

IMPROVING GOVERNMENT ACCOUNTABILITY  
AND TRANSPARENCY

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HEARING  
BEFORE THE  
COMMITTEE ON  
OVERSIGHT AND REFORM  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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MAY 3, 2021  
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*Opening statements and the prepared statements for the witnesses are available in the U.S. House of Representatives Repository at: docs.house.gov.*

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*The documents entered into the record for this hearing are listed below.*

- \* Letter from the National Association of Assistant United States Attorneys; submitted by Rep. Norman.
- \* A study by Anne Joseph O'Connell; submitted by Rep. Porter.
- \* Written testimony by Anne Joseph O'Connell; submitted by Rep. Porter.
- \* Letter signed by Government Groups; submitted by Rep. Porter.
- \* March 16, 2021 letter signed by more than two dozen outside groups and experts in support of the PLUM Act; submitted by Rep. Maloney.
- \* March 18, 2021 letter from Partnership for Public Service in support of the PLUM Act; submitted by Rep. Maloney.
- \* GAO report from March 14 recommending that Congress consider legislation to require publishing information on political appointees; submitted by Rep. Maloney.
- \* May 3, 2021 letter from organizations in the Make It Safe Coalition Steering Committee in support of the Whistleblower Protection Improvement Act; submitted by Rep. Maloney.
- \* Written testimony of Thomas Devine, legal director, Government Accountability Project; submitted by Rep. Maloney.
- \* April 1, 2021 letter to President Biden on whistleblower protections signed by over 260 organizations; submitted by Rep. Maloney.
- \* March 26, 2021 letter signed by 17 organizations in support of the Inspector General Access Act; submitted by Rep. Maloney.
- \* January 28, 2021 letter from the Council of Inspectors General on Integrity and Efficiency on their legislative priorities for the 117th Congress; submitted by Rep. Maloney.
- \* November 23, 2020 letter from then GSA Administrator Emily Murphy to then President elect Joe Biden; submitted by Rep. Maloney.
- \* March 16, 2021 letter signed by 15 organizations in support of reforms to the Federal Advisory Committee Amendments Act; submitted by Rep. Maloney.
- \* September 10, 2020 GAO report that identified weaknesses in agency implementation of FATCA; submitted by Rep. Maloney.
- \* April 13 letter from 29 organizations in support of the access to Congressionally Mandated Reports Act; submitted by Rep. Maloney.
- \* D.C. Affairs Community letter regarding support for statehood; submitted by Rep. Maloney.

*These documents are available at: [docs.house.gov](https://docs.house.gov).*

## IMPROVING GOVERNMENT ACCOUNTABILITY AND TRANSPARENCY

Monday, May 3, 2021

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND REFORM,  
*Washington, D.C.*

The committee met, pursuant to notice, at 11:04 a.m., in room 2154, Rayburn House Office Building, Hon. Carolyn B. Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Lynch, Connolly, Krishnamoorthi, Raskin, Mfume, Tlaib, Porter, Bush, Wasserman Schultz, Johnson, Sarbanes, Speier, DeSaulnier, Quigley, Jordan, Grothman, Gibbs, Higgins, Norman, Keller, Biggs, Clyde, Franklin, Fallon, Herrell, and Donalds.

Chairwoman MALONEY. The committee will come to order. Without objection, the chair is authorized to declare a recess of the committee at any time. I now recognize myself for an opening statement.

Today's hearing will examine legislative proposals to improve government accountability and transparency. Enacting these commonsense bipartisan reforms would improve efficiency, combat waste, fraud, and abuse, and build public trust in the Federal Government. The work of inspectors general is critical to each of these goals. I introduced the IG Independence and Empowerment Act to ensure that inspectors general can perform their jobs free from political retaliation and that they have the tools needed to perform thorough investigations.

This comprehensive package includes my bill that would protect IGs from being fired just for doing their jobs, and would only allow an IG to be removed for cause based on a defined list of legitimate, nonpartisan reasons.

This package also includes bills introduced by several committee members, including Government Operations Subcommittee Chairman Connolly, Committee Vice Chair Gomez, and Congresswoman Porter. I want to thank each of them for their hard work on these reforms.

Many of these proposals have historically enjoyed bipartisan support, such as giving IGs the ability to compel testimony from contractors and former Federal employees.

Another bill we will be considering is the Periodically Listing Updates to Management Act, also known as the PLUM Act. With the support of Chairman Connolly and Congressman Sarbanes, we introduced this bill as part of Sunshine Week back in March. This

bill would provide the American people with timely and transparent information about senior government officials.

During Sunshine Week, I also introduced the bipartisan Federal Advisory Committee Transparency Act, with Ranking Member Comer. This bill would close loopholes that agencies have often used to avoid making the work of these advisory committees transparent to the public. I am grateful to the ranking member for his continued support on this much-needed reform.

Today, we will also discuss the Accountability for Acting Officials Act, Congresswoman Porter's bill, to amend Federal vacancies law. I support this important bill which would clarify and strengthen requirements around who can serve as an acting official and for how long. When a Senate-confirmed position is vacant, the bill would also increase transparency with new requirements for agencies to notify Congress about vacancies and for acting officials to testify regularly before Congress.

Finally, protections for whistleblowers need to be strengthened to preserve the crucial role these Federal employees play in holding the government accountable, including by providing information to Congress. These reforms have always received strong bipartisan support. That is why I'm pleased to announce that Representatives Mace, Connolly, Speier, Johnson, Rice, and I are introducing the Whistleblower Protection Improvement Act today.

This bill would clarify that no Federal employee, including the President or Vice President of the United States, may interfere with or retaliate against a whistleblower for sharing information with Congress. The bill would provide Federal whistleblowers with faster legal recourse for retaliation claims and would allow whistleblowers who take a claim to court to have their case heard by a jury.

I look forward to hearing from today's panel of nonpartisan experts on these topics and our proposed reforms. Today's hearing is the first step in the legislative process. Going forward, I hope to work with the ranking member and all members of the committee to pass these bills out of the committee and enact them into law.

I now recognize Mr. Gibbs for an opening statement.

Mr. GIBBS. Thank you, Chairman Maloney, for holding this important hearing today. And thank you to all the witnesses for testifying.

Transparency and accountability in government is essential. Citizens deserve to know what is really happening in their government and not months or years later after elected officials or unelected bureaucrats can escape the consequences. Otherwise, the accountability built into elections is not as robust as it should be. The lack of transparency and politicians avoiding accountability are major factors why the American people feel so disconnected and ignored by Washington.

President Biden's address to Congress last week in his first 100 days of office is a prime example. When he campaigned, President Biden promised a return to normalcy and a commitment to bipartisan solutions. What we have seen since inauguration day and what we've heard about the President's plan last week, have been anything but that. We haven't seen a return to normalcy at all.

What we've seen is some of the most radical and costly left-wing proposals this country has ever seen.

President Biden has proposed to spend \$6 trillion, mostly on socialist initiatives, ignoring the bipartisan consensus on commonsense policies such as infrastructure. Government under President Biden will control every aspect of our lives. Meanwhile, many children have not attended full-time, in-person school since March of last year. Fifty percent of our schools have not fully reopened.

Some of the legislation before us today is more of the same partisan agenda, such as the legislation that was part of Speaker Pelosi's and Representative Adam Schiff's Protecting Our Democracy Act last year. That was a 158-page campaign document pretending to be legislation, commissioned by Speaker Pelosi and introduced during the last weeks before the 2020 election to politically damage President Trump. It was referred primarily to this committee and included two bills, the Inspector Generals Independence Act and the Accountability for Acting Officials Act, that led to the largest bill before us today, the Inspector Generals Independence Empowerment Act. It was referred to eight Democrat-controlled committees last term, not one which took it up seriously, held a legislative hearing, or marked it up.

I sincerely hope that legislation in this bill is not being promoted once more to play partisan politics, only this time to divert voters' attention away from the Biden administration's border crisis and the Democrats' other disastrous, debt-crippling policies.

Some of us on the other side of the aisle have supported and even cosponsored some of the other legislation before us today, including, for example, the Federal Advisory Committee Transparency Act, which Ranking Member Comer is the leading Republican cosponsor. I hope we can focus on those commonsense measures that have real promise for bipartisan consensus, not the campaign leftovers pulled from the Speaker's and Mr. Schiff's Protecting Our Democracy Act.

And since some of our business today involves inspector generals issues, I hope we can use this hearing to help get to the bottom of what went wrong with the Election Assistance Commission's Inspector General's Office last year. That office utterly failed to investigate what would seem to be an unlawful \$35 million contract awarded by former California Secretary of State Alex Padilla to then Presidential candidate Joe Biden's main election campaign advisory firm out of the CARES Act funds, of all things. The EAC's Inspector General is not only IG unable to investigate clear wrongdoings.

Many small inspectors generals office do not have the staffing or resources to conduct investigations and substantiate allegations of wrongdoing. If an inspector general's office does not have the staffing to conduct rigorous investigations into credible allegations, then it does not have the resources to function. Inspector general's offices should not be passthrough entities with no ability to oversee contractors hired to do the IG's job.

I am hopeful my Democratic colleagues can stop the partisan attacks on the Trump administration and focus on ensuring our inspectors generals are able to conduct robust oversight to better hold individuals accountable for wrongdoing.

I yield back my time.

Chairwoman MALONEY. I now recognize Mr. Connolly for two minutes for an opening statement.

Mr. Connolly.

Mr. CONNOLLY. Thank you, Madam Chairman, and thank you so much for holding this hearing on such an important subject.

Our Subcommittee on Government Operations held a critical hearing on this subject just last week. The IGs lead offices and recover overpayments by government agencies. They identify risks and program improvement areas and root out fraud, waste, and abuse and gross mismanagement.

As I noted at that hearing, in Fiscal Year 2020 alone, the 75 Federal offices of the Inspectors General collectively identified \$33.3 billion in potential savings from audit reports and \$19.7 billion actually recovered, amounting to a \$17 return for every dollar we actually invest in the IGs. Their independence is critical.

President Trump executed a rash of politically motivated retaliatory personnel moves against Federal IGs who were investigating actions of his administration. Mr. Trump would not say why he was removing these IGs, but the motivation was fairly clear. It was blatant retaliation. Mr. Trump would remove an IG and replace him or her with his own political appointee, sometimes dual hatting an individual who would concurrently serve within the agency he or she was ostensibly assigned to oversee.

As the GAO testified, the independence of IGs is critical, absolutely critical, to their effectiveness and to transparency and accountability. The legislation that we're looking at, that we're introducing, is designed to do just that. It protects whistleblowers. It protects the independence of IGs, and codifies how an IG could be removed and strengthens their role, which will help the American taxpayer and make our government more accountable and efficient. I support the legislation in front of us and look forward to the hearing.

I yield back. Thank you, Madam Chairwoman.

Chairwoman MALONEY. The gentleman yields back.

I would like to introduce our witnesses. Our first witness is James-Christian Blockwood, who is executive vice president at the Partnership for Public Service. Next, we will hear from Elizabeth Hempowicz, who is the director of Public Policy at the Project on Government Oversight. And we will hear from Rudy Mehrbani, who is senior advisor at the Democracy Fund. And last but not least, we will hear from Zack Smith, who is a legal fellow at The Heritage Foundation.

The witnesses will be unmuted so we can swear them in.

Please raise your right hands.

Do you swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that the witnesses answered in the affirmative.

Thank you. Without objection, your written statements will be made part of the record.

With that, Mr. Blockwood, you are now recognized for your testimony. Mr. Blockwood.



**STATEMENT OF JAMES-CHRISTIAN BLOCKWOOD, EXECUTIVE  
VICE PRESIDENT, PARTNERSHIP FOR PUBLIC SERVICE**

Mr. BLOCKWOOD. Thank you, Chairwoman Maloney, Ranking Member Gibbs, and members of the committee, for inviting me here today. I'm James-Christian Blockwood, executive vice president at the nonpartisan, nonprofit Partnership for Public Service. Our mission is simply to make government work better and inspire people to serve. I welcome the opportunity to be here today to discuss with you about accountability and transparency in government and how progress on these goals is necessary to the modernization and effectiveness of government.

Public trust in the Federal Government has been near historic lows for more than a decade. To increase this level of trust, we must work harder to show the American people that their government is being held accountable through oversight and the checks and balances that our Constitution envisions. Transparency helps preserve liberty by letting the American people know how decisions are being made and who is making decisions on their behalf in our democratic system.

The topics this committee will discuss today, ranging from preservation of government records to the role of inspectors general to the protection of whistleblower rights, are all areas where, in the past, after deliberation and debate, this committee has led Congress to enact bipartisan legislation.

