

THE BROOKINGS INSTITUTION

A DISCUSSION ON GOVERNMENT OVERSIGHT WITH  
U.S. REPRESENTATIVE JASON CHAFFETZ

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**Featured Speaker:**

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## P R O C E E D I N G S

MR. O'HANLON: Well, good morning, everyone, and welcome to Brookings and thank you for joining us today. I'm honored here to have Congressman Jason Chaffetz from the state of Utah with us today to discuss government oversight. He's the chairman of the House Accountability Oversight Committee and he's going to talk today about various things that that committee discusses, covers, analyzes, and tries to keep government accountable to the taxpayer and the citizen and doing its job as well as possible.

I'm Mike O'Hanlon with the Foreign Policy Program here at Brookings. One of the things we'll, therefore, undoubtedly talk about, given my background and interests, is certainly Homeland Security and TSA, which is one of the many parts of the government that the congressman specializes in studying. But we look forward very much after 20 or 25 minutes of conversation up here among ourselves to your questions because, clearly, we can range very widely given his expertise and his background.

He was also the chief of staff to Governor Huntsman of Utah prior to this job. And I'd like to think that he is also the guy that Steve Young, the former San Francisco and Brigham Young quarterback, always wanted to be. People thought Steve Young was going to run for public office someday. This is a BYU football alum who did run for public office and has done great things for the country.

So, Congressman, welcome to Brookings. Very glad to have you here.

CONGRESSMAN CHAFFETZ: Thank you. And I always wanted to be Steve Young. (Laughter) I was a place kicker. I wasn't really a football player, you know. They touch, they throw a flag, so Steve Young was the real deal.

MR. O'HANLON: Well, I think, you know, a lot of us would like to be Steve Young, but a lot of us are very grateful for what you're doing and it's a remarkable

portfolio. It's got to be a daunting one. You're covering almost all of government in many ways. And I wondered if, just to begin, you could explain for the general viewer on C-SPAN, for the audience what the House Oversight and Government Reform Committee does, what you've seen as your priorities since becoming chairman a year ago.

CONGRESSMAN CHAFFETZ: Well, again, thank you for having me. This is a wonderful institution and it's an honor to be here.

Oversight and Government Reform was actually founded roughly in 1816. The idea was that every expenditure by the Executive Branch should have some degree of oversight and that expanded over the course of time to 17 different committees. It then has contracted back and forth.

Interesting side note: When Abraham Lincoln came to the United States Congress, he served on this committee. There's a great story about how he was referred to as Spotty Lincoln because he was challenging the administration and challenging the President and their account of how the Mexican-American War had started. And it's very inspirational to me.

Nevertheless, it grew and changed. It's had various different names. But, in essence, we can investigate anything at any time. Now, there are certain parts of intelligence -- signals intelligence, human intelligence -- that is certainly the exclusive purview of the Intel Committee, but anything else we can get our hands and our paws on. And every day we got to try to figure out how to narrow the scope because there's always somebody doing something stupid somewhere, so. (Laughter)

MR. O'HANLON: Before we get into specifics, how do you think about narrowing the scope? I guess, you know, one of the things that obviously you've done a lot with is TSA. Maybe that's an example because jurisdiction for Homeland Security

activities has traditionally been a little bit mixed up and diffuse. Is that the sort of case where you look and see if maybe you can play the greatest role or do you just sort of keep an eye as to where there's a big issue that other committees aren't looking at or how do you choose the topic that's of greatest importance to you?

CONGRESSMAN CHAFFETZ: Well, we have some degree of authorization that we have. We authorize Washington, D.C., for instance, then Census. These are types of things that we actually have -- the Postal Service -- we have jurisdiction on. But 90+ percent of what we do are investigations. And we have -- it's actually, I believe, the second largest committee in the House of Representatives in terms of staff and budget for staff to do these investigations. And so it's a rather large operation, but the government is so large. We're overwhelmed.

We're broken into six different subcommittees. What's new this year is we have an IT subcommittee, that is the information technology. The federal government will spend roughly \$80 billion a year on IT and it doesn't work. Since Barack Obama took office it's usually the marker I take because it's the same time I was elected, the federal government has spent in excess of \$525 billion -- billion -- on IT. And I can tell you, I can go through almost every department and agency, it doesn't work. It creates great, massive vulnerabilities.

Specifically to the TSA, it's a very visible part of what the public comes in contact with the federal government. I have very deep concerns about Homeland Security overall because it was supposed to, post 9-11, come together, bring these various agencies together, and have better coordination. But what we've seen is this rapid decrease in morale. I mean, look at what's happening in the Secret Service. I think that was one of the more notable things that we did in the last year is a very deep investigation into the Secret Service. They hadn't had any oversight and I think they

suffered because of it.

And as it relates to the TSA, we've had a lot of security theater out there at the airport. Those whole body imaging machines, the AITs as they want to call them, the puffers, you know, the single best way to find an improvised explosive device is a dog. It's a dog. But you know what? Dogs don't have lobbyists. And so we have purchased literally hundreds of millions of dollars of equipment, it doesn't work. And that scares me, scares the living daylights out of me, and we're providing oversight to that. And I still think they're failing to do what they should do.

One last note. The Department of Defense, when they were having all these improvised explosive devices blow people up in Afghanistan and around the world, what did they do? They put up what's called JIEDDO, the Joint Improvised Explosive Device Defeat Organization. They spent billions of dollars to figure out how to defeat these and the single best conclusion they came to is the dog. The dog does this better than anything else. Do you see dogs in every airport? No, you don't. And that's a shame because it's 10 years of wasted assets and hundreds of millions of dollars going into machines that don't work and just provide theater. They don't actually secure the airports.

