the Subcommittee on Emerging Threats and Spending Oversight 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 117th Congress, Chair Hassan introduced the following legislative proposals:

1. S. 70—National Guard Cybersecurity Support Act—Sen. Hassan led this bipartisan bill with Sen. John Cornyn (R-TX) to ensure that the National Guard can help state and local governments and businesses improve their cybersecurity. The bill makes clear that states are authorized to use the National Guard to provide cyber support services to certain critical infrastructure entities.

The bill became law as part of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81).

2. S. 217—Patient Matching Improvement Act of 2021—Sen. Hassan led this bipartisan bill with Sen. Bill Cassidy (R-LA) to improve patient postal address matching across health information

technology platforms, especially in the wake of the COVID-19 pandemic. Patient matching is a process that identifies and links a patient's data within and across health care organizations using their address. The bill would allow health care organizations to access the U.S. Postal Service's (USPS's) address-formatting tool—which is currently available to online retailers—to standardize patient addresses in their system. Research shows that using the USPS address formatting standards could result in tens of thousands of additional correct record linkages per day.

Specifically, this bill would require the Office of the National Coordinator for Health Information Technology to standardize the format of patient postal addresses by collaborating with USPS to make its address-formatting tool available to health care organizations. In particular, the bill focuses on making the tools available to COVID-19 testing laboratories to improve data collection related to the disease.

The bill was referred to the Senate Health, Education, Labor, and Pensions Committee.

3. S. 517—Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2021—Sen. Hassan led this bipartisan bill with Sen. Mike Lee (R-UT) to require certain executive branch agencies to provide a report to Congress within one year of completing an investigation of a terrorism incident.

This bill passed the Senate Committee on Homeland Security and Governmental Affairs and passed the House of Representatives as H.R. 1540 led by Rep. Pete Aguilar (D-CA-31).

4. S. 535—Global War on Terrorism Memorial Location Act—Sen. Hassan was the lead co-sponsor on this bipartisan bill with Sen. Joni Ernst (R-IA). This bill authorizes the establishment of a National Global War on Terrorism Memorial in an area on the National Mall.

The bill became law as part of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117-81).

5. S. 664—Duplication Scoring Act of 2021—Sen. Hassan co-lead Sen. Rand Paul's (R-KY) bill that requires the Government Accountability Office (GAO) to analyze legislation reported by a congressional committee and report on whether the legislation would create a risk of a new duplicative or overlapping program, office, or initiative in an area that GAO previously identified as an area of duplication, overlap, or fragmentation.

The bill passed out of the Senate Homeland Security and Governmental Affairs Committee, and Reps. Carolyn Bourdeaux (D-GA-7) and Michael Cloud (R-TX-27) introduced H.R. 4742 as the House companion.

6. S. 671—Federal Agency Customer Experience Act of 2021—Sen. Hassan led this bipartisan bill with Sen. James Lankford (R-OK) to fast-track approval of federal agency customer service surveys that meet certain criteria. The legislation is intended to make it easier for agencies to solicit voluntary customer feedback on federal services and transactions. The data collected must be submitted to the Office of Management and Budget and published on the agency website. In addition, the bill calls for a Government Accountability Office report assessing the quality of the data received.

The bill passed the Senate by unanimous consent, and passed the House Oversight and Reform Committee as H.R. 4688, led by Reps. Gerry Connelly (D–VA–11) and Brian Fitzpatrick (R–PA–1).

7. S. 672—Coin Metal Modification Authorization and Cost Savings Act—Sen. Hassan led this bipartisan bill with Sen. Joni Ernst (R–IA) to authorize the U.S. Mint to change the metal alloy content of circulating coins to save on production costs. For example, the Mint currently spends nearly twice as much as the penny is worth to produce it. Any alternative metal content must meet certain criteria, including:

- Reducing coin production costs incurred by taxpayers,
- Being seamless (coins must work interchangeably in most coin acceptors that use electromagnetic signature technology, and
- Have as minimal an adverse impact on the public and coin industry stakeholders.

Before making any modifications the Mint must notify Congress and provide a justification for the changes.

The bill was referred to the Senate Banking, Housing, and Urban Affairs Committee, and introduced as H.R. 1789 by Reps. Mark Amodei (R–NV–7) and Josh Gottheimer (D–NJ–5).

8. S. 1161—Quantum Network Infrastructure and Workforce Development Act of 2021—Sen. Hassan was the lead co-sponsor of this bipartisan legislation with Sen. John Thune (R–SD), which would focus federal research efforts and bolster interagency coordination on the advancement of quantum networking and communications technology. The legislation would also integrate the principles of quantum mechanics into K–12 and higher education curricula, and require a comprehensive approach for quantum infrastructure workforce developments be established.

This bill became law as part of the Chips and Science Act (P.L. 117–167, section 10661).

9. S. 1350—National Risk Management Act of 2021—Sen. Hassan led this bipartisan bill with Sen. Ben Sasse (R–NE) to help ensure that the Department of Homeland Security is identifying and addressing risks to critical infrastructure. This bill originated from a recommendation of the Cyberspace Solarium Commission to codify the Cybersecurity and Infrastructure Security Agency’s (CISA) National Risk Management Cycle.

The bill passed the Senate Committee on Homeland Security and Governmental Affairs and passed the Senate as part of S. 1260, the United States Innovation and Competition Act of 2021.