Through our work at the Partnership, we strive to ensure the most competent and qualified individuals are in critical policy roles, that the American people know who is serving them, and the executive and legislative branches fulfill their mutual roles in filling key positions in government.

There are a few areas that I would like to highlight today. First, Congress needs to take on the task of updating the Vacancies Act. The statute was last updated in 1998 and has shown itself across administrations from both parties to be confusing and often ineffective. A revisiting of the law on vacancies is necessary both to preserve the advice and consent role of the Senate and to ensure the effectiveness of government during inevitable vacancies of senior political positions.

The Accountability for Acting Officials Act would make some commonsense updates to the law. For example, clarifying that it applies when an official is fired and ensuring Congress gets timely notification of when vacancies occur and often who temporarily fills those positions.

Second, the American people deserve better transparency into who is serving them in the Federal Government, both in political positions and top career positions. This information is currently produced once every four years in what is known as the Plum Book, the same way it has been produced since the 1950's. And every four years, it's outdated by the time it's published.

The Plum Book needs to be modernized, providing real-time, online information on how our government is organized and who is in key policymaking positions.

Third, the partnership asks the committee to consider that one reason why there may be so many vacancies and it's difficult to keep up with appointees is that we simply have too many political

appointees in our government. Any incoming President is responsible for filling more than 4,000 political appointees, of which 1,200 require Senate confirmation. This number of appointees is higher than in any other modern democracy.

The Partnership urges the Congress to take up the same effort it did in 2011 when it worked on a bipartisan basis to reduce the number of appointees subject to Senate confirmation.

Thank you again for the opportunity to discuss these and other issues related to accountability and transparency.

Chairwoman MALONEY. Thank you.

Mr. BLOCKWOOD. The Partnership for Public Service stands ready to help you find nonpartisan, commonsense solutions to the major management challenges facing our government. And in light of Public Service Recognition Week, please allow me to extend my thanks to all public servants around our country. And, of course, Members of Congress and your staff are also public servants, so I thank you for your service as well.

I can think of no better way to start Public Service Recognition Week than by having today's discussion on how we can make government better serve the people. I'd also like to thank the team at the Partnership that helped me prepare for this hearing. I look forward to the discussion and answering any questions you may have.

Chairwoman MALONEY. Thank you so much. The gentleman yields back.

Ms. Hempowicz, you're now recognized for your testimony.

**STATEMENT OF ELIZABETH HEMPOWICZ, DIRECTOR OF  
PUBLIC POLICY, PROJECT ON GOVERNMENT OVERSIGHT**

Ms. HEMPOWICZ. Chairwoman Maloney, Ranking Member Gibbs, and members of the committee, thank you for inviting me to testify today.

The legislation before you is critical if Congress is to address the public's growing concern about government corruption. I will focus my remarks today on how these proposals will address gaps in current law that leave whistleblowers exposed to retaliation, undermine the work of our inspectors general, and leave the executive branch exposed to corruption and instability.

As this committee knows, whistleblowers expose wasteful or fraudulent government spending, often leading to the recovery of public money. Their disclosures also alert us to matters critical to public health or where the government is abusing its power against the people. But whistleblowers are often met with retaliation, and, unfortunately, the legal system meant to deter and correct retaliation is not working. At the end of the day, we ask whistleblowers to put their livelihoods on the line with no guarantee that they will be protected by the law.

The bipartisan Whistleblower Protection Improvement Act contains numerous provisions that would address some of the most consequential gaps in current law. If it is enacted, whistleblowers will be able to fight back against many retaliatory investigations and would be able to petition a jury of their peers for relief from retaliation.

Passing this legislation will also allow whistleblowers to protect their anonymity more effectively. As you know, anonymity is the single best way to protect against whistleblower retaliation.

Next, let's consider the role that inspectors general play in the fight for government accountability. Their work conducting oversight over executive branch programs and management continually results in significant savings for taxpayers. IGs also expose when political appointees or civil servants corruptly abuse the power of the executive branch. However, most IGs don't have the authority they need to compel cooperation with their investigations outside of their agency walls. That means that to evade accountability, a corrupt actor only needs to leave government to effectively shut down an IG inquiry into their behavior.

Furthermore, IGs themselves are also exposed to retaliation because they can be fired by the President for any reason. This makes no sense, especially when you consider how exposing government inefficiency and corruption is unlikely to win the favor of political leadership.

While some may argue that protecting IGs from retaliatory removals would be unconstitutional, I want to note that the Supreme Court recently had a chance to weigh in on the matter more broadly. The Court's majority went out of its way to highlight that in some cases, these types of protections are appropriate. Our analysis is that IGs are one such office where they would be appropriate and constitutional, and the nonpartisan congressional Research Service agrees. Passing the IG Independence and Empowerment Act would not only grant IGs the authority it needs to aggressively expose instances of government corruption but to also make it less dangerous to exercise the independence required of them to fulfill their important missions.

And, finally, I want to talk about how weaknesses in the law that governs how the President selects temporary leaders for vacant executive branch offices leaves our government susceptible to corruption and exposed to costly legal challenges. The Vacancies Act was meant to protect both the President's ability to keep government working when there are vacancies and to protect the Senate's constitutional advice and consent role. But the law's loopholes now leave the executive branch exposed to exactly the kind of concentrated appointment power that our Founders intended to prevent. These legal gray areas also have a major practical impact, since actions taken by an individual whose appointment is ultimately judged to be invalid under the Vacancies Act can be voided by our courts.

The Accountability for Acting Officials Act would address some of the most important gray areas in the Vacancies Act. It would encourage the timely nomination of qualified individuals from the White House and clarify the boundaries to the executive's power to appoint temporary leadership. The modest reforms in this bill would restabilize the legitimacy of government without improperly limiting the President from carrying out their responsibilities.

To recap, right now, we ask Federal whistleblowers to put their careers on the line to expose government wrongdoing, even though we know the legal system will not adequately protect them. We expect our internal executive branch watchdogs to root out corruption

without the tools they need to do so and while they're exposed to retaliation, and we have an executive branch that has too expansively interpreted its authorities under the Vacancies Act in a way that leads our executive branch exposed to corruption.

By addressing these problems, you can show your constituents that you are serious about making sure that the executive branch of government truly works for the people.

I strongly urge you to pass the legislation I highlighted today and in my written testimony. Doing so would lead to a more effective, ethical, and accountable Federal Government that safeguards constitutional principles, a goal that I think is shared by the members of this committee, regardless of political affiliation.

Thank you for holding this important hearing. I look forward to answering your questions.

Chairwoman MALONEY. Thank you.

Mr. Mehrbani, you are now recognized for your testimony.

**STATEMENT OF RUDY MEHRBANI, SENIOR ADVISOR,  
DEMOCRACY FUND**

Mr. MEHRBANI. I'd like to thank Chairwoman Maloney, Ranking Member Comer, and the entire community for the opportunity to testify in support of reforms to enhance accountability and transparency in the Federal Government.

These are unprecedented times. In addition to a global pandemic, rising economic inequality, a national reckoning with racial injustice, and a climate on the brink of collapse, the Nation is facing a crisis of confidence in its most foundational principle, the rule of law.

It's not some theoretical concept. The rule of law underpins constitutional values that are vital to how government operates, ensuring that no one is above the law, that justice is administered without favor or prejudice, that the powers of government work for the benefit of the American people, not for the profit of those wielding that power.

But we depend on government officials to uphold these values, and they don't police themselves. We need accountability and transparency measures as a backstop. That's why our Constitution extended its system of checks and balances to personnel appointments, to ensure the rule of law and the spirit of public service is preserved by those in government.

None other than Alexander Hamilton, known for believing in a strong executive, said that conditioning the President's appointment powers on the Senate's advice and consent, quote, would be an excellent check and prevent the appointment of unfit characters, end quote, and that a President left to his own devices would fill offices based on, quote, private inclinations and interests, end quote.

As you know, Congress has supplemented the system with legislation to protect against abuse and corruption. Reforms were adopted following periods of abuse in our history, like the Ethics in Government Act, Inspector General Act, and the Federal Vacancies Reform Act. Unfortunately, Presidents have increasingly exploited loopholes in these laws for their own personal, financial, or political benefit.

To respond, we need a variety of reforms to close these loopholes and shore up the guardrails that protect against abuse. The bills being considered by this committee today, together with other key ethics and anticorruption reforms, namely those in the Protecting our Democracy Act and the For the People Act, are essential to restoring faith in our government.

Many consider the prior four years a time of unprecedented abuse by the executive branch. Others would rightly point out that Presidents and government officials have overreached before and that weaknesses in our system predate 2016. Frankly, we don't need to agree on how to apportion blame to effectively respond. Take vacancies and the overreliance on acting officials as an example. We can all agree a few things are true. First, Presidents are increasingly turning to acting officials to fill vacancies. President Trump relied on acting officials to serve in his Cabinet more in his first three years than the entire Presidencies of each of the past five Presidents.

Second, the Senate confirmation process takes twice as long as it did when President Reagan was in office, creating perverse incentives for Presidents trying to field their team.

And, third, Presidents are turning to creative and weakly problematic maneuvers [inaudible] moves that are inconsistent with the spirit of the Federal Vacancies Reform Act, if not the letter of the law.

Why does this matter? It's problematic and disruptive for government operations, and it eviscerates the system of checks and balances that serves to ensure appointees are qualified and accountable. It's worse when these abuses extend to inspector general positions. IGs are meant to serve as nonpartisan, independent watchdogs. Installing IGs with perceived, if not real conflicts of interest, undercuts their role and raises doubts about the government's commitment to combating corruption.

The reforms under consideration by this committee would reduce these kinds of abuses and provide democratic accountability in the future. For example, the Accountability for Acting Officials Act, introduced by Representative Porter, puts forward commonsense reforms to ensure that serving in the most powerful positions in the executive branch have to report to Congress, and it limits the length of time officials may act as agency heads to 120 days.

From my experience running a Presidential personnel office, 120 days to fill these leadership positions is a reasonable expectation. And when the President nominates someone, the Senate should duly consider them, which is why I also urge Congress to couple reforms to the Vacancies Act which reforms to the confirmation process outlined in my written testimony.

To be clear, the FVRA is complicated, but I'd argue that in most cases, the complexities stem from ambiguities, and it's these ambiguities that have been taken advantage of. The reforms would provide more clarity and transparency.

I'd also like to close by saying that it's fitting for this committee to have this hearing today at the start of Public Service Recognition Week. Public servants deserve our gratitude. In just the last few months, they have met immense logistical challenges to support the delivery and distribution of 100 million vaccines to Amer-

ican people across the country, demonstrating the government can still work for the people. It's the result of political and career leaders having a singular focus.

For government to meet the challenges of our time, we need a system that can ensure it can maintain this kind of dedication to the public good. The reforms under consideration by this committee would help do exactly that, and I urge this committee to adopt them.

Thank you, and I look forward to your questions.

Chairwoman MALONEY. Thank you.

[Inaudible] Mr. Smith.

**STATEMENT OF ZACK SMITH, LEGAL FELLOW, EDWIN MEESE III CENTER FOR LEGAL AND JUDICIAL STUDIES, HERITAGE FOUNDATION**

Mr. SMITH. Good morning.

Good government, accountability, and transparency are all laudable goals, but as the committee considers many of the proposals before it today, I can't help but think of the words that the late Justice Antonin Scalia wrote more than 30 years ago. When the Supreme Court was asked to consider the constitutionality of the independent counsel provisions of the Ethics in Government Act of 1978, which allowed for the appointment of an independent counsel to investigate and to prosecute certain high-ranking government officials, Justice Scalia in a lone dissent, said, quote: Frequently, an issue of this sort will come before the Court clad, so to speak, in sheep's clothing, but this wolf comes as a wolf.

So too today, there are wolves lurking among the proposals presented for this committee's consideration. As with so many things in life, the goals are good, but the devil is in the details.

So, when examining these details, I encourage the committee members to keep in mind two overarching considerations, one legal and one practical. Simply put, they're these: That each member of the committee has an independent duty to ensure themselves of the constitutionality of each proposed reform and to ensure that each reform actually promotes good government.

So, let's start with the constitutional. It's undisputed that our Founding Fathers created a system of government with checks and balances. In James Madison's famous words, ambition must be made to counteract ambition. Unless you think this is some abstract idea without any impact on our day-to-day lives, it's this separation of powers, these checks and balances, that help ensure all of our other liberties.

Now, you may be saying fair enough, we agree, but what does this have to do with the proposals before the committee? Well, one proposal, for example, would make inspectors general removable only for cause. Even a recent CRS report, which examined this issue and examined the constitutionality of it, said it could be constitutionally questionable to place for cause removal restrictions on certain IGs who would be impermissibly insulated from Presidential control by multiple layers of removal protections. The current bill doesn't reflect this concern and, at a minimum, it should.