MR. O'HANLON: So this is actually a very interesting theme because, if we could just stay with it for a minute, it sounds like in a sense, if you'll forgive me for using this term, you're a bit of a radical on TSA. It sounds like you would like to -- I mean, most of the debate is do we use these full-body scanners or not? Do we increase training or not? Do we have a few more of this or that kind of machine? And you're saying the whole logic of a technology-oriented TSA maybe is incorrect and we want to think more about, as you say, a low-technology solution and maybe even are you saying discard some of the machines or are you saying complement them with a canine

approach?

CONGRESSMAN CHAFFETZ: I want to do what works. And if you go overseas, you'll see a lot more. When you talk to the Israelis, when you talk to the people in France, they've had to deal with this in a much more serious way. We're still playing catch-up.

I think behavioral profiling is something that has to happen. Canines have the ability from when you enter the parking lot all the way to when you're actually on the plane to be mobile. Look at what Amtrak's doing. Amtrak invested in dogs. You don't go through an AIT machine when you go to the White House. I asked them why. Because it doesn't work. We don't see them on Capitol Hill. I asked the head of the Capitol Hill Police why don't you use these machines? They said because it doesn't work.

And when I went to Afghanistan and Pakistan and all these other places around the Middle East, Iraq, did they deploy them there? Did the military go and invest in them? No. And I said why not? And they said because they don't work. And so behavioral profiling.

I want them to go through a metal detector. It's amazing. You want to see an entertaining Instagram account? Go to the TSA Instagram account. It's one of the best in the federal government. I'm telling you, it's unbelievable what they pick up. I think the week of Christmas -- and I'm going to get these numbers wrong -- it was something like 50 guns were confiscated at airports, more than 40 of them were loaded and I think it was 18 of them had a bullet in the chamber. And that was one week. So I'll give them compliments on that, but that's just a good, old metal detector scanning the bags, so they're looking at the X-ray of the bags.

But this idea of pat-downs, the idea of taking this (inaudible), it doesn't

work. There's a news report, there's some classified intelligence I can't talk about. Go look at the news reports on when the Inspector General came in and looked at this. I think it failed almost 100 percent of the time. A hundred percent of the time.

MR. O'HANLON: So staying with this subject, one more question because this is so important. And Americans, Obviously, we all care about this and thank you for your diligent oversight. But what's the next step?

I guess with your committee, you're not authorizing or appropriating funds for a new approach so much as shining a spotlight on how things are going today. So does that mean you need to build a coalition with the chairmen of the relevant committees that authorize and appropriate funds if you want to take this to the next step or do you hope that from your vantage point, that simply the attention to the subject can then spur them on?

CONGRESSMAN CHAFFETZ: That sunlight, which is the best disinfectant, is primarily what we're able to do. And I call it a triangulation in order to actually achieve the "government reform" part of our title. Right? So we're oversight and government reform.

But actually, in this case, you have 450 airports, you've got roughly 2 million air travelers going through the system each day, you've got tens of thousands of TSA agents, most of which are good, hardworking, decent, patriotic people. But we've got to work with the Authorizing Committee and then also with the Appropriations Committee. And that sort of triangulation is what we're ultimately trying to achieve to really institute the reform.

But so much of what we're able to accomplish is just by highlighting it, working with the Inspector General community. I think there are 72 or 74 inspectors general, represent about 13,000 people. We rely very heavily on the due diligence and

work. They'll go look at an issue for a year and then we're able to have a hearing and highlight that and bring in witnesses and then bring in an administration and ask them questions and try to have them explain what it is they did to get in trouble and what it is they're going to do to get out of trouble.

MR. O'HANLON: How well does the committee work in terms of bipartisan cooperation? It's always, to me, a fascinating subject having worked on Capitol Hill myself. You know, the country sees the Congress largely polarized along Democratic-Republican lines. But I wonder if this is an issue where it's more of a Legislative versus Executive Branch sort of thing or how you would describe your ability to collaborate with Democrats on the committee.

CONGRESSMAN CHAFFETZ: Well, there's a natural tendency to want to protect whoever's in the White House, whatever party. I think it's a fundamental mistake to not hold them accountable. I was fairly critical that during the Bush administration Republicans, they didn't hold the administration accountable as much as they should. They should have had more hard-hitting investigations.

Nevertheless, I do think it comes down somewhat to personalities. Now, I'm very fortunate that I get to interact with Elijah Cummings, who I get along with in a wonderful way. We have done more than 200 joint letters. And usually when you get a letter from the Oversight Committee, it's not a, hey, attaboy. (Laughter) It's a little bit more aggressive than that. But we've done 200 joint letters so far.

We're going to disagree on stuff, but I think we have a mutual understanding. We're going to disagree, we're going to be passionate about what we believe in, but we're not going to be disagreeable with each other. We get along fabulously. I went to Baltimore and he took me around and took a tour. And Elijah came out to Utah and I took him out to Moab and parts of the world that he had never seen



before. And so I'm just very fortunate to work with Elijah Cummings. He's a good, decent man and we're working together on a lot of good bipartisan stuff.

MR. O'HANLON: One last question on TSA because you've mentioned the problems with morale. And you were also very kind and gracious to say that most of the TSA employees are obviously hardworking and dedicated, but they do have this crisis of morale. And they're also, sometimes, the butt of jokes because we ask them to do things that are maybe impossible and then put it on them when it doesn't work.