10. S. 1437—Recognizing the Role of Direct Support Professionals Act—Sen. Hassan led this bipartisan bill with Sen. Susan Collins (R–ME) to direct the Office of Management and Budget to establish a separate category within the Standard Occupational Classification system for direct support professionals for data reporting purposes. Direct support professionals are those who provide services to promote independence in individuals experiencing a disability.

The bill was referred to the Senate Homeland Security and Governmental Affairs Committee, and introduced as H.R. 4779 by Reps. Kathleen Rice (D–NY–4) and John Katko (R–NY–24).

11. S. 1794—IG Testimonial Subpoena Authority Act—Sen. Hassan led this bipartisan bill with Sen. Chuck Grassley (R-IA) to authorize use of testimonial subpoenas for the inspector general community. While the inspector general community is authorized to subpoena documents in the course of an investigation, only a few inspectors general are able to subpoena in-person attendance and testimony of witnesses. This bill would make the subpoenas enforceable in U.S. district court and inspectors general would be required to notify the Justice Department seven days before issuing a subpoena. The bill would also require the Council of Inspectors General on Integrity and Efficiency to regulate the use of the authority to prevent conflicts of interest and abuse.

The bill, as amended, passed out of the Senate Homeland Security and Governmental Affairs Committee as part of H.R. 2662, Inspector General Independence and Empowerment Act.

12. S. 1974—Strengthening America’s Strategic National Stockpile Act of 2021—Sen. Hassan led this bipartisan bill with Sen. Bill Cassidy (R-LA) to improve management of the Strategic National Stockpile which is maintained by the federal government to ensure access to medical supplies during public health emergencies. This bill would improve maintenance of the stockpile to ensure stockpile items are in good working order and ready to use if and when a crisis hits; increase manufacturing of critical supplies in America to diversify sources of personal protective equipment and partner with industry to replenish existing stocks; provide more federal resources to states to expand or maintain their own strategic stockpiles; and bring transparency to stockpile allocations by requiring a report to Congress on all requests for stockpile supplies during the pandemic and the response to each request.

This bill was referred to the Senate Committee on Health, Education, Labor, and Pensions and passed the House of Representatives as H.R. 3635 led by Rep. Elissa Slotkin (D-MI-8) and Rep. Richard Hudson (R-NC-8).

13. S. 2123—Pray Safe Act—Sen. Hassan co-led Sen. Rob Portman’s (R-OH) bill to direct the Department of Homeland Security (DHS) to establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship.

This bill passed the Senate.

14. S. 2135—Identifying and Eliminating Wasteful Programs Act—Sen. Hassan led this bill with Sen. Mike Braun (R-IN) to root out wasteful programs across the federal government by creating a process for agencies to report wasteful programs to the Office of Management and Budget and to Congress. The bill requires federal agencies to identify unnecessary, defunct, or duplicative program activities or program activities that could be more effectively administered by another agency or could operate more effectively if combined with another program. The list of these programs are posted on the federal program inventory and submitted to relevant congressional committees. Agencies may then work with Congress to develop legislation to eliminate or consolidate programs identified under the Act.

The bill passed the Senate by unanimous consent, and was introduced as H.R. 6789 by Reps. Tom Rice (R-SC-7) and Tom O'Halleran (D-AZ-1).

15. S. 2274—Federal Cybersecurity Workforce Expansion Act—Sen. Hassan led this bipartisan bill with Sen. John Cornyn (R-TX) to help strengthen cybersecurity in the federal government by expanding the cyber workforce. This bill would create a pilot apprenticeship program to provide cybersecurity training at the Cybersecurity and Infrastructure Security Agency (CISA) and a separate program to specifically train veterans at the Department of Veterans Affairs.

This bill passed the Senate Committee on Homeland Security and Governmental Affairs and was referred to the House Committees on Homeland Security, Education and Labor, Veterans' Affairs, and Oversight and Reform as H.R. 5138 led by Reps. Chrissy Houlahan (D-PA-6) and Anthony Gonzalez (R-OH-16).

16. S. 2585—State and Local Cybersecurity Improvement Act—Sen. Hassan led this bipartisan bill with Sen. John Cornyn (R-TX) to create a \$1 billion federal grant program to improve the cybersecurity of state, local, tribal, and territorial entities. The grant program would be administered by the Federal Emergency Management Agency (FEMA) with subject matter expertise from the Cybersecurity and Infrastructure Security Agency (CISA). A state applying for grant funding must develop a cybersecurity plan to receive an award, and 80 percent of awarded funds must be passed through to local governments. This bill has various reporting requirements.

This bill became law as part of the Infrastructure Investment and Jobs Act (P.L. 117-58).

17. S. 2727—Prevent Government Shutdowns Act of 2021—Sen. Hassan co-led Sen. James Lankford's (R-OK) bill, which provides continuing appropriations to prevent a government shutdown if any of the appropriations bills for a fiscal year have not been enacted before the fiscal year begins and continuing appropriations are not in effect. The bill also limits official travel, congressional recesses or adjournments, and the consideration of legislation that is unrelated to appropriations after the beginning of a fiscal year if the appropriations process has not been completed.

The bill was referred to the Senate Homeland Security and Governmental Affairs Committee.