But more to the point. Given the uncertainty and the separation of powers concerns, would the potential damage to a foundation

principle of our system of government be worth any corresponding benefits? After all, inspectors general are not the only mechanism that Congress has for combating fraud, waste, and abuse, or for seeking to put good government on a firmer footing. Congress can conduct oversight hearings. It can subpoena witnesses to appear before it. It can receive whistleblower complaints. And, most importantly, it can even control the power of the purse.

Then there's the broader concern that many of these proposals are meant to look good without actually accomplishing much in the way of substantive change. In that way, some of these proposals can actually do more harm than good for two reasons.

First, the bills would place new responsibilities on government personnel, including IG personnel, without providing additional resources to carry out their functions. It sets them up for failure.

And, second, many of these bills deceive the public into believing these proposals tackle pressing concerns when, in fact, they simply give the appearance of taking action against real or perceived problems.

Then, of course, there's concerns about the law of unintended consequences. One proposal today that seeks to combat whistleblower retaliation would add to the list of prohibited practices the opening of any investigations as a result of a protected disclosure. It's a noble goal, but it doesn't take much imagination to see how this could be manipulated in everyday practice.

Now, although this may seem farfetched, I have experience with this. Early in my career as an assistant United States attorney, I handled civil litigation on behalf of the United States, including employment litigation. And it wasn't uncommon for problematic employees who expected they would be disciplined to file equal opportunity complaints, whistleblower complaints, union grievances, or some combination of those in efforts to set up a retaliation claim for whenever their employer took action against them. By engaging in such tactics, the problematic employees' underlying issues often went unaddressed, and it created a chilling effect for the supervisor to address the conduct of other problematic employees too.

Of course, this isn't to suggest that every whistleblower or even most whistleblowers have performance or conduct issues. Many come forward for noble reasons and should be applauded, but we must be honest about the current system's shortcomings which can have an equally pernicious effect on good government and accountability.

And, in closing, while my testimony today may be interpreted by some as offering a slightly discordant note, that's not my intention. I share this committee's desire to improve government accountability and transparency, but just as we should demand that government officials perform their duties in an ethical manner, we must ensure that any oversight of their conduct complies with the Constitution, actually promotes good governmental policy, and avoids, to the maximum extent possible, the law of unintended consequences.

Thank you for this opportunity to testify. I welcome your questions.

Chairwoman MALONEY. Thank you. The gentleman yields back. I now recognize myself for five minutes for questions.

During Sunshine Week, I introduced several legislative reforms aimed at making government more transparent because I strongly believe that transparency is the key to holding agencies and senior officials accountable. I introduced, along with Ranking Member Comer, the Federal Advisory Committee Transparency Act, which would make the advisory committees that provide agencies with policy advice disclose who is serving on them.

Mr. Mehrbani, do you believe that the public has the right to know who is serving on Federal advisory committees? Mr. Mehrbani.

Mr. MEHRBANI. Thank you for your question, Chairwoman Maloney. Federal advisory committees play an important function in the Federal Government. They provide expert science advice to committees, to agencies on a wide range of issues. And it's important that the public understands if there are any conflicts of interest, for example, that members on these advisory committees may have. And I think that the reforms that you and Ranking Member Comer have put forward would be strong steps toward ensuring that kind of transparency and accountability. And I think that the history that I've detailed somewhat in my written testimony indicate the need for these kinds of reforms, and I absolutely support it.

Chairwoman MALONEY. The bill would also require that advisory committee members disclose any financial conflicts of interest. So, Mr. Mehrbani, do you think it's important for the public to know if an expert serving on an advisory committee has something to gain from making a particular recommendation?

Mr. MEHRBANI. I do. And that's the similar kind of motive that applies to the ethics rules for other Federal appointees. Now, in some cases, it's completely understandable that you would want to have somebody who is representative of a group of constituents or even an industry, for example, that might create a conflict of interest. But when the need for that individual's voice to be included in the committee outweighs the potential for a conflict, there's actually mechanisms in the law that allow for designated agency ethics officials to certify that they—that that conflict exists so it doesn't create any sort of liability issues.

But, more importantly, it allows the public to rec—to see that there's balance on these advisory committees. And, frankly, I have to commend President Biden for issuing an executive order that actually creates an interagency task force to look at some of these issues. But as you know, this committee should not have to depend on a President to act, which is why I think that this legislation is so important.

Chairwoman MALONEY. Thank you.

Ms. Hempowicz, I'd like to turn to you. Another transparency reform I introduced is the Presidential Records Preservation Act, which would require the President and the President's senior advisors to create and preserve records of official activities.

If we don't require the President or his senior advisors to document their activities, do you think we're missing key information about how decisions are made?

Ms. HEMPOWICZ. Absolutely, Chairwoman.

Chairwoman MALONEY. Mr. Connolly and Ms. Speier join me today in introducing a package of reforms to protect whistle-



blowers, called the Whistleblower Protection Improvement Act. Whistleblowers disclose important information to Congress, but they also provide important information to the public. One example is the information that a former HHS scientist, Dr. Rick Bright, shared on his concerns with the Trump administration's strategy on fighting the pandemic.

Ms. Hempowicz, do you believe that strengthening protections against retaliation for whistleblowers would ultimately lead to more transparency and ultimately to better policy?

Ms. HEMPOWICZ. Yes, Chairwoman. Absolutely. I think, you know, strengthening the system for whistleblowers, right now, the system is broken, and so I think it is actually serving as a deterrent from further whistleblowers coming forward and exposing waste, fraud, and abuse within the Federal Government.

And I also just want to highlight that without whistleblowers, we wouldn't know about the backlogs at the VA. We wouldn't know that our servicemembers in Iraq didn't have access to tanks that were sufficiently protecting them from roadside bombs. And so, the work that whistleblowers do, not only returns money to the Federal Government, but it keeps our troops and our veterans safe. You know, there's no—there's just—it's difficult to describe the value that whistleblowers play, but it is far beyond just financial.

Chairwoman MALONEY. I've also introduced, along with Mr. Connolly and Mr. Sarbanes, a bill to modernize and update the Plum Book. The PLUM Act would require the Office of Personnel Management to maintain a publicly available directory of senior government leaders.

These are just some of the bills I'm hoping to explore further today. I urge my colleagues to support these measures that would make government more open and accountable.

I now recognize Mr. Gibbs for five minutes.

Mr. GIBBS. Thank you, Chairwoman.

Mr. Smith, the Presidency and the Vice Presidency, as you know, are constitutionally created offices with powers that are separate from those of Congress. Are there constitutional issues implicated in an attempt by Congress to legislate recordkeeping requirements applicable to the President and Vice President and their senior officials? Mr. Smith.

Mr. SMITH. There certainly could be, Congressman. And more to the point, you know, I think it is worth noting that, as you mentioned, the President and Vice President are different than many of the statutorily created agencies and offices set up by Congress. And with the records keeping requirement for the President and Vice President, one of the main concerns should be what's the enforcement mechanism going to be for these acts, and also, what about the increased administrative burdens on both the Presidency and then also on the national archivists, who will be responsible for maintaining and ensuring access to these records. And so, I think both of those considerations certainly deserve more thoughtful, more thorough discussion as these bills are being considered and working their way through Congress.

Mr. GIBBS. Thank you.

Mr. Mehrbani, you were President Obama's White House—part of the White House Counsel and his personnel office. During the

Obama Administration, there was a lot of controversy about record-keeping for emails, including emails that could have passed between President Obama and his Secretary of State, Hillary Clinton.

Do you believe the terms of the Presidential Records Preservation Act should apply—or should they apply to President Obama’s emails, including emails to Secretary Clinton?

Mr. MEHRBANI. I think that the Presidential Records Act should apply to communications with the President. The bill today, I think, would bring the Presidential Records Act in line with existing legislation that applies to Federal agencies. So, I’m not certain that the constitutional questions might create some sort of additional problematic responsibilities for the White House here.

Mr. GIBBS. So, when you were, you know, White House counsel, would you have recommended to President Obama to support or oppose the Presidential Records Preservation Act?

Mr. MEHRBANI. Well, I’d—first, I’d like to say I was not White House counsel. I was an associate counsel to President Obama. And if I were in the White House and I saw this piece of legislation, given the potential for it to ensure that records are maintained by the White House, I actually would recommend its adoption, sir.

Mr. GIBBS. OK. Well, Mr. Smith, there’s been significant evidence that former California Secretary of State Alex Padilla misused the Help America Vote Act funds to contract with a major political firm of Joe Biden’s Presidential campaign. The Election Assistance Commission and the IG stated to committee Republicans that the allegations for misuse were credible, and the EAC director, Inspector General testified before the Subcommittee on Government Operations two weeks ago and stated that the office is working on contracting a third party to audit the contract six months after the original contract.

Would you agree that the IGs should be investigating the allegations of wrongdoing quickly?

Mr. SMITH. Well, I think that particular incident highlights two points. One is what we were talking about earlier. You don’t want to set the IG offices up for failure by providing them with additional responsibilities without corresponding resources.

And then the second point, I think we need to rethink what it means to have success in terms of an IG investigation. My colleague at Heritage, Paul Larkin, has written about this in law enforcement context. And I think a similar conversation could be had in the context of inspectors general and government oversight. What does it mean to have the successful oversight investigation?

Mr. GIBBS. So, do you think this committee, Oversight Committee, should be investigating these allegations of wrongdoing since the IG and the EAC offices have shown that maybe they’re not able to do so?

Mr. SMITH. Well, they’re certainly serious allegations, and from my understanding of the situation, that IG office is underfunded and understaffed and is having a difficult time investigating those claims. And so, again, I think any reforms proposed would need to make sure that we are giving the IGs and other oversight entities the tools they need for success and not just passing legislation, again, that would look good without actually making any substantive changes.

Mr. GIBBS. Consolidating IG offices, would that be an efficient way to do it if they don't have the resources in the smaller offices?

Mr. SMITH. It's certainly a potential path that could be useful to explore further. Also making criminal referrals for investigation, obviously, if the Department of Justice or other entities become involved. You know, there are many potential paths that could solve this problem. But, again, I think in the context of today's hearing, you don't want to set any of the IG offices up for failure.

Mr. GIBBS. Thank you. I'm out of time.

I yield back, Madam Chair.

Chairwoman MALONEY. The gentleman yields back.

The gentlewoman from the District of Columbia, Ms. Norton, is recognized for five minutes.

Ms. NORTON.

Ms. NORTON. Thank you, Madam Chair.

I'm interested in whistleblowers, and my question is for Ms. Hempowicz. I'm interested in whistleblowers because they play a critical role for Congress itself and particularly for this committee. We recently had a bipartisan investigation when a whistleblower came forward from the Transportation Security Administration, for example.

Your organization sees whistleblowers who provide information, get severe retaliation, and that's where my question is.

For example, there was a very high-profile example when a witness was retaliated for cooperating with congressional requests for documents or testimony. One of the most recent high-profile examples was Lieutenant Colonel Alexander Vindman, who was reassigned and had his promotion delayed. I think we all remember that one.

Does it concern you that there may be a chilling effect on the willingness of Federal employees to cooperate with Congress because they have seen these public cases of retaliation?

Ms. HEMPOWICZ. Yes, Congresswoman. Absolutely. I think that it may have a chilling effect, and I think you may already be seeing that. I think, you know, it's important to note that there is a legal prohibition against interfering with anyone's ability to work with a Member of Congress or to speak with a Member of Congress under the Lloyd-La Follette Act, and that should apply to whistleblowers, and yet there's no enforcement mechanism.

And so, places like this, I think, in particular where there's a legal avenue to pursue and to use as a whistleblower but there's no way to enforce your protections, if you use that legal avenue, I think what we do is we just incentivize people to work outside of the proper channels. And I think that's where we can see things like leaking classified information if whistleblowers don't feel like they will be protected if they use the protected channels that Congress has laid out for them, or they just won't blow the whistle at all and then you won't have the benefit of their experience.

Ms. NORTON. The Whistleblower Protection Improvement Act we're putting forward would limit public disclosure of the identity of an employee who blows the whistle on a Federal agency. Why is this important? And what impact would it have on other whistleblowers if the identity of a whistleblower is disclosed by an agency?

Ms. HEMPOWICZ. Thank you. Thank you so much for that question. I think, you know, the committee knows well the value of allowing a whistleblower to be anonymous if they want to, because the committee, both majority and minority, you on your website say if a whistleblower comes to the committee, we will protect your identity. And I think that's because you know that protecting a whistleblower's anonymity is the No. 1 way to make sure they won't be retaliated against. If their supervisors or people at their agencies don't know who they are, it's impossible to retaliate against a whistleblower.