So in the short term, while we continue to have these big debates about the technologies and you try to shine a spotlight on what's not working, what can we do about this morale issue? Is there anything that we can do to make sure the TSA doesn't sort of erode further in terms of the quality of people it's able to attract and retain?

CONGRESSMAN CHAFFETZ: One of the things we're looking at is the rise in morale, for instance, at a place like the FBI and yet the decrease of morale at Homeland Security. This is really a question for Secretary Johnson because Secret Service -- I think the survey was, and I want to get the number right, but I believe there's 320 different agencies that they surveyed. Secret Service was like at 319, but at 320 was another Homeland Security agency.

And so they have a deep-seated cultural problem at Homeland Security that as best I can tell is worse than any other. And it's not just more pay because other agencies aren't necessarily getting more pay, but job satisfaction, the management, treating people equally.

You know, one of the things we found at the Secret Service is that -- and again, I think there are parallels to the TSA, we dove into this even more at the Secret Service -- management was not held at the same standard as the rank-and-file members, and that's very demoralizing to people.

EPA is another area where we're looking that that has one of the worst bits of morale that there is. A lot of sexual misconduct at the EPA. People who are viewing porn sites by the thousands, and I'm not making this up, are still allowed to stay at work. That's very demoralizing to people who have to go in and work with them.

So I don't have an easy solution, but management has to come up with a way to make those jobs more satisfying. And TSA, it's difficult. Grumpy people don't like to be patted down, don't want to have to take off their coats and their shoes, and, you know, it's a tough job.

MR. O'HANLON: Maybe a quick question on the Secret Service and then I want to ask you also about an upcoming Freedom of Information Act issue that you've got coming up for next week, and then turn things over to the audience. But on the Secret Service, obviously has been beleaguered in recent years and had a lot of the same kinds of issues. Where do you think we are in the repair of that unit, of that agency?

CONGRESSMAN CHAFFETZ: It scares me. I don't think they're there yet. We issued a nearly 450-page report, bipartisan report. We offered I think more than two dozen recommendations along the way. They got to turn that ship around. Training is a huge part of it.

You know what the average training time for a Secret Service -- you take the agents, the officers, you average it all out, what is the average amount of time that a Secret Service agent spends in training over the course of a year? It's 25 minutes. Okay? Twenty-five minutes. You go to a major metropolitan police department, they're going to spend 10 percent of their time training and yet you find that these Secret Service agents, officers oftentimes -- I'm very supportive of spending more money to help with their training.

When we got into the how do you protect the White House, remember you had the guy in Crocs jump the fence, get on. He wasn't exactly Carl Lewis, but he goes running across and gets into the White House. Well, the Secret Service can't lie to the American people. They did. They said, oh, you know, we stopped him at the door. No, they didn't. He blew right past that person, got in, turned left, turned right, and finally got tackled out there I believe by the East Room. They weren't candid about it. That's demoralizing to a lot of people.

Then we found out that there were officers who had never ever been in the White House. You work for the Secret Service and you've never been inside those doors? I can get a pass and go in on a tour and you guys haven't done that? Nope, haven't done it.

You had people out there that didn't have radios that day. So when the person jumps the fence and they say, well, what did you hear in your earpiece? They said, well, the earpieces, we didn't have enough, they weren't working. Really?

Well, how do you train on the White House? I mean, when the President goes out of town, do you do like training? And they said, no, they go out to some ball field and spray paint on the grass what the White House kind of looks like and they -- I mean, I can see the audience like smiling, laughing. That's what we've been doing. But like how come they haven't come to Congress and say I have to have a mock White House? I have to have one of these things.

This is going to be an elite force. I mean, that's how I grew up, Secret Service, FBI, this was right at the top of the -- so biggest thing I think with the Secret Service is their staffing levels have gone down. The independent panel had recommended that they go up. And going into the presidential year 2016, I really do worry about this. We're working on legislation that would actually authorize and allow the

Secret Service to pull from other departments and agencies in order to staff up.

When the Pope came, I think everybody said now that was the way to do it. But the only way they executed on that is they got people from the FBI and the TSA. And they may need to have some permanent or at least temporary for the next year assignments that happen in order to make sure that they're staffed up properly. Presidential election years, the travel increases, multiple candidates. It's a hard thing to do.

MR. O'HANLON: Makes me think it may be the only agency where the reality is actually worse than the way it's portrayed on *House of Cards*. (Laughter) And I think Congress actually behaves a little better than most of the characters in *House of Cards*, but maybe the Secret Service --

CONGRESSMAN CHAFFETZ: I'll take issue with that, but yeah.

MR. O'HANLON: Fair point. So you've got something coming up Monday with the Freedom of Information issue and a new report. Maybe if you could share a little bit on that if you're able.

CONGRESSMAN CHAFFETZ: The quick of this is the committee has been looking into this very deeply. Freedom of Information Act is the way that the public can go in and access information. It's also the way the media will often go and introduce a Freedom of Information Act request. It's not working. It's absolutely failing.

And the hearings that we had, we did two days of hearings, what you heard from the administration -- and again, I'm not trying to pick on just the Obama administration. I think if we had had the Bush administration it probably would have been exactly the same. There's a tendency to just want to protect. There's a natural inclination, no, you can't see that. Ooh, that's going to be embarrassing. But that's not the way our government works. You know, in the United States of America, we're

different than everybody else. We are self-critical. We do open up our books. It's the people's business. People are paying for it and you ought to have access to that information.