18. S. 2733—U.S. Enrichment Corporation Fund Termination and Transfer Act—Sen. Hassan led this bill with Sen. Ernst (R-IA) to return funds sitting in an inactive account to the Treasury. Specifically, this bill rescinds the authorization of the U.S. Enrichment Corporation Fund and move the funds still in its coffers to an alternative account. The U.S. Enrichment Corporation (USEC) was a government corporation established in 1992 with the purpose of privatizing nuclear enrichment operations. When USEC became a private, non-government entity in 1998, it left behind a \$1.5 billion balance in its operating fund and no longer had statutory authority to use the funds. The money has remained largely untouched in the account for over two decades.

The bill was referred to the Senate Energy and Natural Resources Committee and hearings were held on the bill.

19. S. 2782—Acting on the Annual Duplication Report Act of 2021—For the third year in a row, Sen. Hassan partnered with Sen. Rand Paul (R-KY) to introduce a bipartisan bill to respond to recommendations made in the Government Accountability Office’s annual report on duplication, fragmentation, and overlap in federal operations. The 2021 bill built on previous efforts, and included:

- Military Housing Contractors (2021): Revises the calculation for privatized housing renovation projects to ensure that the payments align with national averages and are consistent with the housing allowance reduction calculation.
- Foreign Military Sales Account (2019): Asks DOD to report on options for expanding the use of administrative fees under the foreign military sales program.
- Cohort Default Rates (2019): Prohibits higher education institutions from placing students in forbearance as a means of reducing the cohort default rate for the purposes of their default management plans.
- Strategic Petroleum Reserve (2019): Asks the Department of Energy to review options for a long-range target for the optimal size and configuration of the Strategic Petroleum Reserve by examining several aspects of the Reserve and its infrastructure. In addition, the report must include any legislative changes needed to optimize the Reserve.
- Fee Adequacy and Oversight of Ginnie Mae (2020): (1) Requires HUD to evaluate the adequacy of Ginnie Mae’s guaranty fee, its reliance on contractors, and its compensation structure; and (2) asks GAO to evaluate the merits of alternative governance structures to provide greater oversight.
- Coin Metal Modification (2019): Allows the Mint to modify the metal composition of coins. This is the same text as S. 672 and H.R. 1789, the Coin Metal Modification Authorization and Cost Savings Act of 2021.
- Scannable Code on Tax Returns (2019): Mandates that the IRS require that all tax returns that are prepared electronically, but printed and filed on paper, include a code that when scanned converts the information on the return to an electronic format to ensure compliance and avoid issuing invalid refunds due to inaccuracies or human error.
- Third-Party Tax Preparer Cybersecurity (2020): Requires Treasury to set standards, consistent with security standards proscribed by the National Institute for Standards and Technology to secure return information and third-party information technology systems. Further, the IRS Commissioner is required to develop an organizational plan to coordinate all aspects of and offices involved in IRS’s efforts to protect taxpayer return information while in the hands of third parties.

The bill was referred to the Senate Homeland Security and Governmental Affairs Committee.

20. S. 2905—University Cybersecurity Consortia Improvement Act of 2021—Sen. Hassan co-led this bill with Sen. Mike Rounds (R-SD), to improve requirements relating to establishment of a

consortium of universities to advise the Secretary of Defense on cybersecurity matters.

This bill was referred to the Senate Committee on Armed Services.

21. S. 3148—Inspector General Reporting Modernization Act of 2021—Sen. Hassan led this bipartisan bill with Sen. Chuck Grassley (R-IA) to reform the semiannual reports to Congress that each inspector office publishes twice per year. Specifically, this bill streamlines the inspector general semiannual reports to Congress to reduce the time and financial resources it takes to produce the reports. In addition, these updates ensure that agency leadership responds to inspector general recommendations and reduce waste, fraud, and abuse of taxpayer dollars within their agency.

The bill passed as part of the Inspector General Independence and Empowerment Act, which was included in the National Defense Authorization Act, Fiscal Year 2023 (P.L. 117-263 sec. 5373).

22. S. 3150—A bill to require the United States Postal Service to designate a single, unique ZIP code for Swanzey, New Hampshire—Sen. Hassan co-led Sen. Jeanne Shaheen's (D-NH) bill that bill directs the U.S. Postal Service to designate a single, unique ZIP code applicable to the area encompassing only Swanzey, New Hampshire, to improve accurate mail and emergency service delivery to North Swanzey and Swanzey.

The bill was referred to the Senate Homeland Security and Governmental Affairs Committee.

23. S. 3703—Presidential Allowance Modernization Act of 2022—Sen. Hassan co-led Sen. Ernst's (R-IA) bill that replaces provisions governing the compensation provided to a former President. Each former President shall receive from the United States (1) an annuity of \$200,000 per year for the remainder of his or her life, and (2) a monetary allowance of \$200,000 per year. Such allowance shall be reduced by the amount the former President's earned income exceeds \$400,000. These monetary amounts are subject to a cost-of-living increase. The bill increases and provides for cost-of-living adjustments to the monetary allowance for surviving spouses of former Presidents. Importantly, the bill does not apply to any former or current Presidents.

The bill was referred to the Senate Homeland Security and Governmental Affairs Committee.

24. S. 3894—Advancing Cybersecurity Through Continuous Diagnostics and Mitigation Act—Sen. Hassan co-led this bill with Sen. John Cornyn (R-TX), which would authorize and expand the Department of Homeland Security's Continuous Diagnostics and Mitigation Program. Additionally, it would require the Department to develop a strategy and pilot program to promote use of the program in state, tribal, territorial, and local governments.

This bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

25. S. 3897—Legacy IT Reduction Act of 2022—Sen. Hassan led this bipartisan bill with Sen. John Cornyn (R-TX), which directs agencies to identify and dispose of legacy IT to reduce costs, increase cybersecurity, and improve customer and user experience. Combined, meeting these goals will enable agencies to meet their

missions more efficiently and in a more cost-effective way. The main elements of the bill include:

- Requiring agencies to develop an inventory of legacy IT systems;
- Writing modernization plans to update or dispose of their legacy IT systems;
- Requiring the Office of Management and Budget to issue guidance to assist agencies with identifying legacy IT and modernizing it;
- Codifying the Computers for Learning Program, which allows agencies to transfer gently used computers and software to educators and schools;
- Requiring a GAO report to examine the implementation of this bill alongside existing IT modernization policies and programs to improve coordination and outcomes; and
- Protection of sensitive security systems from disclosures that could harm the government.

The bill, as amended, passed the Senate Homeland Security and Governmental Affairs Committee.

26. S. 4326—Transnational Criminal Investigative Unit Stipend Act—Sen. Hassan was the lead co-sponsor for this bipartisan bill with Sen. Rob Portman (R-OH). This bill authorizes the existing Homeland Security Investigations (HSI) program for foreign law enforcement partner units that are vetted, trained, and funded by HSI. These units work closely with HSI agents stationed in foreign countries to conduct joint investigations, operations, prosecutions. This bill would not only codify and authorize the existing program, it would specifically give U.S. Immigration and Customs Enforcement (ICE, which includes HSI) the authority to provide a supplemental salary stipend (which may be in addition to compensation from their primary employer) to members of the unit. This authority will not only allow HSI to bring more law enforcement partners into the program, the authority to provide a supplemental stipend should also make foreign law enforcement officers less susceptible to bribes and corruption. The bill requires the continuous vetting of any personnel participating in the program, and requires a report by ICE on procedures used for vetting participants and whether any additional measures should be implemented to ensure units may not be corrupted.

The bill became law as part of the National Defense Authorization Act, Fiscal Year 2023 (P.L. 117-263).

27. S. 4460—END FENTANYL Act—Sen. Hassan was the lead co-sponsor for this bipartisan bill with Sen. Rick Scott (R-FL), which requires U.S. Customs and Border Protection's Commissioner to review and update the Office of Field Operation's policies, as necessary and at least once every 3 years in order to respond to illegal activity—such as the trafficking of drugs and humans—along the border. The bill also requires the CBP Commissioner to submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that summarizes the policy and manual changes every 3 years. The legislation builds on a

recommendation by the U.S. Government Accountability Office (GAO), and codifies current guidelines.

This bill, as amended, passed the Senate by unanimous consent.

28. S. 4592—Quantum Computing Cybersecurity Preparedness Act—Sen. Hassan led this bipartisan bill with Sen. Rob Portman (R-OH) to improve the federal government’s preparedness for post-quantum cryptography. This bill would require the Office of Management and Budget (OMB) to prioritize the acquisition and migration of federal agencies’ information technology to post-quantum cryptography. Additionally, it would instruct OMB to create guidance for federal agencies to assess critical systems one year after the National Institute of Standards and Technology (NIST) issues planned post-quantum cryptography standards. Finally, it would direct OMB to send an annual report to Congress that includes a strategy on how to address post-quantum cryptography risks, the funding that might be necessary, and an analysis on whole-of-government coordination and migration to post-quantum cryptography standards and information technology.

This bill passed the Senate Homeland Security and Governmental Affairs Committee, and the House companion bill, led by Reps. Ro Khanna (D-CA-17) and Nancy Mace (R-SC-1), became law (P.L. 117-260).

29. S. 4654—Disaster Management Costs Modernization Act—Sen. Hassan led this bipartisan bill with Sen. James Lankford (R-OK) to allow recipients of federal disaster recovery dollars to roll over funding dedicated to management costs from one disaster to the next disaster. The flexibility provided by this bill is intended to help state and local communities prepare for future disasters.

This bill passed the Senate Homeland Security and Governmental Affairs Committee.

30. S. 4701—Small Business Cybersecurity Act—Sen. Hassan led this legislation to establish a federal program to provide direct grants to Small Business Development Centers in order to create or continue cybersecurity programs for small businesses. The funds can be used to help Small Business Development Centers provide cybersecurity training for small business employees and administer reviews of small business’s cybersecurity.

This bill was referred to the Senate Committee on Small Business and Entrepreneurship.

31. S. 4765—Acting on the Annual Duplication Report Act of 2022—For the fourth year running, Sen. Hassan partnered with Sen. Rand Paul (R-KY) to introduce a bipartisan bill to respond to recommendations made in the Government Accountability Office’s annual report on duplication, fragmentation, and overlap in federal operations. The 2022 bill included:

- Chronic Health Conditions (2022): Directs the Secretary of Health and Human Services to identify and direct one federal entity to lead the development and implementation of a federal strategy to coordinate these efforts, which could help identify gaps and evaluate effectiveness that could ultimately result in cost savings and better program delivery.
- Cost-Effective Alternatives to Radiation Technology (2022): Sets up a task force to develop a national strategy for reducing the use of high-risk radioactive materials through the

use of safer alternatives. The strategy would provide a uniform, government-wide approach to using alternatives. Additionally, the bill allows the Nuclear Regulatory Commission to amend its licensing regulations to take into account whether a licensee (i.e., a company seeking authorization to use radiation technology) has explored the use of alternative technologies.