Once it's—you know, but right now, the law does not prevent people who know the identity of a whistleblower from sharing that identity with others who would—may be able to retaliate against that whistleblower, or breaking their anonymity may also just be a form of retaliation itself. You know, if you are a public servant and your name is now everywhere all over Twitter as somebody who is a traitor, you know, I think what happens is we tell future whistleblowers, don't come forward, because instead of addressing the issue that you're blowing the whistle on, we're going to drag your name through the mud and ruin your life instead.

Ms. NORTON. Could I further ask you, how would the Whistleblower Protection Improvement Act, going forward, help correct the existing system related to how Federal employees can provide information directly to Congress?

Ms. HEMPOWICZ. Well, it would allow whistleblowers to enforce their protections for speaking with Congress, and so they'd be able to have the benefit of whistleblower case law saying, you know, you abused a protected channel and now you're afforded this legal system, which I will say is not working as well as it could, but there are other provisions in the bill that would fix that legal system. And so, I think this bill really—I couldn't encourage Congress to pass it more. I think it's critically necessary, and I think it really does address some of the biggest loopholes and most consequential loopholes in our whistleblower laws today.

Ms. NORTON. Madam Chair, the whistleblowers really help Congress itself conduct effective Federal oversight, so I'm urging all my colleagues to support this bill to protect the employees who are courageous enough to come forward. And I yield back. Thank you very much for this important hearing.

Chairwoman MALONEY. The gentlelady yields back.

And the gentleman from Wisconsin, Mr. Grothman, is recognized for five minutes.

Mr. Grothman.

Mr. GROTHMAN. Thank you.

I'm going to start out with a question here to Mr. Smith. There was some testimony that I thought sounded good on its face until you think about it a little bit, and that concerned the number of appointees that every President gets to fill out his bureaucracy. I believe we were told that there are 4,000 appointees he has, of which 1,200 have to be confirmed. And the implication was that we should have less of this, presumably replaced by more civil service people, by more career people, and less people who are immediately appointed.

I kind of look at it the other way. I want you to comment on it. I talked to one appointee of the Trump administration. She felt she had 2,000 people under her, and in general, she felt the bureaucracy was hostile to her reforms. I thought how difficult it was to have the imprint of a President on an agency if you've, say, got this subagency of 2,000 employees, and one person, just the one who is supposed to be able to effect change.

Could you comment on that, Mr. Smith? Do you feel this is a good or bad thing that really, again and again, we put people in positions in which they apparently have even over a thousand people under them and have very little ability to discipline them or control them?

Mr. SMITH. Yes. Thank you for the question, Congressman. I think a couple of considerations go to your question. The first is, you know, the Framers of our Constitution certainly envisioned that the President would appoint high-ranking Federal Government officials with the advice and consent of the Senate.

And so, two points that I think others have raised that would help alleviate some of these concerns would be if administrations quickly put up nominees for many of the senior positions in the Federal Government, and then if the Senate would quickly give hearings to those executive branch nominees. You know, someone made the point earlier that over the past several years and administrations, the average time it's taken to confirm executive branch nominees has increased greatly. And so, I think addressing some of those concerns, the way in which the current nomination and confirmation process works, could be as effective at alleviating many of the concerns you raise.

Mr. GROTHMAN. Can you see, though, the potential danger or the difficulty? When I vote for a President, I expect that Presidency to a certain extent have a certain vision for his administration. Do you see that—apparently, the implication was in the testimony that even 1,200 people who have to be confirmed or 4,000 appointees, is clearly too much, and presumably, we ought to have more civil service type appointees and have less employees picked by the President.

Do you see the frustration there is with the swamp if, say, one of President Trump's appointees winds up in charge of an agency in which they have a thousand people under them, and given President Trump's mandate, insofar as he had a mandate, was to kind of cleanup the swamp, how difficult it would be for this person to have any—implement any change? Do you see what I'm saying? It's one of the problems with the government.

Mr. SMITH. I do. And, certainly, to the extent you convert positions from being politically appointed into civil service positions, the risk always exists that those positions will be less politically accountable. And to the extent you convert the positions into ones that do not need the Senate's advice and consent, that, in some ways, bumps up against concerns, again, for the system of government that was established by the Framers of our Constitution.

And so, certainly, a fruitful area for reform, again, would be examining how the current confirmation process works and suggesting potential mechanisms to make sure that works efficiently.

Mr. GROTHMAN. Yes. I'll just kind of wrap it up with a statement, Mr. Smith. If you are—OK. First of all, overwhelmingly, the bureaucracy, insofar as it's partisan, I realize, you know, we have the Hatch Act [inaudible] overtly partisan. But here in the District of Columbia, like, President Trump got five percent of the vote, which indicated very few Federal employees were voting for President Trump.

If you are appointed to run a group of a thousand people, and you can't even have one person under you who you know for sure is loyal to you, it makes it almost impossible to implement the changes in government that you want.

Thank you for doing the extra few seconds.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Massachusetts, Mr. Lynch, is now recognized for five minutes.

Mr. Lynch.

Mr. LYNCH. Thank you, Madam Chair. And I want to thank the witnesses as well for their good work.

First of all, I certainly support, Madam Chair, your legislation, as well as the legislation that has been earlier referenced being sponsored by Mr. Connolly, Mr. Sarbanes, and Ms. Porter. I fully support those measures.

To our witnesses, you know, back in 2008, Congress, in a very bipartisan moment, created the Wartime Contracting Commission, and it was modeled on the Truman Commission back in 1941. It was bipartisan in nature. It worked across several different administrations, both Democratic and Republican. And during the years 2008 to 2011, it actually turned up with about between \$30 billion and \$60 billion in waste, fraud, and abuse that was uncovered and did a very good job. Unfortunately, in 2011, it expired. It had a sunset provision in there and it expired.

But now, with the way this Authorization for Use of Military Force works, it is not limited in time. It is not limited by territory. And yet we have a defense budget that is approaching a trillion dollars. And as has been pointed out by a few of the witnesses, it's not enough to just give responsibility to IGs or other groups. You have to fund that. You can't just pile that responsibility on top of everything they're already doing.

So, I have a bill that would reauthorize the Wartime Contracting Commission because of the expenditures that are going forward, because of the preexisting Authorization for Use of Military Force with no limitations on time or territory. And I'm just wondering, you know, from your perspective, Ms. Hempowicz or Mr. Mehrbani or Mr. Smith, do you think that would be helpful? Is that the type of response, or is there something else that we might be doing to really look at the huge expenditures?

We've got massive waste. We've had previous hearings in this committee about Defense Department expenditures regarding the F-35 and other very expensive weapons systems that are not responsive to the threat, first of all. They've just been hanging on. They're sort of zombie programs, and they're not really developing the progress that we would hope for after injecting billions of dollars into these weapons programs.

So, with the remaining two minutes, I'd like to hear from our witnesses. Ms. Hempowicz, if you might start.

Ms. HEMPOWICZ. Yes, sir. Thank you, Congressman Lynch. As you know, we put—the Project on Government Oversight wholeheartedly endorses your legislation to bring back the Wartime Contracting Commission. I think in addition to passing that legislation, which as you correctly identified, you know, has the potential to return billions of dollars in savings to the taxpayer, I think, you know, the other proposals in front of this committee right now, strengthening whistleblower protections, ensuring inspectors general have the resources and independence they need to do their jobs and the authorities they need to do their jobs, I think they're also critical parts, part of that equation as well.

Mr. LYNCH. Thank you.

Mr. Mehrbani?

Mr. MEHRBANI. Yes. I think implicit in Ms. Hempowicz' statement, which I'll just highlight specifically, is the fact that the folks who are running these investigations and are leading the inspectors, inspector general offices, also need to be an independent, which is why I think the reforms to ensure that a President can't install inspectors general, even in an acting capacity, that have perceived or real conflicts of interest is critically important.

Mr. LYNCH. Great.

Mr. Smith?

Mr. SMITH. Yes. Thank you for the question. Certainly, effective measures to combat waste, fraud, and abuse are always welcome. I'm not familiar with the specifics of your current proposal, but the concerns about ensuring that these actions aren't just for show but they're actually effective in terms of accomplishing the goals they're set out to do, I think that's very important. And then again, to remember that Congress has multiple tools at its disposal, apart from the inspectors general, to combat that waste, fraud, and abuse are certainly worthwhile to keep in mind.

Mr. LYNCH. Reclaiming my time. I only have 15 seconds left. Mr. Smith, to be honest with you, the inspectors general and these special commissions are really the tip of the spear. Those other things that you're talking about, they get bogged down. They really do. So, this is—the full-time work of the inspector generals is really far and above, head and shoulders above what we might do in committee because we're dealing with a thousand different issues. We need it to be somebody's sole responsibility and their sole job. That's the difference with these inspectors general.

I yield back, and I thank you for the courtesy.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Louisiana, Mr. Higgins, you are now recognized for five minutes.

Mr. HIGGINS. Thank you, Madam Chair.

Improving government accountability and transparency, we really ask ourselves, why does America not trust the government? Let me share with my colleagues a simple formula. Stop oppressing American's freedoms. Reduce the tax burden. Reduce the regulatory burden. Stop punishing Americans who actually work. Secure our sovereign border. Stop condemning 75 million Americans

who supported President Trump and stop spending trillions of dollars of American treasure that we don't have.

We're talking about diving deep into the bureaucracies here. I can tell you Americans that I serve and I work for and I communicate with want an incredible reduction, the size and scope of the Federal Government, in its interference in our daily lives. It's a pretty simple formula.

Mr. Smith, I have two questions for you, sir. According to the Founders' intent and under laws like the Inspector General Act of 1978, the President has broad discretion to remove and replace inspectors general in this case as he deems appropriate. Congress' only statutory involvement with the appointment and removal of IGs is through the Senate's advice and consent. However, under Title I of H.R. 2662, which we're discussing today, this bill attempts to curtail the statutory authority by limiting the President's Article II power. And I say again, the Founders intended for a duly elected President to have broad powers within the executive branch.

Mr. Smith, disregarding what I would say is obvious the political intent of this bill, what unintended constitutional consequences could come from this? Please explain to America.

Mr. SMITH. Well, thank you for the question. You're absolutely right, The Framers of our Constitution intended for us to have a government with separated powers among three different branches. And so, to the extent that Congress seeks to prohibit the President from removing an executive branch official, that separation of powers concern is certainly raised and implicated.

Now, in the 230-plus years since James Madison wrote about this in the Federalist Papers, Congress has muddied the waters to a great extent with that separation of powers, and the Supreme Court has spilled a lot of ink discussing what the appropriate boundaries are of that separation of powers and what restrictions Congress can place on the President's abilities to remove officials.

And, look, I'm certainly not impugning the work of the inspectors general. They do important work. They do valuable work.

Mr. HIGGINS. Yes.

Mr. SMITH. But anytime Congress is placing restrictions on the ability of the President to remove an executive branch official, while at the same time as these bills propose to do, expand the power of that further-insulated official as, again, as these bills propose to do, I think it certainly raises a concern that merits further discussion.

Mr. HIGGINS. Thank you for that clarification, sir. It's clear to me that this is certainly questionable from a constitutional perspective.

One more question. Under Title III of the same bill we're discussing, there's a prescription for specific requirements in how, when, and who the President can fill an IG vacancy with. Do you know of any other Senate-confirmed position in the executive branch that requires this kind of litmus test?

Mr. SMITH. Well, it's certainly part of the larger discussion and reforms being proposed in terms of who the President can appoint to be acting officials. And, again, I point the committee members back to the concern about this separation of powers and the need for the nomination and confirmation process to wrong well and to



work, frankly, more expeditiously than it has so far. And in that way, by confirming the nominees that a President puts forward, many of these concerns around acting officials can be avoided.

Mr. HIGGINS. So to summarize, do you concur that this bill and the bills of this type have constitutionally questionable intent and would be challenged under Article III?

Mr. SMITH. I think they certainly raise constitutional questions potentially, and I would anticipate that there would be litigation surrounding them. Now, what the outcome of that litigation would be is difficult to predict, but the fact that the issue has been flagged I think means that this committee and Congress as a whole should pay careful attention to those issues and avoid them to the greatest extent possible.

Mr. HIGGINS. I concur.

And I thank the chairwoman for holding this hearing today. And I yield, Madam Chair.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Virginia, Mr. Connolly, is recognized for five minutes.

Mr. CONNOLLY. Thank you, Madam Chairwoman. And thank you to all of our panelists.

I always enjoy my colleague and friend from Louisiana and his insights. I must say he reads a different set of history books than I do with respect to the broad powers granted the executive.