Now, there's certain things that maybe you shouldn't see, certain personnel files, certain classified materials. I get that. But what we're doing is Darrell Issa and Elijah Cummings have a piece of legislation that will, hopefully, come to the floor sooner rather than later that narrows some of these exceptions. And then we have a report that will shine a lot of sunshine on how broken this system is.

State Department, by my view, is probably the worst at it and we've got to figure out a way to actually make this thing work. Some agencies, pretty good, but most of them are really, really bad. Forty percent of the requests are at Homeland Security and their backlog is just -- I mean, it's just unbelievable how big the backlog is, so it needs fixing. And we'll issue a report on Monday.

MR. O'HANLON: Let me ask as my last question, at least at this point, one last big picture question, which is now that you've been in Congress for seven years, you've been in this committee chairmanship for a year, what's your overall -- and obviously you're looking for problems. Like you said, people who get letters from you are not usually getting Christmas cards. But when you're taking stock of the whole big picture, the way in which our country works now, how well it's governed, how well the federal government delivers, leaving aside the big policy debates that are obviously always going to be there and should be, what's your impression as to how well government works for the American people?

CONGRESSMAN CHAFFETZ: Well, I think we have a lot of good, patriotic people, as I said before, who work for the federal government. I worry about the management of the government. I worry about the size and scope of the government.

I'm a very conservative person. We're going to have to figure out how to do more with less. Some agencies need to be plussed up. You know, you look at what's happening with the Veterans Affairs and look at what's happening with others. There are other places that we need to spend money. I think our military's behind in its infrastructure.

But so much of what the federal government is doing, they shouldn't even be doing. And again, this gets back to my conservative roots, but a lot of this should be given to the states to do or a lot of it the government shouldn't even be doing in the first place. And so new laws, new regulations are added, but very rarely do we ever have anything eliminated, and that's what I would like to see us do. You got to trim the fat, get in there to the underbrush, clear it out, and remember the core function of our federal government, allow that to happen.

But right now, we got too many people doing too many things. The run-up in the number of employees, I just don't believe the government is the solution to everything. I think people can make these decisions themselves and I think the states can do a lot of this not as unfunded mandates, but a lot of these responsibilities should just be state responsibilities.

MR. O'HANLON: Great. Well, I've got a lot of other things I want to ask and maybe I will come back later, but let's bring in others. So starting with the gentleman in the back, if you could please wait for a microphone, identify yourself, and obviously a question would be appreciated. Back row. Yes, thank you.

I'm not sure that microphone's working.

MR. WIGGINS: Thanks very much. Good morning, Mr. O'Hanlon and Representative Chaffetz. My name's Todd Wiggins of MeetMeDC.com. I have two related questions.

I wanted to, first of all, ask you to go back to the subject of airport

security. Obviously it's relevant to everyone here. In 2009, there was a situation which was referred to as the "underwear bomber." How was that averted? If you could talk about the process and whether it worked in that particular case.

And then you talked about technology and essentially you said it didn't work. So who's benefiting from what? Who's buying the technology? Who's making the decisions on that? And who are the providers that are benefiting from selling this technology? And how should we look at better best practices maybe around the world where things are working more efficiently with respect to security at the airports?

Then secondly, I wanted to ask you if you had an opportunity to speak with either the Secretary of the Navy or the Chief of Naval Operations because there's a lot going on in the Pacific. And I'm sure you have some insight on that, especially when you talk about East China and South China Sea.

CONGRESSMAN CHAFFETZ: Sure. As it relates to overseas operations, TSA, probably the biggest threat, quite frankly, are the international flights. And how we go and help secure those airports and work with people in, for instance, Paris is where we have so many of these flights, Heathrow. You can rank these airports pretty quickly.

Fortunately, the thing I feel good about is the underbelly is a very impressive operation. I spent I think seven hours out at JFK, for instance, looking at how they -- they walked me through how they do the security under the plane of checked luggage, and that is exceptionally well done, both internationally and domestically.

There have been some other threats and things avoided that, fortunately, were rooted out. Some every once in a while get by. And the underwear bomber, I think they've learned a lot about their process and how to do that. We had the threat with the shoes. You know, there are things that they have learned that we can't necessarily talk

about on C-SPAN and whatnot, but I think they have made great progress there.

And our international partners are exceptionally good, but it's a no-fail mission and they have to be on their toes at every single moment. But if you go overseas and you go, for instance, out of Tel-Aviv or whatnot, you're going to get an interview, they're going to be looking at you to see if you're sweating or how nervous you are, and they're also going to have you walking by a dog. And I think that is the right way to go.

As it relates to the South China Sea, I just got back not too long ago from really my second trip to dive into that. I spent more time a little while ago diving into that, visited Pacific Command, which is operated out of Honolulu obviously. But I spent time in Vietnam and Indonesia and others, understanding that the majority -- majority -- of our naval forces are actually out there in that region, and there's a reason why.

I mean, we hear a lot about what's happening in the Middle East and the volatility. We have to be able to fight on two fronts. And so as I look at the overall concern about the depletion of naval forces, the reduction in physical infrastructure that we have at the Air Force, my concern is our ability to be able to fight on two fronts at one time.

You hear about the problems we're having in North Korea. At the same time we have them going on in Iran. And when we have a limited number of carrier groups, when we have ships and intelligence that are strained and personnel that aren't getting enough flight time at our Air Force, then you've got a recipe that could be disastrous.

And I just believe in peace through strength and I think the United States of America has got to be working with, particularly with the South China Sea, our friends in the Philippines, I Vietnam, in that area. But when you have the Chinese making these pretend new facilities, new islands, new land, and then building military capability on



those, that's just not acceptable. And I think the country needs to pay attention and Congress needs to pay much more attention to that, certainly as much if not more attention to those types of things long-term as what's happening in the Middle East.