- Disposal of Low-Level Nuclear Waste (2022): Provides statutory clarification needed to allow a pilot program move forward, which would allow the Hanover nuclear site to dispose of low-level nuclear waste using an alternative, but no less safe disposal method.

The bill was referred to the Senate Environment and Public Works Committee.

32. S. 5159—Human Trafficking Prevention Act of 2022—Sen. Hassan led this bipartisan legislation with Sen. James Risch (R-ID) to help prevent human trafficking by requiring the posting of the National Human Trafficking Hotline in the restrooms of all U.S. planes, buses, and trains, as well as airports, bus stations, and rail stations.

This bipartisan bill was led in the House of Representatives by Reps. Hakeem Jeffries (D-NY-8) and Darrell Issa (R-CA-50), and became law.

33. S. Res. 282—A resolution recognizing July 1, 2021, as the 100th anniversary of the Government Accountability Office and commending the service of the Government Accountability Office to Congress and the United States—Sen. Hassan led a broadly bipartisan resolution to commemorate the 100th anniversary of the Government Accountability Office.

The resolution passed the Senate by unanimous consent.

34. H.R. 3544—Computers for Veterans and Students Act, as Amended by Hassan Substitute Amendment and Hassan Amendment 2—Sen. Hassan shepherded this bill introduced by Reps. Spanberger (D-VA-7) and Wittman (R-VA-1), which requires the General Services Administration (GSA) to transfer certain surplus computers and technology equipment to nonprofit computer refurbishers for repair and eventual distribution to (1) schools (including home schools), veterans, seniors, and other specified populations in need. The Hassan Amendments addressed security and cost concerns, as well as amended the title to better reflect the contents of the bill.

The bill was signed into law as part of the omnibus appropriations package, FY2023 (P.L. 117-328, Div. Z).

C. GAO REPORTS

During the 117th Congress, the Government Accountability Office (GAO) issued 22 reports at the request of the Subcommittee. Reports are listed here by title, GAO number, and release date.

Defined Contribution Plans: Federal Guidance Could Help Mitigate Cybersecurity Risks in 401(k) and Other Retirement Plans. GAO-21-25. February 11, 2021.

Cybersecurity and Infrastructure Security Agency: Actions Needed to Ensure Organizational Changes Result in More Effective Cybersecurity for Our Nation. GAO-21-236. March 10, 2021.

Information Technology: Agencies Need to Develop and Implement Modernization Plans for Critical Legacy Systems. GAO-21-524T. April 27, 2021.

Disaster Recovery: HUD Should Take Additional Action to Assess Community Development Block Grant Fraud Risks. GAO-21-177. May 5, 2021.

Government Efficiency and Effectiveness: Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Billions in Financial Benefits. GAO-21-544T. May 12, 2021.

Puerto Rico Recovery: FEMA Made Progress in Approving Projects, But Should Identify and Assess Risks to the Recovery. GAO-21-264. May 19, 2021.

La Recuperacion De Puerto Rico: FEMA Progreso en la Aprobacion de Proyectos, Per Deberia Identificary Evaluar Los Riesgos Para La Recuperacion. GAO-21-442. May 19, 2021.

Retirement Savings: Federal Workers' Portfolios Should Be Evaluated for Possible Financial Risks Related to Climate Change. GAO-21-327. May 25, 2021.

U.S. Postal Service: Customer Complaints Process. GAO-21-465. May 25, 2021.

Bureau of Prisons: BOP Could Further Enhance Its COVID-19 Response By Capturing and Incorporating Lessons Learned. GAO-21-502. July 29, 2021.

COVID-19: Selected Agencies Overcame Technology Challenges to Support Telework But Need to Fully Assess Security Controls. GAO-21-583. September 30, 2021.

Critical Infrastructure Protection: Education Should Take Additional Steps to Help Protect K-12 Schools From Cyber Threats. GAO-22-105024. October 13, 2021.

DHS Privacy: Selected Component Agencies Generally Provided Oversight of Contractors, But Further Actions are Needed to Address. GAO-22-104144. December 16, 2021.

KC-46 Tanker: Air Force Needs to Mature Critical Technologies in New Aerial Refueling System Design. GAO-22-104530. January 27, 2022.

Bureau of Prisons: Enhanced Data Capabilities, Analysis, Sharing, and Risk Assessments Needed for Disaster Preparedness. GAO-22-104289. February 2, 2022.

COVID-19: Federal Telework Increased During the Pandemic, But More Reliable Data Are Needed to Support Oversight. GAO-22-104282. February 8, 2022.

Critical Infrastructure Protection: CISA Should Improve Priority Setting, Stakeholder Involvement, and Threat Information Sharing. GAO-22-104279. March 1, 2022.

Government Efficiency and Effectiveness: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Billions of Dollars in Financial Benefits. GAO-22-106064. June 14, 2022.

Ransomware: Federal Agencies Provide Useful Assistance But Need to Improve Coordination. GAO-22-104767. September 14, 2022.

Cybersecurity Workforce: Actions Needed to Improve Cybercorps Scholarship for Service Program. GAO-22-105187. September 29, 2022.

Critical Infrastructure Protection: Additional Federal Coordination is Needed to Enhance K-12 Cybersecurity. GAO-23-105480. October 20, 2022.

Online Exploitation of Children: Department of Justice Leadership and Updated National Strategy Needed to Address Challenges. GAO-23-105260. December 14, 2022.