The writers of the Constitution, led by James Madison, actually wanted to circumscribe executive power. They were extremely suspicious of an unchecked executive and, in fact, that's why Article I is about Congress and its powers, not about the executive—that's Article II—and then expected Congress to do its constitutional duty in delineating and circumscribing the powers of the executive. And so, it's perfectly within the constitutional frame envisioned by the Founders and the writers of the Constitution that we have today's discussion about putting some checks and balances on the executive to avoid capricious or, even worse, malign behavior in the removal of people who are supposed to be independent inspectors general.

Ms. Hempowicz, welcome back.

Ms. HEMPOWICZ. Thank you.

Mr. CONNOLLY. You and I talked at our hearing, and I'd like to talk about it now. How effective do you think the interagency Council of Inspectors General is in transparency and accountability with respect to IGs?

Ms. HEMPOWICZ. I don't—I don't think it's as effective as it could be. I think it is—it's more effective than the system that had been in place prior to the creation of CIGIE and the Integrity Committee, but I think, you know, the legislation that you've put forth, Congressman, would greatly increase transparency with how both CIGIE and the Integrity Committee operate and oversee inspectors general.

Mr. CONNOLLY. And I'd like to point out to my friend, Mr. Gibbs, if you're there, you talked about bipartisanship. Mr. Hice, the ranking member of my subcommittee, has cosponsored. He's the co-author of the bill on trying to provide more transparency and accountability for CIGIE. So, we're very proud of the fact that out of

our subcommittee we've got a bipartisan bill. By the way, Mark Meadows was my original cosponsor in the previous Congress on this bill. So, this isn't about partisanship in this particular case.

Ms. Hempowicz and then Mr. Mehrbani, could you elaborate a little bit, why is it important that we make sure that there is accountability for IGs in the event of misbehavior, partisanship, or malfeasance on the part of an IG? Why is that important?

Ms. HEMPOWICZ. Thank you so much for that question, Congressman. I think, you know, given the role that inspectors general play in Congress, and I think, you know, their value is proven by the fact that Republicans and Democrats ask inspectors general all the time to investigate matters that are important to you. So, I think, you know, part of that is why it's so critical that they are exercising those authorities responsibly.

And I will just highlight that, you know, I think we talk about for-cause removal protections, and I think a lot of the time the conversation around that implies that the for-cause removal protections give IGs unlimited protection from removal. That's not the case at all. It just protects inspectors general from warrantless removal.

Mr. CONNOLLY. Right.

Ms. HEMPOWICZ. And so, it's not this—it's not this check against the President from holding IGs accountable. In fact, it creates a roadmap for Presidents to do just that in a way that's unimpeachable.

Mr. CONNOLLY. Mr. Mehrbani?

Mr. MEHRBANI. Thank you for that question. As Mr. Blockwood referenced in his opening statement, trust in government is at incredible lows. And I think that if you don't provide some independence and allow these IGs to do their jobs, then you're never going to get American people to begin trusting government again.

And what's more is that, you know, in a lot of ways what the legislation you're proposing is going to do is in line with what the original Inspector General Act of 1978 does. That act actually required the President to provide reasons to Congress for the removal of an IG, and as Ms. Hempowicz just articulated, the President would still have several reasons that he or she would be able to point to, to remove an IG, but the bill would require that those reasons are explained to Congress. So, it really brings it into line with what Congress, I think, originally intended.

Mr. CONNOLLY. And final point, Mr. Mehrbani. Right now, if an IG is, in fact, found to have committed wrongdoing by the Integrity Committee, the only way we know about it is in the annual report. Is that correct?

Mr. MEHRBANI. I believe that's right.

Mr. CONNOLLY. And that's not adequate.

Mr. MEHRBANI. I don't think that that is adequate.

Mr. CONNOLLY. I thank you. My time is up.

I yield back. Thank you, Madam Chairwoman.

Chairwoman MALONEY. Thank you.

The gentleman from Arizona, Mr. Biggs, is recognized for five minutes.

Mr. BIGGS. I thank the chairwoman. I thank the panelists for being here today.

Look, we've been talking and received some information of opinions on the executive power vis-&-vis legislative power, and that's a great debate to have some time, but part of the reason—and then we've conflated this into the lack of trust in the Federal Government. And part of the reason for that, of course, is that we have an overbloomed, overbloomed government that is huge with regard to the bureaucracy and the encroachments that we have in the lives of everyday Americans.

And as we go through this hearing today, I'm reminded—I had to pull this up, but I was reminded of some works that Friedrich Hayek wrote about 65 years ago when he said:

Is there a greater tragedy imaginable than that in our endeavor consciously to shape our future in accordance with high ideals, we should, in fact, unwittingly produce the very opposite of what we've been striving for.

And that's where I think we may be doing today as we do, as we consider this bill. It's an important bill, of course. This hearing, however, I think, merely serves as yet another excuse to attack the legacy of President Donald Trump by trying to claim he was guilty of all manner of abuse of power. The legislative agenda that backgrounds this full discussion, the so-called Protecting Our Democracy Act, was introduced by Representative Schiff right before the Presidential election last year, solely to try to tip the scales in candidate Biden's favor. And we know that because the bill was never debated or marked up in any one of the eight committees to which it was referred, including this particular committee.

Speaker Pelosi stated that the Protecting Our Democracy Act was designed to address President Trump's, quote, staggering litany of abuses and ensure that they can never happen again by anyone, close quote. That's just partisan hyperbole. In fact, Ms. Pelosi's rhetoric would have us believe that Representative Schiff's legislation was so critical to our Republic's survival that we in Congress would be totally remiss not to dedicate our full attention to it, and yet she assigned it to eight committees that didn't even hear it.

A magical thing happened. After the November election, the bill almost completely disappeared from congressional discussions, and that's a shame because there are at least a few provisions in last year's Protecting Our Democracy Act that are worth discussing and seriously debating and considering. But I hope everyone in this room will forgive me for expressing a healthy dose of cynicism, given the fact that most of Representative Schiff's bill was clearly nothing more than a messaging vehicle for partisan purposes.

The reality is that IG reform will always be a challenging endeavor because the Constitution grants Presidents broad staffing and firing authority, inherently.

Mr. Smith, I know you're very worried of nearly all potential reforms we've been discussing today, and I certainly share your concerns. And I also very much agree with your statement that many of the proposals we've been discussing deceive the public by simply giving the appearance of taking action against real or perceived problems while doing little to actually address them.

Nevertheless, as an intellectual exercise, I am curious to know what specific reforms among the menu of options we've been dis-

cussing and that are in this piece of legislation you find most and least objectionable on strictly constitutional grounds if you were asked to place them along the spectrum.

Mr. Smith.

Mr. SMITH. Well, I certainly think most concerning are the for-cause removal provisions for the inspector generals. And I think an important point needs to be made here. Under the current system that's in place, if a President is deemed to have improperly removed an inspector general, he or she can certainly pay a political price in terms of if Congress views them to have acted improperly or if the American public has viewed them to act improperly. Then a political price will be paid.

And then more to the point, even if the removal provision or other acts are ultimately upheld to be constitutional, we still have to ask whether they're wise policy. And we saw that, if we go back to the independent counsel provisions from the Ethics in Government Act of 1978. The Supreme Court upheld the constitutionality of that provision, over Justice Scalia's lone dissent, but later Congress ultimately let that lapse because of unintended practical consequences that really showed that there were problems with how that functioned in practice.

So, I think we certainly need to be concerned about these for-cause removal provisions that could impede on the Article II power of the Presidency. And then other policies, you know, such as those relating to the Federal Advisory Committee, may not necessarily have as pronounced constitutional concerns but, again, I think it's still worth considering what the practical unintended consequences of those reforms could be.

Mr. BIGGS. Thank you. I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Maryland, Mr. Raskin, is now recognized for five minutes.

Mr. RASKIN. Thank you very much, Madam Chair, for calling this important hearing.

And talk about fighting the last war. My friend, Mr. Biggs, invites us to believe that the legislation was just a partisan [inaudible] on Donald Trump that he brought to Congress, or the Democratic leadership of not pursuing it aggressively enough against Donald Trump. But if it were purely partisan, why would we be bringing it up now when Joe Biden is President? So I don't know. Somebody needs to update the talking points a little bit over there.

Let's see. I'd like to start with Mr. Blockwood. Can you explain why we need to update the Plum Book?

Mr. BLOCKWOOD. Yes, thank you for the question. The Plum Book is, as I stated earlier, grossly outdated at times and is not reflecting the most accurate information. And so, we need to fix it with providing real-time information, fixing errors that we already know not to be accurate, and making it readily accessible in a more downloadable and machine-readable format.

For example, the current Plum Book is missing at least 10 organizations. It's only filled—it only comments on filled, not vacant, positions, and it does not include the new cyber director and the Executive Office of the President, and is missing a summary of the positions in the White House. This information—

Mr. RASKIN. OK. Can you explain why that's an actual problem for the American people and for democracy for us not to have up-to-date data and information about who occupies different Federal posts?

Mr. BLOCKWOOD. Yes. I believe a fundamental part of accountability is transparency. And so, if the American public does not know who is filling a position, it makes it hard to know who's making decisions on their behalf and who can hold them accountable.

Mr. RASKIN. OK. Thank you much.

Ms. Hempowicz, my former student, who I'm very proud of, let me come to you and ask this question. Inspector generals play a critical role in checks and balances within each agency and department. As a number of the witnesses have pointed out, they've saved us tens of billions of dollars—or saved the taxpayers tens of billions of dollars in money that would have gone to corrupt schemes, self-dealing, waste, abuse, giveaways to special interests and so on.

So, why is it important for us to say that the President can only sack an inspector general for a good reason? Why wouldn't we want the President just to be able to get rid of these inspectors general at will?

Ms. HEMPOWICZ. Thank you for that question, Congressman. And I raise this example only because it's relevant, not because I want to harp on President Trump. I've heard that that's not what this hearing is for.

Mr. RASKIN. Yes, you don't have to apologize for using facts in the committee.

Ms. HEMPOWICZ. Well, just simply, last year when the President in quick succession removed or sidelined four inspectors general, what we heard from the remaining inspectors general was that they were terrified to do their jobs. And that is—that's terrible for the American taxpayer. If IGs are worried at the beginning of an investigation that it may, at the end of that investigation, lead back to anybody that has the political favor of the President, then they're incentivized not to do those investigations at all.

And I think, you know, it's important when we talk about the financial return that inspectors general have and that is absolutely critical, but I also hear members on the Republican side of the aisle talking about having concerns about when the government infringes on people's constitutional rights. That is also well within the inspectors general investigative mandate.

And so, if we want these independent inspectors general to do their job that not only save taxpayers money, but also uncover instances where the executive branch is abusing its authority against the American people, independence is a critical part of that. And I will just highlight again that before the Inspector General Act of 1978 was passed, these jobs were being done within the executive branch, and Congress found that it was a failure because those people doing those investigative and oversight roles were not independent and so they weren't investigating in a fulsome way. And it was—and what the result was, was that there was inefficient and ineffective oversight over executive branch programs. And I don't think that's what we want. And so, I think it is really critical

to recognize that the independence that was built into the IG Act when it was passed is not working.

Chairwoman MALONEY. We seem to have a technical problem now.

Can you hear me, Mr. Raskin?

Well, frozen.

OK. The chair now recognizes Mr. Clyde. He's now recognized for five minutes.

Mr. Clyde.

Mr. CLYDE. Thank you, Madam Chairwoman, and I appreciate the opportunity during this very important hearing.

I think that we should be reducing the size of Federal Government and going back to the 18 enumerated powers in the Constitution—the Constitution provides. The American people deserve a government that doesn't overburden them with excessive regulation, because we want to live our lives as free of government as possible.

Now, I'd like to followup on Congressman Grothman's line of questioning—I thought it was very excellent—concerning the ability of a duly elected President to properly focus the branches of the executive on the agenda that the President was elected to implement.

So, my question would be to Mr. Smith. Would reducing the number of positions requiring Senate confirmations be beneficial to our country? And, if it would, what do you think that would look like?

My understanding is there are about 4,000 total positions, and as I heard in earlier testimony, about 1,200 of them require Senate confirmation. I understand from committee also that all of them—that none of them are exempt from the 60-vote rule in order to bring a position to the Senate floor for confirmation.

So, would you give me your thoughts on that, please?

Mr. SMITH. Sure. And I appreciate the question. Generally, those who exercise power on behalf of the United States in the executive branch are classified as either officers or employees, and then there are principle officers and inferior officers. And the Supreme Court's talked about what can be done by each of those categories and what's the appropriate appointment process for each of those entities and what authority they exercise.

And so, for us to really have an informed discussion about this, I think we need to stop and consider: What is the authority? What are the functions of each one of those positions? Because, certainly, if they are exercising significant authority on behalf of the United States, the Framers of our Constitution intended that they would be nominated by the President and confirmed by the Senate.