MR. O'HANLON: Alice, up here in the second row, please.

SPEAKER: Thank you for coming, Mr. Chairman, and thank you for all you're doing. Let me come back to the question of managing the federal government, and I'm talking about the things that the federal government has to do, not things they might do less of or devolve to the states. But suppose a new president said to you I've got to manage these things better. What would you -- and come help me do that. What would be your priorities to improve the management of the federal government?

CONGRESSMAN CHAFFETZ: Well, thank you. I do think I want to give them more flexibility. Right now more than half of all federal workers get a bonus. That doesn't make sense to the American people. Now, should some people get a bonus for an exceptionally good job? Yeah, I want to pay for performance. When people are getting things done, I want to be able to reward them. But you shouldn't just sit there in perpetuity forever with this safety and comfort blanket that says, oh, they're never going to get rid of me and I'll get my automatic pay raise, and that creates a malaise that I think is unacceptable.

We have to understand the core missions. I think the military and veterans have to be taken care of first and foremost. They protect us. They're out there on the frontlines and we're not doing nearly enough good work for them. But a lot of these departments and agencies, I would challenge them to say are you telling me that we're just -- there's no reason why we can't cut 5 percent of what they're doing. You would do that in business. I think that's a very reasonable goal to figure out how to start trimming that fat.

There are other areas where I get concerned about, for instance, IT is probably my biggest concern. We're spending a ridiculous amount of money and yet if you went down to Best Buy you could probably get a better result. We're spending 70 percent of that \$80 billion, roughly, on legacy systems. I mean, we have place that, I've heard, have punch cards still. You have agencies that just got Windows 97. They don't even service that at Microsoft anymore. And so you have people looking at green screens, the DOS operating system, and we're having to train people to go back and actually learn COBOL, which was introduced in the '60s.

And so it's demoralizing. It takes more resources. Technology is supposed to make life easier, faster, swifter, and yet it ends up being more cumbersome and needing more people.

So as the management I want to give those secretaries the flexibility to root out the bad apples, get rid of those people that are doing awful, terrible things. We have heard from the EPA to the DEA to Homeland Security that they can't fire anybody. They can't fire anybody. They've got to be able to fire the bad apples and take care of those that do great work.

MR. O'HANLON: Lady here in the front, please.

MS. THOMPSON: Yes, hi. Good morning. Thank you so much again for coming.

My name is Sarah Thompson. I am a contractor at the State Department, formerly a consultant at the World Bank, and I have a question. There is a government agency that has a congressionally mandated Oversight Committee regarding sexual assault issues. This government agency also has been investigated three times by the GAO in the last two decades. And all of these reports reveal several recommendations that have yet to be realized.

Finally, the OIG has investigated this agency and this agency has actually said that you can't have access to our records. You can't get into our information. And so the OIG actually had to enter into an MOU with this agency to get access. This is a federally -- well, this is a federal government agency and, unfortunately, it's the Peace Corps. And unfortunately, it's like punching a puppy when you're critical of a very good international organization to a certain extent even though it's a federal agency.

So can this happen? How can we be more critical of agencies that are blatantly acting illegally by ignoring OIG request for information? And how can you flag this so that they can be officially investigated?

CONGRESSMAN CHAFFETZ: So a little bit of background here. We did to a hearing that included the Peace Corps. And I've met with the director of the Peace Corps. I think they have a wonderful mission. Their latest budget, they actually will have more people out serving around the world. I think we get more bang for our buck out of the Peace Corps than we do a lot of -- than maybe any other foreign aid that goes out there.

And I could go on and explain that, but in this particular case, my concern -- and again, very critical of the Obama administration here -- there was an OLC opinion, Office of Legal Counsel opinion, that lingered for a long time at the Department of Justice, but basically they came up with a new theory that had never been implemented before that had said that there are certain things that the Inspector General Act would not allow them to get access to. So Michael Horowitz, who is the inspector general there for the Department of Justice, has been very critical of this. He happens to lead that group of inspectors general.

We're still fighting this. There may be a new piece of legislation, but you

basically had the stiff arm from the Obama administration saying we don't want you to look at this stuff. And that's a dangerous precedent. We rely, the American people, the Congress, we rely on an inspector general to go in and be the impartial body, right? No politics there, be the impartial ones to dive deep into this issue.

And in the case of the Peace Corps, where you had sexual assaults happening at a very what appeared to be frequent rate overseas, there needed to be some look at operations and how this all worked. But they said, no, we don't want you to look at it. And I think the primary reason they didn't want to look at it is it was embarrassing. It wasn't national security. It wasn't some security clearance. It was embarrassing, and that's not a good enough excuse.

So I'm highly critical of the administration on not allowing that information. And then when you get to a Freedom of Information Act request, that's not going anywhere and so that's a dangerous thing. This is how we operate in the United States. We are open, we are transparent, we are self-critical. We look at these things in the effort to improve.

And so that Peace Corps situation, the OLC opinion, that is, believe me - - it was the very first hearing we had was about the IG's ability to access information. And I don't care what administration it is, they have to have unfettered access to all those department, the records, the personnel. And we're going to help change the law so that if somebody just retires, that doesn't excuse them. Right now under the law it does, and that's got to change. That's got to change.

MR. O'HANLON: Here in the front row.