SUBCOMMITTEE ON GOVERNMENT OPERATIONS
AND BORDER MANAGEMENT

CHAIRMAN: KYRSTEN SINEMA (D-AZ)

RANKING MEMBER: JAMES LANKFORD (R-OK)

I. AUTHORITY

The Subcommittee on Government Operations and Border Management is charged with assessing the management of operations of the nation's border; conducting oversight of management and efficiency of government agencies and operations; and reviewing federal rulemaking contracting and procurement policies among other responsibilities.

II. ACTIVITY

During the 117th Congress, the Subcommittee on Government Operations and Border Management held 6 hearings.

A. HEARINGS

The Non-Governmental Organization Perspective on the Southwest Border. April 28, 2021. (S. Hrg. 117-37)

Since the beginning of 2021, an unprecedented surge of migrants has been arriving at our Southwest Border. The Department of Homeland Security (DHS) has reported 351,803 migrant encounters in just the first three months of 2021, compared to 107,732 during the same period in 2020. The surge has quickly overwhelmed DHS resources, creating challenges that have been exacerbated by DHS facilities operating at limited capacities due to the COVID-19 pandemic. It is critical that our nation take action to manage this surge so we can secure our border, protect our communities, and ensure migrants are treated fairly and humanely.

During this surge and similar events in 2014 and 2019, non-governmental organizations (NGOs) have played a critical role in managing these challenges. NGOs provide migrants with medical screening, transportation, food, and temporary shelter, among other services. This hearing will give Congress the opportunity to hear directly from NGOs about the lessons they have learned during this crisis, their policy suggestions on improving border management, and how best to ensure the collaboration and communication between DHS and NGOs that are need to secure the border and manage this crisis.

Witnesses: Beth Strano, Asylum Seekers and Families Coordinator, International Rescue Committee; Ruben Garcia, Director, Annunciation House; and Joshua Jones, Senior Fellow, Border Security, Texas Public Policy Foundation.

Improving Security, Trade, and Travel at Land Ports of Entry at the Southwest Border. June 16, 2021. (S. Hrg. 117-35)

Our nation's land ports of entry (POEs) play a critical role in the security of the Southwest border. According to the U.S. Customs and Border Protection (CBP) data, most of the key border security challenges at the U.S. Mexico border, such as smuggling and

seizers of illegal drugs, happen at or near POEs.¹ Even with such challenges, our POEs also must continue to facilitate robust economic activity in our border communities and throughout the United States by efficiently processing billions of dollars in annual cross-border trade, as well as significant pedestrian and vehicle traffic between the U.S. and Mexico every day.

This hearing investigated the technology and personnel investments required at POEs to improve security, while also enabling efficient processing of trade and travel flows through the border.

Witnesses: The Honorable Kevin K. McAleenan, Former Acting Secretary (2019), at the U.S. Department of Homeland Security; Anthony Reardon, National President, National Treasury Employees Union; Samuel Vale, President, Starr-Camargo Bridge Company (testifying on behalf of the Border Trade Alliance); Guillermo Valencia, President, Valencia International Inc. (testifying on behalf of the Greater Nogales and Santa Cruz County Port Authority).

Strategies for Improving Critical Energy Infrastructure.
October 27, 2021. (S. Hrg. 117–208)

While investments have increased over the last decade, U.S. energy infrastructure still only received a C minus from the American Society of Civil Engineers, as part of their 2021 Report Card for America's Infrastructure.² Modernization of America's aging energy infrastructure and the diversification of our energy portfolio, including appropriate use of renewables, is needed in order to efficiently provide all Americans with reliable and resilient energy power in their communities.

Our hearing examined the impact of weather events and other challenges that impact price stability, highlight the need for generation diversification, and demonstrate the importance of resiliency of our energy infrastructure. The hearing also reviewed ongoing Federal efforts to make permitting for energy related projects more efficient, and how the Federal Permitting Improvement Steering Council will help the United States meet energy infrastructure needs, including providing Native American tribes sufficient opportunities and consultation related to energy projects.

Witnesses: Alex Herrgott, President and Chief Executive Officer, The Permitting Institute; Bryce Yonker, Executive Director & Chief Executive Officer, Grid Forward; N. Levi Esquerra, Senior Vice President for Native American Advancement & Tribal Engagement, University of Arizona; Lanny Nickell, Executive Vice President & Chief Operating Officer Southwest Power Pool; Robert Bryce, Author, Journalist, and Public Speaker.

Federal Government Perspective: Improving Security, Trade, and Travel Flows at the Southwest Border Ports of Entry.
November 17, 2021. (S. Hrg. 117–281).

Our nation's land ports of entry (POEs) play a critical role in the security of the Southwest border. According to U.S. Customs and Border Protection (CBP) data, most of the key border security chal-

¹ CBP Enforcement Statistics Fiscal Year 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>, accessed May 3, 2021.

² <https://infrastructurereportcard.org/cat-item/energy/>

allenges at the U.S.-Mexico border, such as smuggling and seizures of illegal drugs, happen at or near POEs.³ Additionally, these POEs must also facilitate robust economic activity in our border communities and throughout the United States every day by efficiently processing billions of dollars in annual cross-border trade and managing significant pedestrian and vehicle traffic between the United States and Mexico every day.

Our hearing considered the infrastructure, technology and personnel investments required at POEs to improve security while also enabling efficient processing of trade and travel flows through the border. It also aimed to learn more about work being done to protect our nation at ports of entry through investigations of transnational crime and threats.