And so, I think your point that to the extent we can ensure that this process works as it was envisioned, ensure that the administrations timely put forward nominees and the Senate timely considers them, the better off we will be and the more functional our government will be.

Mr. CLYDE. Well, thank you. I appreciate that very much.

I do believe that those with significant authority should be Senate-confirmed, but I also see that an executive branch can be—that it be can difficult for an executive branch to get their policies im-

plemented when you have bureaucrats in the executive branch that basically want to resist.

Now, I've got a question also for Elizabeth Hempowicz. You are the director of Public Policy, Project on Government Oversight. And I understand that earlier this year, you had the opportunity to speak in the House Budget Committee about a particular publication that you had. Organizations like yours, the Project on Government Oversight, offer valuable support to efforts of Congress and inspector generals to root out waste, fraud, and abuse in government. And I understand that the Project on Government Oversight began in 2020 to publish its own reports on government waste, fraud, and abuse related to COVID-19 spending, but that the project stopped publishing its reports on January 14, 2021, less than a week before President Biden took office.

So, as the director of Public Policy, can you help me understand why the Project on Government Oversight stopped publishing this waste, fraud, and abuse report just as President Biden was taking office? There's a tremendous amount of money that has been pumped into our economy, whether it's the CARES Act or whether it's the current American Rescue Act or the—this new act coming out, this infrastructure act. And I think that a report like yours is important. So, can you give me some background as to why this report—why you stopped publishing it?

Ms. HEMPOWICZ. Yes, absolutely. And thank you so much for the opportunity to clarify that, Congressman. That was not a report. I think what you're referring to is a newsletter that we were publishing on a weekly basis that aggregated our investigative work and kind of broke it down in a little bit more simple terms. So, we did stop doing that newsletter, but we certainly haven't stopped publishing our investigative reports that are looking at waste, fraud, and abuse in COVID spending, but also more generally, government spending across the board.

In fact, we've put together the most comprehensive tracker that we're still updating, we continue to update, with information about where exactly all the money that we've spent on COVID relief is going.

We—as we put together that tracker, we are also highlighting—we began doing it for the Trump administration, we're continuing to do it under the Biden administration—highlighting for the administration where there are holes in that data that is making it more difficult to conduct rigorous oversight from our perspective but also from Congress' perspective.

And so, I would just—I thank you for the opportunity to clarify. We absolutely have not stopped doing our investigative work on COVID relief or, broadly, on the Federal Government, more generally. What we did stop doing was publishing that one weekly newsletter. But quite frankly—

Mr. CLYDE. Well, let me ask you this. How does the public get to see that?

Ms. HEMPOWICZ. Everything is on our website. We also still have, I think, three or four other weekly newsletters that we publish. They're just in a slightly different format. We also put out video explainers on our Instagram, on our Twitter. We are constantly trying to figure out new ways to get our investigative work to the

public in an accessible way. And that newsletter was one of those, but it was never intended to be a permanent product.

And then we—and I guess, you know, I think it just bears mentioning again because, Congress, you have the ability to do something about this. One of the reasons why it was difficult to keep that newsletter going is because of the holes in the data. It is incredibly difficult to oversee the spending right now.

Chairwoman MALONEY. The gentleman's time has expired.

Mr. CLYDE. Thank you.

Chairwoman MALONEY. I now recognize the gentlelady from Florida, Ms. Wasserman Schultz. She's now recognized for five minutes.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair. Madam Chair, I appreciate you holding this very important hearing.

This committee, Mr. Mehrbani, has jurisdiction over the Hatch Act, which I know you know, and that ensures that the Federal Government is run in a nonpartisan manner. Specifically, the Hatch Act prohibits executive branch employees from using their, quote, official authority or influence for the purpose of interfering with or affecting the results of an election.

Mr. Mehrbani, why is it important that executive branch officials keep political campaigning separate from official agency business?

Mr. MEHRBANI. Official agency and government business is meant to support the public interest and implement government programs. If government officials were allowed to use their perch on behalf of a partisan political candidate, that could unfairly provide them an advantage and it could distort our political process. And, moreover, it's not the appropriate use of government resources. That's not what you as Congress have authorized Federal branch agencies to do.

Ms. WASSERMAN SCHULTZ. Seems very straightforward and simple. Thank you.

Ms. HEMPOWICZ, during the Trump administration, we saw gross abuse of the Hatch Act. Kellyanne Conway, for example, committed such egregious violations of the Hatch Act that the Office of Special Council recommended that President Trump remove her from Federal service. We know, however, that he refused to hold her or other senior officials who violated the Hatch Act accountable.

Should political appointees be exempt from punishment from Hatch Act violations?

Ms. HEMPOWICZ. Thank you for the question, Congresswoman. Absolutely not. I think it sends exactly the wrong signal to the American people to hold civil servants to a higher standard than we hold political appointees to.

Ms. WASSERMAN SCHULTZ. And would it be helpful to strengthen the Hatch Act by clarifying that it applies to senior political officials, including those in the White House, and not just those who serve?

Ms. HEMPOWICZ. Absolutely. It's my belief that the law does already cover them, but we have seen that the Office of Special Counsel has taken a narrower reading. And so, I think for that reason alone it is absolutely critical to clarify that in the law.

Ms. WASSERMAN SCHULTZ. Ms. Hempowicz, during the committee's oversight of the Hatch Act implementation during the last ad-



ministration, it came to light that the Office of Special Counsel doesn't have a consistent policy for when to publicly release findings of Hatch Act violations. Now, this could lead to inequitable treatment of career employees compared to political employees.

Should the Office of Special Counsel adopt a transparent policy for when to publicly release findings of the Hatch Act violations? And would it help if Congress mandated that the agency adopts a consistent policy for disclosing violations?

Ms. HEMPOWICZ. Absolutely. I think it would help very much.

Ms. WASSERMAN SCHULTZ. The Hatch Act is intended to protect our democracy and ensure that government officials don't abuse their power or resources of their position for partisan purposes or to advocate, as you both mentioned, for an outcome in an election. I'm not really worried about this administration, but it is critical that the law is clarified for those who plan to abuse their power from finding any loopholes.

[Inaudible] And I just think it's important to remember that, not only did we see Ms. Conway's repeated gross violations, but we actually had the Secretary of State give a speech to the Republican National Convention while he was on official business overseas. They held Republican National Committee events on the south lawn of the White House.

We just have to make sure that these abuses of power, which in previous administrations only occasionally took place and certainly weren't as flagrant as the Trump administration's. The American people do have the [inaudible] to expect government activity and political activity is separate. We have that standard that we're supposed to abide by and we punish Members of Congress when they do not, and we need to make sure that throughout the executive branch that occurs as well.

Madam Chair, thank you for the opportunity to highlight these important transparency and important government integrity issues. I yield back the balance of my time.

Chairwoman MALONEY. The lady yields back.

The gentleman from New Mexico—Ms. Herrell, the gentlelady, is recognized for five minutes.

Ms. Herrell.

Ms. HERRELL. Thank you, Madam Chair. And I appreciate all of the witnesses appearing today.

Just a quick question for Mr. Smith. We know how important the inspector generals are, what an important role, a critical role that they play in rooting out fraud, waste, and abuse. Can you discuss quickly what problems have arisen from the vacancies in the inspector generals under both Republican and Democratic administrations? And how would you propose we ensure that IG vacancies are filled quickly? And also, when an IG position is vacant, what are the impacts that your office sees? You know, how does it impact the administration or Congress' ability to continue to function when we have so many vacancies?

Mr. SMITH. Sure. Thank you for the question. Again, I think it's imperative that administrations put forward qualified nominees for the positions and that the Senate quickly moves on these nominees to grant them a hearing and either confirm or reject them. And, certainly, the inspectors generals, I think all of us here today

agree, they do valuable work. But really the—what I would like to highlight is to ensure that any authority that's given to the IGs, any restrictions that Congress places on the President's ability to oversee the work of the IGs is done within constitutional bounds and also with an eye toward potential, practical, unintended consequences.

Again, I'll reference back to the independent counsel provision of the Ethics in Government Act of 1978, certainly a laudable goal to root out potential criminal violations by high-ranking government officials, but there were significant constitutional concerns and, in practice, I think it became a bipartisan consensus that there were many practical concerns with the way that the independent counsel functioned.

And so, again, I think members of the committee should be sensitive to both of those aspects as the committee examines potential reforms to the inspector generals authority and protections.

Ms. HERRELL. Yes, and thank you for that. And I think this is a very important conversation to be having today because it just feels like we have way more government—it's more politics than people, and I think the people of America deserve transparency and limited government.

Do you think 4,000 appointees is too many?

Mr. SMITH. Well, I think it's certainly something that deserves further conversation. Again, obviously, if these appointees are exercising significant authority on behalf of the Federal Government, the Framers envisioned that they'd be appointed by the President and confirmed by the Senate. And so, examining what exactly is the role and function of each of these positions would be very important before deciding on what reforms should be enacted.

Ms. HERRELL. OK. And just a final question for Ms. Hempowicz. And I just kind of want to give you an opportunity to go a little further from a question that one of my colleagues just asked as it related to the reports and the newsletters. You had mentioned that it's a bit difficult right now to get access to the information necessary in terms of the amount of money, what's happening with the COVID relief packages, et cetera.

Can you expand on that a little bit? What is the roadblock? And what can we do to ensure that you're getting the necessary information so American taxpayers can understand where this money is being spent and how much is being spent?

Ms. HEMPOWICZ. Yes. Thank you so much for that question. I would love to clarify.

The CARES Act included in it some very specific and detailed reporting requirements that would apply to almost every single pot of money that was appropriated by the CARES Act and subsequent legislation to respond to the coronavirus pandemic. That specific reporting requirement would have also—would have included recipients of those funds reporting back on a quarterly basis to the government how many jobs they were able to support with that funding. This would not only have applied to the PPP program but any program under the CARES Act and subsequent legislation.

Unfortunately, the Office of Management and Budget at the White House almost immediately, after the CARES Act was passed, undermined those reporting requirements by telling agen-

cies that they didn't have to collect any new reporting and could rely on existing reporting mechanisms, despite the fact that none of those existing reporting mechanisms included the ability to collect that number of jobs. So, that's one example.

I would also say that because of that guidance, we ended up relying heavily on the USA's spending system and, in part, some of the problems there is that there just aren't detailed product descriptions on what—or project descriptions—I'm sorry—on what that money is supposed to be used for, and so it makes oversight incredibly difficult.

Ms. HERRELL. Thank you Madam Chair.

Chairwoman MALONEY. The gentlewoman's time has expired.

Ms. HERRELL. I yield back.

Chairwoman MALONEY. The gentlewoman work from Michigan, Ms. Tlaib, is recognized for five minutes.

Ms. TLAIB. Thank you, Chairwoman Maloney.

Federal whistleblowers often provide key information about waste, fraud, abuse in our government at great personal risk. Far too often these individuals who are literally putting their well-being—the well-being of our country ahead of their careers and self-interests face retaliation and abuse from those in positions of power in both the public and private sectors.

The members of this committee have seen this abuse firsthand, from airport employees moved hundreds of miles away to new duty stations for reporting concerns with security flaws, as well as White House supervisors moving files beyond the reach of a disabled employee who raised the alarm about security clearances issues.

In my district alone, we've heard from Census workers who were fired for reporting problems in Census data collection, and EPA employees punished for requesting to be safe in the workplace because of air quality concerns.

I knew this was important when this bill, this specific act under the leadership of Chairwoman Maloney, I knew this was important when the Federal employee who called me directly to tell me, whispering to me, that ICE agents were patrolling residential communities and profiling my neighbors. That agent was so incredibly afraid to come forward because there aren't enough protections, especially in agencies like ICE that have gone unchecked.

A key reform that was left out of the Whistleblower Protection Enhancement Act of 2012 was the right of Federal employees who blow the whistle to have their case heard by a jury rather than a judge.

So, Ms. Hempowicz, could you briefly explained why it's important that whistleblowers have a right to a jury trial?

Ms. HEMPOWICZ. Yes. Thank you so much for the question. I think there's two very important reasons at the moment. The first and most pressing is that the bureaucratic body that exists right now to hear a whistleblower's retaliation complaint has no members and hasn't had a single member in three years. So, it's been without a quorum for four years. That means that any whistleblower coming forward right now with a complaint of retaliation goes to the end of an over 3,000-person line or case line, and so they're effectively shut out of relief.