MR. STROKE: Fred Stoke, *Capital Tax Notes* magazine. Could you please provide an update of your committee's investigation into the IRS targeting scandal and your efforts to remove Commissioner Koskinen?

CONGRESSMAN CHAFFETZ: Yes. So the question about the IRS, we did something that really isn't done very often and that is I filed papers to impeach the IRS commissioner. You had Commissioner Koskinen, who had a fiduciary responsibility to comply with a duly issued subpoena. We issued a subpoena looking for the Lois Lerner emails.

The short of it is they had these emails in their possession. They had a duly issued subpoena and they destroyed them. Now, somebody's got to be held accountable to that. Somebody's got to -- what would happen to you if the IRS came to you and said, sir, you need to provide these documents to them and you said, yes, we have them? We promise, we have them. And then you came back and said we had them, but we shredded them. They're now destroyed, I can't give them to you. What do you think the IRS would do? Say, oh, darn it? No, the IRS would take you to court and you'd go to jail.

Now, the Department of Justice has said they're not going to prosecute. They're not going to go after people. There are, in essence, two things that Congress has the power of: the power of the purse and they have the power to impeach. The last time we've impeached a civil officer was in the 1800s. And I recognize it hasn't been done very often, but it's darn well time that the United States Congress stands up for itself and not be afraid and bashful. Not everything is at the level of Nixon. But Congress in this particular case, I think Mr. Koskinen is not -- he was brought in to try to clean this place up, but that is not what happened. That is not what happened.

And they knew that they had these documents. They had been sitting there in their possession. The Inspector General went in and looked and they made the determination that after two subpoenas in place, one in August of 2013, another issued in February of 2014, that these documents were actually destroyed in March of 2014.

Somebody's going to be held accountable for that. He had responsibility for it and I think he should be impeached.

MR. O'HANLON: Stay right here in the second row.

CONGRESSMAN CHAFFETZ: By the way, it's now at the House Judiciary Committee. Myself and six other members of the Oversight Committee are also on the Judiciary Committee, so it is moving forward. I realize there hasn't been any news on it in the last four weeks, but you'd be surprised how much has gone behind the scenes. Yeah.

Mr. Koskinen, he better lawyer up because it's going to get ugly. Yeah.

MR. PERTICONE: I'm Joe Perticone with Independent Journal Review. I was wondering what do you think are the most concerning problems, if any, with the ATF? And in light of the President's recent action, will you increase scrutiny?

CONGRESSMAN CHAFFETZ: Increase?

MR. PERTICONE: Scrutiny on the ATF.

CONGRESSMAN CHAFFETZ: Yeah. Look, the President, I disagree with his approach, you know, the latest announcement that he made. You need to work with Congress. I think the President's getting to the finish line and he recognizes that he didn't make any progress on some of his core things that he believes in. I believe his sincerity, but the way to get things done is actually working with Congress, and he didn't do that over the last seven years. He's throwing out things now that I've never heard them suggest of doing. You know, they wanted to change the HIPAA laws now. Okay, that might be something we need to look at, but through Executive Order? That's just not the way to do it.

ATF, again, a lot of good men and women there. We had initially as a committee focused on the DEA. If you recall, they had these very severe problems. We

had a hearing and she pretty much immediately had to step down after our hearing with the DEA. ATF has its own set of problems and challenges. That has not been tier 1, top of the spectrum for us to go and investigate. We've been much more about Secret Service and TSA and DEA.

EPA is right up there. They don't seem to go away. They can't seem to solve those problems. So I can't tell you that that's like imminent that we're doing that, but they have the same challenges within ATF at the Department of Justice as others.

And I'll give you one other just quick example. Sexual assault, sexual harassment in the workplace is defined differently throughout government. And that's one of the things we're taking a deep look at, is how do you get a uniform definition of sexual misconduct, sexual harassment in the workplace because even within the Department of Justice, it was pretty embarrassing. One of the last things that Attorney General Holder sent out to all the employees -- do you remember this? -- was a memo saying engaging in prostitution is not a good thing. You can't do it. Even if it's legal in a country, you can't engage with prostitutes. I mean, that's embarrassing, right?

And so that problem is found throughout the Department of Justice, different standards, different penalties, and something that's very concerning to us.

MR. O'HANLON: Before going back to the audience I want to follow up on the issue of ATF and gun regulation because this seems like it comes pretty close potentially to your committee's jurisdiction in the sense that often we hear the debate, well, rather than have new regulations, we should enforce what's already on the books, which then gets to the question of oversight and government process.

CONGRESSMAN CHAFFETZ: Yeah.

MR. O'HANLON: And I think Donald Trump, as well as many others, have been making this argument recently. So I realize you may not want to lay out your

full agenda, if you have one in your head, on sort of gun safety broadly defined. But on the specific elements of how we should be enforcing laws on the books, what's your overall take? And is this really perhaps the most logical dimension for those who are concerned about firearms being in the wrong hands? Is this the right way to tackle the problem or is there some other (inaudible)?

CONGRESSMAN CHAFFETZ: I got a multitude of thoughts. I think the intersection of -- and dealing with mental health is something that should be addressed in a bipartisan way. Tim Murphy, a Republican out of Pennsylvania, has a bill that he's trying to do that. Very deep concerns.

Remember, what was the President, what was the administration's -- one of the first things they did on the gun front was what we called "fast and furious." They knowingly, willingly gave nearly 1,000 weapons, mostly AK-47s, to the drug cartels to see where they would pop up. We're still in a lawsuit with the administration trying to get access to that information. They claim executive privilege. They don't want us or the public to see what that operation was all about, but that's what the Obama administration in the first year was doing on guns. So let's be honest and candid about that. And we still are pursuing that need to know, how that gets ferreted out.