Witnesses: Diane Sabatino, Deputy Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection; Joe Jeronimo, Deputy Assistant Director, Transnational Organized Crime Division, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; Stuart Burns, Assistant Commissioner, Public Buildings Service, Portfolio Management and Customer Engagement; General Services Administration.

Chief Human Capital Officers at 20: What is Needed to Empower CHCOs to Ensure HR Practices Support Agencies' Mission Success. March 2, 2022. (S. Hrg. 117–252).

The Government Accountability Office (GAO) has listed federal Human Capital on its high-risk list for more than 20 years with little progress. Congress established the role of the Chief Human Capital Officer (CHCO) in the Homeland Security Act of 2002 in an effort to improve federal human resources, and the initial law itemized areas for which CHCOs would be accountable. This hearing examined if CHCOs have the necessary authorities to execute those mandates. This hearing also considered how to better empower agencies and CHCOs to accomplish their Human Capital functions while still upholding all Merit System Principles. Finally, this hearing addressed whether the CHCO Act needs to be modernized to ensure the agencies are able to accomplish their missions.

Witnesses: The Honorable Michael Rigas, Former Acting Director (2020–2021), Office of Personnel Management; Ms. Angela Bailey, Former Chief Human Capital Officer (2016–2022), U.S. Department of Homeland Security; Mr. Steve Lenkart, Executive Director, National Federation of Federal Employees; Ms. Terry Gerton, President & Chief Executive Officer, National Academy of Public Administration.

Dangerous Heat: The Effects of Hot Vehicles on USPS Operations in Arizona. July 15, 2022.

This field hearing examined the effects of hot vehicles on United States Postal Service operations, and employee health and retention. The witnesses discussed ways to address this issue productively for immediate relief and long-term improvement.

³ CBP Enforcement Statistics Fiscal Year 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>, accessed May 3, 2021.

Witnesses: John Morgan, District Manager, District of Arizona and New Mexico, United States Postal Service; Jeffrey Clark, President, Arizona State Association of Letter Carriers; James Salmon, Vice President, Branch 246, National Association of Postal Supervisors.

III. LEGISLATION

Since the Subcommittee on Government Operations and Border Management 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 117th Congress, Chair Sinema introduced the following legislative proposals in her capacity as a Senator:

1. S. 1330—Facilitating Federal Employee Reskilling Act—This bill establishes certain standards for federal reskilling programs. The bill defines federal reskilling program as a program established by an executive agency, or the Office of Personnel Management, to provide employees with technical skills or expertise that would qualify them to serve in different positions.

The bill requires such programs to use merit-based principles with respect to employees' participation and placement. Participating employees must also be given the option to return to their original positions, particularly if they are unsuccessful in their new positions. Additionally, employees' new positions must be of at least the same class or grade as their original positions; new positions must also utilize employees' newly acquired skills or expertise.

2. S. 2541—Shadow Wolves Enhancement Act—This bill authorizes U.S. Immigration and Customs Enforcement (ICE) to reclassify officers assigned to the tactical patrol unit on Tohono O'odham Nation land, commonly known as Shadow Wolves, as ICE special agents upon completing certain required training. Officers assigned to a comparable unit, regardless of location, may also be reclassified as ICE special agents upon completing the training and receiving the approval and consent of the appropriate Indian tribe.

The Department of Homeland Security and the Government Accountability Office shall separately study and report on the best processes for expanding the Shadow Wolves program.

3. S. 2801—Setting Manageable Analysis Requirements in Text Act of 2022—This bill requires agencies, when publishing a proposed or final major rule, to include a framework for assessing whether the rule achieves its regulatory objective. An agency must assess a rule in the time frame included in the framework. The assessment must compare the rule's anticipated and actual benefits and costs.

The bill defines a major rule as a rule likely to cause (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, health, safety, the environment, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

4. S. 3423—Chance to Compete Act of 2022—This bill implements merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring.

5. S. 3487—Honoring Civil Servants Killed in the Line of Duty Act—This bill increases benefits to survivors of federal employees who die in the line of duty.

Specifically, the bill increases the death benefit for federal employees from \$10,000 to \$100,000 and increases the funeral benefit from \$800 to \$8,800. Both amounts must be adjusted annually for inflation.

6. S. 4528—Improving Digital Identity Act of 2022—This bill establishes the Improving Digital Identity Task Force to establish a government-wide effort to develop secure methods for governmental agencies to protect the privacy and security of individuals and support reliable, interoperable digital identity verification in the public and private sectors.

The Department of Homeland Security (DHS) shall award grants to states, local, tribal, and territorial governments to upgrade systems that provide drivers' licenses or other types of identity credentials to support the development of highly secure, interoperable systems that enable digital identity verification.

The Government Accountability Office shall submit to Congress a report on the estimated potential savings, due to the increased adoption and widespread use of digital identification, of (1) the federal government from averted benefit fraud, and (2) the U.S. economy and consumers from averted identity theft.

7. S. 4963—Combating Cartels on Social Media Act of 2022—This bill requires the Secretary of Homeland Security to implement a strategy to combat the efforts of transnational criminal organizations to recruit individuals in the United States via social media platforms and other online services and assess their use of such platforms and services for illicit activities, and for other purposes.