But even more, even if there was a fully functioning Merit Systems Protection Board, frankly, it has not always been the most friendly place to whistleblowers. Even now, the Merit Systems Protection Board is—sorry—the Office of Special Counsel recently reached out to the Merit Systems Protection Board and filed an amicus brief, urging the Merit Systems Protection Board to stop asking whistleblowers to meet a legal standard that is nowhere in the law.

So, it's—you know, I just think for those two reasons it's not functioning. And even when it is functioning, it's not always there operating with the interests of whistleblowers or taxpayers in mind.

Ms. TLAIB. And you mentioned—I'm so glad because this was my next question. The Merit Systems Protection Board, you know, does not issue—if they don't, like, issue a decision in a timely manner, you know, there should be all these processes in place in this bill. But it has a lacked quorum, like you said, since 2017 and hasn't had a single board member since 2019. Why do you think that's the case right now?

Ms. HEMPOWICZ. You know, it's hard to say. I mean, it's just speculation, but I think it's just not—it's not the most important thing to a President to make sure that this board is staffed. I was very excited to see President Biden put forth a nominee last week, but it's just one of three. And so, I would urge the White House to quickly followup and make two more qualified nominations for the Senate to consider expeditiously.

Ms. TLAIB. Yes, I hope my colleagues heard that. I think we can definitely work with this administration to make that happen.

I know strengthening the whistleblower protection against retaliation has strong support, is critically important to protect our country from harm. I want to point out that in October 2020, there was a poll that found 86 percent of Americans, our neighbors across the country, believe that there should be a stronger protection, legal protection for whistleblowers who report government fraud.

So, I hope my colleagues, all of us, would continue to support the Whistleblower Protection Improvement Act, which we all believe very much is long overdue and must be enacted.

And I thank you again, Chairwoman Maloney, for your leadership. And I yield back.

Chairwoman MALONEY. The gentlelady yields back.

The gentleman from South Carolina, Mr. Norman, is recognized for five minutes.

Mr. NORMAN. Thank you, Chairwoman Maloney. And thank you for the panelists that have taken their time today.

Mrs. Maloney, I would like to enter into the record, ask unanimous consent to enter into the record a letter from the National Association of Assistant United States Attorneys, which are voicing their opposition to the Inspector General Access Act.

Chairwoman MALONEY. Without objection.

Mr. NORMAN. Thank you so much.

Let me—a comment by Mr. Mehrbani about the accountability or, I guess, the opinion of most—a lot of Americans that distrust government. I think a lot of that is due to the bait and switch that

this administration is doing, as in naming something a particular bill, such as COVID relief, and having nine percent actually go to COVID relief, or infrastructure when six percent goes to infrastructure. They're using a bait and switch to use money in other places, and Americans are tired of it.

And as Clay Higgins mentioned, after 103 days to have the reckless spending that we're having, the debt to GDP is going to increase to 102 percent at the end of 2021. That's insulting.

But, Ms. Hempowicz, let me ask you. Considering these things and the opinion of so many people about improving government accountability and transparency, what in your organization is—what are they doing to work on reports that assure that the Federal dollar is going where they said? In many cases, the language is so general that they can use it for a lot of different things. Is anything in place or in the works to make sure that doesn't happen or to cut down on it?

Ms. HEMPOWICZ. If you're talking specifically about COVID relief, I mentioned earlier that we put together a website that tracks where different—where different relief programs are sending money. We've broken it down across ZIP Codes across the country. We've broken it down by programs and by recipient of those funds. But—but the problem I mentioned earlier is also—is limiting our ability to answer the specific question that you asked, are those dollars being used for the intended purposes?

And that, again, I go back to the guidance that was issued by the Office of Management and Budget last April that undermined the reporting that would have given us more specific information, not just from recipients of funds about what you intend to do it with and what you have done with it on a quarterly basis, but it also required reports from agencies as they sent money out to these recipients to report to the Pandemic Response Accountability Committee what exactly those—that money was supposed to be used for. And instead what we're now relying on is the USA spending infrastructure where, again, we know—we've known for years that there are severe deficiencies when there's money reported into that system, particularly around the project description. What is this money supposed to be used for? And that really undermines the ability of independent watchdogs like POGO, but also inspectors general and Congress in conducting rigorous oversight, especially given the lack of resources that we all have.

Mr. NORMAN. OK. Thank you.

Mr. Smith, let me—I'd like to discuss the role of inspector general in exposing current government employees who are committing crimes, and I say serious crimes or violent crimes. I would say, like, a serious crime would be if you were on a Select Committee, getting military information that others don't get, and if you're sleeping with a spy, that would be a serious crime.

But let me ask you. If a Federal employee were convicted of a serious or violent crime off the clock, is there any laws, consequences that would require his removal—his or her removal from office?

Mr. SMITH. Well, I think it would depend on the specifics of the crime, and we need more factual information. But, generally speaking, inspector generals, their primary role is to combat fraud,

waste, and abuse in the Federal Government. Now, sometimes their investigations do lead to criminal referrals, and most inspector generals and the appropriate agents within their offices do exercise some criminal investigatory authority.

But I think one of the proposals before the committee today that merits further consideration is the proposal to give inspectors general increased administrative subpoena power. I think the committee should take a closer look at this because, not only would the committee and these proposals be expanding the authority of the inspectors general, while at the same time insulating them from further political accountability, if there is a legitimate concern about a criminal act having occurred or a criminal investigation, then the grand jury process and the grand jury subpoena process would certainly be an available mechanism for that investigation.

Mr. NORMAN. Thank you so much.

Chairwoman MALONEY. The gentleman's time has expired.

The gentlewoman from Missouri, Ms. Bush, is recognized for five minutes.

Ms. BUSH. Thank you. Thank you, and good morning. St. Louis and I thank you, Madam Chair, for convening this important hearing today.

In my community in Missouri's First District, we face horrifying radioactive pollution, racist gun violence, and a dangerous shortage of affordable housing, all of which are made worse when our government too often fails to conduct adequate oversight. With this in mind, we are eager to do that work today and make clear the urgent need for accountability and transparency, especially in the aftermath of the Trump administration, who eroded the integrity and trust in our government.

Ms. Hempowicz, you testified at a subcommittee hearing on Government Operations last month. During that hearing, the chair of the Council of Inspectors General on Integrity and Efficiency, Allison Lerner, testified, quote: Currently, the government employees can avoid speaking with OIG auditors, inspectors, or investigators by quitting or retiring prior to being interviewed.

Ms. Hempowicz, how big of a thing is this? Like, how often are retirement or resignation used to avoid questioning?

Ms. HEMPOWICZ. Yes, ma'am. Thank you so much for the question. It is much more common than you would think. You know, I encourage members of this committee to just page through inspectors general reports. One, they're fascinating but, two, you'll often see, you know, we couldn't complete this investigation because the person left government and wouldn't answer our questions. It's an illogical limit to these inspectors general for the ability to do their jobs.

And I will just highlight, because Mr. Smith has raised that he has concerns about how they would exercise the subpoena authority. I want to just highlight that the Department of Defense Inspector General has testimonial subpoena authority. So, does the Pandemic Response Accountability Committee. So, does the Special Inspector General for Pandemic Recovery. And we have not seen those inspectors general abusing this authority.

I would also highlight that under the provision—under the provisions of the law in front of Congress right now that would institute

for-cause removal protections for inspectors general, abusing subpoena authority would absolutely fit under the abuse of authority provision there, allowing the President to remove an inspector general.

Ms. BUSH. Thank you. Thank you.

So, Vice Chair Gomez introduced legislation, which is also included in Chairwoman Maloney's IG Independence and Empowerment Act, to grant this authority, the testimony of subpoena authority, of course, to the inspectors general. So, Ms. Hempowicz, how does the inability to compel testimony from former government employees hinder the work of the inspectors general and their ability to fully investigate matters?

Ms. HEMPOWICZ. It completely undermines their ability to conduct fulsome investigations. And it's not just former government employees who have left service that are left out of inspectors general, their jurisdiction, because of the lack of this testimonial subpoena authority. They're also limited when they're reaching out to ask—when they're asking questions of government contractors and subcontractors. And we've seen just how exponential the potential for waste is, utilizing government contractors and over utilizing government contractors. And so, I think this limit to IG authority should be concerning to members of both sides of the aisle.

Ms. BUSH. I agree. OK. Do you have any concerns about—so, first of all, let me just say thank you for—you did talk about who does have the testimonial subpoena authority. But do you have any concerns about retaliation against lower-level employees if we were to expand this power?

Ms. HEMPOWICZ. No. No, I don't think so. I mean, lower-level employees are, you know, I guess, if they're in government right now, they are under the IG's jurisdiction. But I also think, you know, there's another proposal in front of the committee—and I apologize, there's been so many bills, and I can't keep track of the name—that would increase transparency around how the Integrity Committee within CIGIE investigates IGs for wrongdoing.

And so, I think if there were instances where we saw this authority being abused, those changes to the Integrity Committee process would help bring those to light. But I also hope that by passing whistleblower protections and strengthening those whistleblower protections, you would also be hearing from whistleblowers who could more safely then raise those concerns to Congress.

Ms. BUSH. Thank you.

And, Allison Lerner, the chair of the Council of the Inspector Generals on Integrity and Efficiency also told the subcommittee last month, and I quote: Frequently having the authority means that you don't have to use it. So, in situations of voluntarily cooperation follows instead of the need to compel cooperation.

So, Ms. Hempowicz, the Inspector General Access Act is another proposed reform that would close the loophole. How would the bipartisan Inspector General Access Act improve investigations into misconduct by Federal attorneys?

Ms. HEMPOWICZ. Thank you for that question. It would make that oversight independent. Right now, oversight over Department of Justice attorneys accused of misconduct is done by an office called the Office of Professional Responsibility within DOJ. That is

not at all independent. So, it's within the agency's chain of command.

Chairwoman MALONEY. The gentlewoman's time has expired.

The gentlewoman from California, Ms. Porter, is recognized for five minutes.

Ms. PORTER. Mr. Mehrbani, the Federal Vacancies Reform Act of 1988, or FVRA, authorizes the President to name an official to serve in an acting capacity until a permanent appointee is nominated or considered by the Senate. And this law, FVRA, limits who can serve in these temporary roles, and the purpose of those limits is to put guardrails in place, to prevent officials without appropriate experience from being appointed.

Is that a basically correct, good description?

Mr. MEHRBANI. Yes, that's a great description.

Ms. PORTER. And having qualified individuals serving in these roles helps guard against wasting taxpayer dollars by inexperienced or unqualified leadership. Is that right?

Mr. MEHRBANI. That's right. And it also ensures that Congress has their constitutional say in who serves in these important positions.

Ms. PORTER. And FVRA, I said it was in 1988. It was first signed into law and enacted during the Clinton Administration with a Republican-controlled Congress. Can you briefly explain what led that Republican-controlled Congress to pass the law, the FVRA law?

Mr. MEHRBANI. Thank you for this question. And it's an excellent one because it gets to the point that the reforms to the Vacancies Act have been bipartisan in the past. At the time, there were perceived abuses by President Clinton in installing acting officials against the will of the Senate in seeming perpetuity, and so Congress, both Democrats and Republicans, voted to implement this reform in 1998.

Ms. PORTER. So, this problem isn't new, but it does seem to have gotten worse again over the last four years. In fact, a landmark study by Professor Anne Joseph O'Connell, one of the leading scholars on vacancies, she found there was a significant increase in acting officials and, in this case, unqualified officials during the Trump administration.

I ask the chair for unanimous consent to enter Professor O'Connell's summary of her study into the hearing record.

Chairwoman MALONEY. Without objection.

Ms. PORTER. Mr. Blockwood, I want to turn to you for a minute. I understand the Partnership for Public Service has tracked Federal vacancies for a long time. Is the partnership a nonpartisan organization?

Mr. BLOCKWOOD. Yes, that's my simple answer to that question.

Ms. PORTER. Yes. Ms. Hempowicz, I appreciate that POGO, Project on Government Oversight, has done extensive work on the issue of vacancies as well. Is it fair to say that POGO has raised concerns about vacancies and the use of acting officials during the administrations of both parties?

Ms. HEMPOWICZ. Yes, ma'am.

Ms. PORTER. So, the Trump administration's actions revealed ambiguity and loopholes with that Clinton-era bipartisan vacancy law I mentioned, FVRA, and so this law needs updating. It's been



clear for a long time, and what's happened in the last four years makes it very plain. My bill, the Accountability for Acting Officials Act, would close many of the loopholes in the current law.

We've talked about how this issue of making sure we have qualified officials is a bipartisan one, both because it's about making sure government is effective, guarding against taxpayer dollars, protecting the constitutional say of Congress. And yet—and it's always historically been bipartisan. But as I prepare to introduce—reintroduce the Accountability for Acting Officials Act tomorrow, I still have yet to find a Republican to co-lead the bill. It's frustrating and it's disappointing, and I invite any of the Republicans participating in today's hearing to co-lead this bill with me. There was bipartisan support for FVRA in 1998. There should be bipartisan support for updating it now.