Trey Gowdy, my colleague, a long-time prosecutor, has made a very good point and I think a well-intentioned point, and that is the laws on the books are not being enforced. I wasn't planning on talking about this today, but we've been quietly doing an investigation on TSA. When you go to the airport and you do have a loaded gun, do you get prosecuted? The overwhelming majority of the time it's no. No. Okay, these are irresponsible gun owners. That seems like something that is ripe for prosecution.

Now, a lot of that prosecution happens at the local level. Specifically to



ATF as it relates to "fast and furious," I hope they've tried to learn this, but straw purchasing is already illegal. And so the President puts out this statement about guns and what not. Go enforce that. Go enforce that.

We're trying to get the Department of Justice to tell us how many times have they actually prosecuted straw purchases. It's not a sexy crime. There's not a prosecutor that wants to go and try to make that case to a judge. You know, it's a very small penalty, but they don't do it. Instead, they want to have other more onerous types of things put on the books. Enforce the laws that are currently there.

If you're here illegally, if you're here legally on a visa, you're not supposed to be able to purchase a gun. Have they populated the database with all of that information? We hand out drivers' licenses in states to people that are here illegally. Do they have all those people on the Do Not Buy list? I don't think so.

And so they are not nearly doing enough with the laws that are already currently on the books and I think there's a lot more that they can do to make sure that guns don't get into people's hands. But they've also got to prosecute these laws when these laws are broken, and I don't think they do nearly to the degree they should.

MR. O'HANLON: The gentleman here in the third row and then come back to the other side.

CONGRESSMAN CHAFFETZ: Oh, one other thing I want to bring while she gives him the microphone, this one really gets under my skin. Okay? And this goes back to Homeland Security.

We have a large population of people that are here illegally. Not everybody here is to just better their family and provide for their kids. Okay? This administration, the Obama administration, had 66,000 people that were here illegally, committed a crime, got convicted -- convicted of a crime -- and they released them out

into the public. They did not deport them. So you want to go look at public safety, you want to look at gun violence, I think that's a population. How do you release 66,000 known criminals that are here illegally back into the community and, at the same time, say, well, what we need is another law on the books to make it more difficult for a law-abiding citizen to purchase a -- that's not the way you're going to solve it.

The criminals don't give a darn about having some new regulation out there. Okay? And when you have known criminals -- this is a criminal element. I still don't think the public understands, I don't understand how the Secretary of Homeland Security says it's in the best interest of the United States of America to put these people back out on the streets. That's just not acceptable.

MR. PERDY: Andy Perdy. I'm with a private company, but I want to ask a follow-up question related to work we did when I was at the U.S. Sentencing Commission. And the question I want to follow up was a few questions ago and I'll paraphrase it, but whether we need to consider some management changes in government.

We look at ethics and compliance programs that the Sentencing Commission and the Justice Department do to root out wrongdoing, ethics violations, to create independent, anonymous reporting and auditing so that folks can know whether these situations have been taken seriously. Almost no agencies, almost no programs have goals, objectives, and milestones for what they need to accomplish and there are no mechanisms in place to evaluate whether folks are achieving them. The IGs and GAO are doing a great job, but, frankly, there's a Groundhog Day aspect of GAO reports, and I use the example of cybersecurity.

When you look at the OPM breach and you look at the 10 years that preceded that, and you look at the great work that's happening headed by the White

House and OMB coming out it, it reflects that there have been longstanding problems and that the approach that multiple administrations said was going to be done to show that we take cybersecurity seriously never happened. There's no accountability and there's no consequences.

CONGRESSMAN CHAFFETZ: Exactly right. That's right. So when I go back to how is it that more than half of all the employees get bonused up? I mean, this is what we find, right?

For instance, we had people that engaged in this sexual misconduct and yet were they punished? Was there a consequence? No, they got bonuses. They got promotions and bonuses. What does that say to the workforce. What does that say to -- there needs to be consequences from the Secretary on down so they feel the heat that good people get rewarded and the bad apples are weeded out and pushed out the door.

As you relate to the OPM data breach, one of the largest data breaches we've ever had, 20-something million people whose information is out there and has been stolen, the Inspector General I think it was seven years running had come up and highlighted this. AT one point they actually said unplug it. Unplug it. It's so vulnerable.

And we have that same thing happening right now at the Department of Education. That to me, the story that hasn't been written is about what's happening at the Department of Education. Because if you apply for a student loan, you are sending this information not only about yourself, but about Mom, about Dad, and all the investments, all the account numbers, all the assets that you have. They have how many of these records? Almost half of America's records are sitting at the Department of Education. They administer more than a trillion dollars in assets. They're bigger than Citibank. Bigger than Citibank. And they have 140-some-odd, I think it's 140, different databases out there, most of which are contracted.

And I actually asked the CIO from the Department of Education do you need more money? And he gave me a good answer. He said, no, I need better people and it's a management problem. Because they've got all these contractors out there and it's not safe and secure. I think ultimately that's going to be the largest data breach that we've ever seen in the history of our nation and it's vital information, critical information.

The IG's on top of it. We're on top of it. But the administration, they're asleep and it scares me.

MR. O'HANLON: Over here, please, third row. Wait for your microphone, if you don't mind.