IV. GAO REPORTS

During the 117th Congress, the Government Accountability Office (GAO) issued 34 reports at the request of the Subcommittee. Reports are listed here by title, GAO number, and release date.

Chemical Security: Overlapping Programs Could Better Collaborate to Share Information and Identify Potential Security Gaps. GAO-21-12. January 21, 2021.

Southwest Border: Department of Homeland Security and Department of Justice Have Implemented Expedited Credible Fear Screening Pilot Programs, but Should Ensure Timely Data Entry. GAO-21-144. January 25, 2021.

Cybersecurity and Infrastructure Security Agency: Actions Needed to Ensure Organizational Changes Result in More Effective Cybersecurity For Our Nation. GAO-21-236. March 10, 2021.

COVID-19: The Department of Health and Human Services Should Clarify Agency Roles For Emergency Return of U.S. Citizens During a Pandemic. GAO-21-334. April 19, 2021.

Medicaid: Information on the Use of Electronic Asset Verification to Determine Eligibility for Selected Beneficiaries. GAO-21-473R. April 23, 2021.

Puerto Rico Recovery: The Federal Emergency Management Agency Made Progress in Approving Projects, but Should Identify and Assess Risks to the Recovery. GAO-21-264. May 19, 2021.

Oil and Gas: The Department of the Interior Should Strengthen Management of Key Data Systems Used to Oversee Development on Federal Lands. GAO-21-209. May 27, 2021.

Domestic Medical Supply Manufacturing. July 19, 2021.

Paycheck Protection Program: Small Business Administration Added Program Safeguards, but Additional Actions are Needed. GAO-21-577. July 29, 2021.

Capital Fund Proposal: Upfront Funding Could Benefit Some Projects, But Other Potential Effects Not Clearly Identified. GAO-21-215. September 10, 2021.

Federal Rulemaking: Selected Agencies Should Fully Describe Available Public Comment Data and Their Limitations. GAO-21-103181. September 21, 2021.

Paycheck Protection Program: Program Changes Increased Lending to the Smallest Businesses and in Underserved Locations. GAO-21-601. September 21, 2021.

Critical Infrastructure Protection: Education Should Take Additional Steps to Help Protect K-12 Schools From Cyber Threats. GAO-22-105024. October 13, 2021.

Federal Reserve Lending Programs: Credit Markets Served by the Program have Stabilized, but Vulnerabilities Remain. GAO-22-104640. October 19, 2021.

COVID-19 Pandemic: Observations on the Ongoing Recovery of the Aviation Industry. GAO-22-104429. October 21, 2021.

COVID-19: Federal Agencies' Initial Reentry and Workplace Safety Planning. GAO-22-104295. October 25, 2021.

Federal Hiring: The Office of Personnel Management Should Collect and Share COVID-19 Lessons Learned to Inform Hiring During Future Emergencies. GAO-22-104297. October 25, 2021.

COVID-19: Lessons Learned from the U.S. Department of the Interior and the U.S. Department of the Treasury's Administration of CARES Act Funds Could Improve Federal Emergency Relief to Tribes. GAO-22-104349. October 29, 2021.

COVID-19: The U.S. Department of State Carried Out Historic Repatriation Effort but Should Strengthen its Preparedness for Future Crises. GAO-22-104354. November 2, 2021.

COVID-19: Federal Telework Increased During the Pandemic, but More Reliable Data are Needed to Support Oversight. GAO-22-104282. February 8, 2022.

Critical Infrastructure Protection: Cybersecurity and Infrastructure Security Agency Should Improve Priority Setting, Stakeholder Involvement, and Threat Information Sharing. GAO-22-104279. March 1, 2022.

COVID-19: The Department of State Should Strengthen Policies to Better Maintain Overseas Operations in Future Crises. GAO-22-104519. March 16, 2022.

Indian Health Service: Relief Funding and Agency Response to COVID-19 Pandemic. GAO-22-104360. March 31, 2022.

COVID-19: U.S. Food and Drug Administration Took Steps to Help Make Test Available; Policy for Future Public Health Emergencies Needed. GAO-22-104266. May 12, 2022.

COVID-19: Agencies Increased Use of Some Regulatory Flexibilities and are Taking Steps to Assess Them. GAO-22-105047. June 23, 2022.

Federal Personal Property: Better Internal Guidance and More Action from the General Services Administration are Needed to Help Agencies Maximize Use of Excess. GAO-22-104626. June 28, 2022.

U.S. Department of Veterans Affairs Acquisition Management: Action Needed to Ensure Success of New Oversight Framework. GAO-2-105195. August 11, 2022.

Medicare Telehealth: Actions Needed to Strengthen Oversight and Help Provided Educate Patients on Privacy and Security Risks. GAO-22-104454. September 26, 2022.

Southwest Border: Challenges and Efforts Implementing New Processes for Noncitizen Families. GAO-22-105456. September 28, 2022.

Critical Infrastructure Protection: Additional Federal Coordination is Needed to Enhance K-12 Cybersecurity. GAO-23-105480. October 20, 2022.

Wildland Fire: Barriers to Recruitment and Retention of Federal Wildland Firefighters. GAO-23-105517. November 17, 2022.

COVID-19 Funds: Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients. GAO-23-105473. December 15, 2022.

Oral Presentation on U.S. Park Police Staffing. December 16, 2022.

Federal Reserve Lending Programs: Risks Remain Low in Related Credit Markets, and Main Street Loans Have Generally Performed Well. GAO-23-105629. December 19, 2022.