Professor O'Connell submitted written testimony in support of this bill for today's hearing, and I ask unanimous consent for that statement to be entered into the hearing record.

Chairwoman MALONEY. Without objection.

Ms. PORTER. I also ask unanimous consent, Madam Chairwoman, to enter a letter signed by several good government groups in support of this bill.

Chairwoman MALONEY. Without objection.

Ms. PORTER. Thank you so much, and I yield back.

Chairwoman MALONEY. The gentlelady yields back.

The gentleman from Georgia, Mr. Johnson, is now recognized for five minutes.

Mr. Johnson, and you've been here the whole hearing. So, thank you.

Mr. JOHNSON. Thank you, Madam Chair, and thank you for holding this very important hearing.

Last Congress in my role on the Judiciary Committee, I spent a significant amount of time reviewing notes taken by Donald Trump's associates, which detailed serious misconduct, notes that reportedly infuriated Donald Trump to the point that he allegedly confiscated them from his interpreter after a July 2017 meeting with President Putin in Germany, and later instructed the interpreter not to discuss the meeting.

According to the report issued by Special Counsel Robert Mueller, President Trump vocally took issue with the White House counsel, Don McGahn, taking notes, and asked McGahn, quote: What about these notes? Why do you take notes? Lawyers don't take notes. I've never had a lawyer who took notes, end quote.

Mr. Smith, in your opinion, is it ever appropriate for a President to attempt to destroy records of meetings with foreign leaders, particularly those with demonstrated records as adversaries to the United States of America?

Mr. SMITH. Well, I think in terms of the Presidential Records Act, Congressman, the President does have certain responsibilities to preserve records that are made—

Mr. JOHNSON. My question is, is it ever appropriate for the President to destroy records of meetings with foreign leaders?

Mr. SMITH. Well, again, Congressman, the President has certain responsibility under the Presidential Records Act to maintain cer-

tain records in the course of conducting the business of the United States.

Mr. JOHNSON. Well, let me ask Mr. Brookwood (sic) the question. Mr. Brookwood, is it appropriate for a President to destroy records of meetings with foreign leaders?

Mr. BLOCKWOOD. I think the answer to this question is to ensure transparency and accountability, we want to strive to keep all records that will help the public know what's going on, but at the same time, there are certain responsibilities and powers that a President has to make sure that he can conduct business accordingly.

Mr. JOHNSON. Well, what record—what reasons would a sitting President have for destroying records of meetings with foreign leaders?

Mr. BLOCKWOOD. I'm not suggesting or advocating that a President should destroy any records. I'm saying that transparency is important and that the American public, the Congress, and others have a right to know what happens. I'm also saying the President has a responsibility and certain powers that would allow for some information not to be disclosed. That could include national security information and other things that could harm the U.S. or its ability to conduct business.

Mr. JOHNSON. Well, do you believe that records in that area would—should be destroyed?

Mr. BLOCKWOOD. I would not advocate for records to be destroyed. I'm not familiar with the specifics of what those notes entailed or how they were used or if they were destroyed. Again, I would recommend that we look toward transparency and accountability and keep all records and information, to the extent that we can, that does not violate the President's ability to conduct business or any other responsibilities.

Mr. JOHNSON. Ms. Hempowicz, this committee has a long history of working to update and improve the President's—the Presidential Records Act. For example, in 2014, a bill sponsored by my friend and then ranking member, Elijah Cummings, the President and the Federal Records Act amendments was signed into law after passing both Houses of Congress with bipartisan support. Do you believe it's time that Congress consider additional changes to strengthen the Presidential Records Act?

Ms. HEMPOWICZ. Yes. Absolutely, Congressman. And I also just want to highlight that requiring the President and the executive to maintain those documents does not necessarily mean maintain those documents for public release. And so, I think it's also really important to highlight that the Presidential Records Act does include provisions to make sure that sensitive information that shouldn't be released to the public won't be.

Mr. JOHNSON. Thank you.

Chairwoman Maloney introduced the Presidential Records Preservation Act, and this bill would update the law to require the President, Vice President, and other senior White House officials to, quote, make and preserve records, end quote, that document the official activities of the President. It will also require that electronic messages can be searched and retrieved.

Ms. Hempowicz, do you believe that these updates to the Presidential Records Act are needed?

Ms. HEMPOWICZ. Yes, absolutely.

Mr. JOHNSON. And would anything in the Presidential Records Preservation Act prohibit a President from claiming executive privilege?

Ms. HEMPOWICZ. Not to my knowledge.

Mr. JOHNSON. This bill would improve transparency and ensure the preservation of important Presidential records. Would you agree, Mr. Blockwood?

Mr. BLOCKWOOD. Yes. I think there would be some increased efforts to preserve information, particularly that of which is based on data and online.

Mr. JOHNSON. And, Mr. Mehrbani, is that your opinion as well?

Mr. MEHRBANI. It is.

Mr. JOHNSON. OK. Well, with that, I think my questions have been answered, and I will yield back.

Chairwoman MALONEY. Thank you. The gentleman yields back.

And the gentleman from Illinois, Mr. Quigley, a new member of the committee, is now recognized for five minutes. Thank you.

Mr. QUIGLEY. Thank you, Madam Chairwoman. A new member and an old member. I started my first two terms on this committee, and I know and respect its important work.

And I put in a shameless plug for the bipartisan Transparency Caucus. And I know a lot of legislation that's come through the committee began with the thought there in the bipartisan efforts of that caucus. So, again, you ought to consider joining, anyone who's watching this. And I think it's also indicative that there are areas that we can work together.

Last month, I reintroduced the Access to congressionally Mandated Reports Act, with the support of the ranking member, Ranking Member Comer. This bill passed the House unanimously in the last Congress, and I'm pleased again that it does have bipartisan support. And I want to point out through questions a couple points.

You know, if someone wanted to find out more about these reports or just find congressionally mandated reports, this would be a particularly difficult task. I guess I'll begin by asking Ms. Hempowicz, your reaction, just how difficult is it to get these reports at times or even to find them?

Ms. HEMPOWICZ. Extremely difficult, Congressman. There's no central repository to find them, so you have to know which agency is issuing them, what is the timeline that they will be issued on. And then you have to cross your fingers and hope that the agency will meet that timeline and that the reports will be public, which is often not the case.

Mr. QUIGLEY. And, again, focusing on the point that this putting them in a central location and rather than just each agency, perhaps, posting them, why that's important as well.

Ms. HEMPOWICZ. Well, I think in particular, for your constituents who are probably not so steeped in kind of the legislative text that created those reports and probably don't understand the various programs and subagencies within executive agencies, you know, I think a central repository really is a tool for the people to bring these reports to those people who are paying for those reports.

Mr. QUIGLEY. And, again, this does sit on a non—a no-charge basis. Do you agree that the service for this should be free?

Ms. HEMPOWICZ. Absolutely. Taxpayers are already paying for those reports to be put together. They should not have to pay to access them.

Mr. QUIGLEY. Thank you.

Madam Chairwoman, unless any of the other members of the panel wish to comment, I would yield back.

Chairwoman MALONEY. The gentleman yields back.

And the gentlewoman from California has joined us, Ms. Jackie Speier. She's now recognized for five minutes.

Ms. SPEIER. Thank you, Madam Chair. And thank you to our witnesses. I am at a hearing on the House Armed Services Committee at the same time, so forgive me for coming in late.

The U.S. Government is the biggest consumer in the world, spending a record of \$228 billion alone in Fiscal Year 2020. And, supposedly, these taxpayer dollars are only awarded to responsible contractors. But our contracting system is rife with abuse. Larger contracts often enjoy an unfair advantage over smaller ones, and many have mastered manipulation of safety systems meant to prevent misconduct and abuse.

For example, the Pentagon recently awarded the Atlantic Diving Supply a \$33 billion 10-year contract through a program meant for small businesses, despite the fact the CEO of ADS personally agreeing to pay \$20 million, as recently as 2019, to settle civil charges that his company defrauded the very same program by falsely claiming to be a small business.

The suspension and this debarment list is meant to prevent bad actors from obtaining government contracts, yet savvy individuals frequently are able to get around it. This was awarded during the final days of the Trump administration, and it smacks of abuse.

So, Ms. Hempowicz and Mr. Blockwood, how can we prevent suspended and debarred contractors from getting around bans?

Ms. HEMPOWICZ. Well, I think simply requiring additional, more transparency there, but also requiring contracting officers to cross reference with those lists to make sure before they afford these contracts, but go a little bit deeper than surface level.

You mentioned that the owner of ADS owned another company, but if the company name appears on the Federal contractor misconduct data base, it won't necessarily tell you that that company is connected to ADS. So, I think additional information there is also necessary.

Ms. SPEIER. So, let me ask you as a followup question. Is there a requirement when they are contracting that they list any former company that they've been associated with that's done business with the Federal Government?

Ms. HEMPOWICZ. Not to my knowledge, but I'm not a Federal contracting expert in the same way that some of my colleagues are.

Ms. SPEIER. All right. Thank you.

Maybe someone else can answer that question? Mr. Blockwood, would you like to respond to the initial question?

Mr. BLOCKWOOD. Yes. You know, I think providing information on who the contractors are, what work they'll be doing, and making that readily accessible to the public can help build transparency

and build trust, and can help the overall issue that you brought about in your original question.

Ms. SPEIER. All right. Let me ask Ms. Hempowicz. The exemption that allows for FOIA requests to be ignored, I guess it's exemption No. 5, can you give us any advice as to how we should tighten that so it's not abused as an exemption?

Ms. HEMPOWICZ. Yes. You know, so the exemption 5, I think for the most part, is when we're talking about predecisional information. I think that's one place where we've seen the executive abuse it, where they say legally binding opinions by the Office of Legal Counsel, despite being legally binding on executive branch attorneys—or sorry, executive branch employees, are not final determinations of law. There, you know, we've seen the executive kind of build a loophole for itself there where they get to have it both ways, where these opinions are binding on the executive branch but not so binding that they are final and require publication under FOIA.

And so, I think exemption 5 is certainly one of the exemptions that needs to be tightened up so that it's clear what is predecisional and what isn't and what should be withheld from release. But I think there are also other FOIA exemptions that deserve attention, and I would highly recommend Congress to be doing—to update the law in a more fulsome way.

Ms. SPEIER. All right. I think my time has almost expired, so I will yield back.

Chairwoman MALONEY. The gentlelady yields back, and I now recognize myself.

I want to thank Ms. Hempowicz, Mr. Blockwood, Mr. Mehrbani, and Mr. Smith for their testimony. I look forward to continuing to work together to enact these commonsense bipartisan reforms.

Enhancing the independence of inspectors general and providing these important watchdogs with the authorities they need would make government more accountable. Strengthening the whistleblower protections for Federal employees would also improve the accountability of government by ensuring that employees with evidence of wrongdoing are protected when they speak up. Ensuring that the public knows who is serving in senior positions in government and who is advising the government would enhance transparency.

Many of these reforms today are bipartisan. I encourage every member of the committee to engage in these issues in a thoughtful and constructive manner so that we can move them quickly toward enactment.

With that, I ask unanimous consent to enter into the record the following documents: March 16, 2021, letter signed by more than two dozen outside groups and experts in support of the PLUM Act. March 18, 2021, a letter from Partnership for Public Service in support of the PLUM Act. GAO report from March 14 recommending that Congress consider legislation to require publishing information on political appointees. May 3, 2021, letter from organizations in the Make It Safe Coalition Steering Committee in support of the Whistleblower Protection Improvement Act. Written testimony of Thomas Devine, legal director, Government Accountability Project. April 1, 2021, letter to President Biden on whistle-

blower protections signed by over 260 organizations. March 26, 2021, letter signed by 17 organizations in support of the Inspector General Access Act. January 28, 2021, letter from the Council of Inspectors General on Integrity and Efficiency on their legislative priorities for the 117th Congress. November 23, 2020, letter from then GSA Administrator Emily Murphy to then President-elect Joe Biden. March 16, 2021, letter signed by 15 organizations in support of reforms to the Federal Advisory Committee Amendments Act. September 10, 2020, GAO report that identified weaknesses in agency implementation of FATCA. And April 13 letter from 29 organizations in support of the access to congressionally Mandated Reports Act.

Without objection, so ordered.

Chairwoman MALONEY. In closing, I want to again thank our panelists for their remarks, and I want to commend my colleagues for participating in this important conversation.

With that, without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as you are able.

This hearing is adjourned.

[Whereupon, at 1:20 p.m., the committee was adjourned.]