MS. TUDAN: Hi. I'm Beth Tudan with the League of Women Voters. You've been talking about Homeland Security, government employees, efficiency, and such. I've spoken with quite a few government employees who work in IT and they are very frustrated. They are also -- well, they feel that they can't get the work done because they feel they don't have the authorization from Congress about -- with Homeland Security. So they feel that they're kind of stuck. And so they hear, oh, you're not doing a good job, you can't do this, you can't do that. And yet, they feel that they're prevented from doing it.

And you mentioned going to the Secret Service and speaking with them and working with them on the ground. Have you done that, going to DHS, going to the Education Department, and such, and talk to the IT people there? Because having a congressional hearing about it and just speaking to the IG or whomever, that's not going to work in this case. You really need to go to the people who are in the trenches, find out what's going on, and ask them, figure out what can be done to be more efficient, what works, what doesn't. So what are you doing about that?

CONGRESSMAN CHAFFETZ: Hey, look, if any federal employee in any

aspect of the government has a question or concern or a comment, we'd love to hear it. We get about 60 to 70 a day that come in and say, hey, we think we got a problem here, and we have professional staff that kind of weed through that.

In those specific cases, Homeland Security and in the Department of Education, we have worked with their CIOs. And not everything is a congressional hearing. Sometimes it's a request for documentation, sometimes it's an interview, sometimes our staff will actually go down and visit with them.

Now, let's also be realistic. You got 2.2 million federal employees and we have just over 60 employees. The Democrats have just over 30 employees. So, you know, we've got about 100 bodies there or so that can -- and so we can't necessarily go into the great depths that I would like to go.

But we do rely on the Inspector General. And what becomes a flashing red light to me, again, we've got 13,000 inspectors general. Remember Horowitz at Department of Justice, he's got 500 people, most of which are attorneys, that are diving deep into those issues. So when we have a hearing and bring up an Inspector General, as we did at the Department of Education, for instance, and she says, look, I've been looking at this thing and we've been looking at this for years, we did a penetration test, we did make recommendations.

What really becomes a flashing red light to me is when they've done that work, sometimes for a year or two at a time, and then they make a recommendation and the administration says, no, we're not going to do that. Then you've got a conflict that we're trying to mediate and try to get some resolution to. But we see this at State Department just flat-out saying we don't care what you say. We don't care, we're not doing it.

And in the case of what happened at the Office of Personnel

Management, seven years running they highlighted this as a major, major problem. The management issue here, the hard part is making the transition. And when you spend 70 percent of your time on the legacy systems, that slows you down. It's really hard to make that transition. Nobody wants to shut down. Nobody wants to, you know, turn off the machines and fire up the new ones. But, boy, that's -- and I have no easy solution for that. They're going to have to figure that out department by department, agency by agency. But the safety, security, the vulnerability, how demoralizing it is to go look at a green screen all day and try to work on a DOS operating system, that's got to be hard, especially when you know you can go get an Apple computer or a Windows Surface or something like that and be much more efficient.

But if they have specific suggestions, hey, fire away. Call us, contact us.

MR. O'HANLON: Stay over here on this side of the room for one more. We've got about five minutes to go. Thank you for all the succinct questions and answers because we're getting through a lot.

CONGRESSMAN CHAFFETZ: Yeah, thank you.

MR. FARMER: Thank you. Nick Farmer. Many of the things you've talked about, quite frankly, have been going on for decades with no impact.

CONGRESSMAN CHAFFETZ: Yeah, yeah.

MR. FARMER: Do you see any way you can generate a nonpartisan outrage on the part of the voters to force the government to really begin to take some action on some of these things? It has to be nonpartisan if it's going to work.

CONGRESSMAN CHAFFETZ: I think you're right. We have on the floor today, we were debating it yesterday, we'll have amendment votes and a final vote on what's called the SCRUB Act. And the SCRUB Act is intended to look at -- Jason Smith introduced this out of Missouri. It's a great piece of legislation. It says let's create a

bipartisan -- bipartisan -- group and allow them to go look into these regulations and weed out, basically take out the underbrush of these old regulations that have no meaning anymore, that maybe make things so cumbersome.

For instance, there are regulations in several agencies, I've been told, that require that you fax in certain materials. Well, that's forcing them to spend money, time, and resources on technology that's really not used anymore. But that's the regulation, so it has to be faxed, and those types of things, you know.

There's a regulation I highlighted last night about the width of green beans that the FDA had put out in the early 20th century. It's still on the books. And so you get people who are concerned if I make my green bean a little bit bigger, is that really going to cause a problem, or if I make it too much thinner? And so you spend time in the economy, in the private sector, that's what this is intended to do.

Democrats are fighting us on this. They think it's terrible. They don't want to get rid of any regulation. I think it's fair in a bipartisan way to go out and look at this and cut out the underbrush and do so with a commission that gets away from the political nature of what would happen or not happen in Congress. And we don't have the bandwidth to try to micromanage this every single step of the way.

I think the new challenge that we have for this nation is the IT side of the equation. That's a whole new dynamic. It wasn't really here to the degree that it was 10 years ago.

MR. O'HANLON: A question here along the aisle.

SPEAKER: Hi. My name's Meredith and I'm with McDermott Will & Emery. It's a law firm. You made a comment at the beginning, talking about how dogs don't have lobbies when you were talking about the security systems --

CONGRESSMAN CHAFFETZ: Are you the lobbyist for the dogs? Is

that -- did I make a mistake there? (Laughter)

SPEAKER: -- about the security systems done work. And some scholars have suggested that it's not the corporations' fault that the -- it's more of the politicians' fault in terms of bribing and why a certain system will get implemented and it doesn't work and that's at the taxpayers' cost. What are your thoughts on some of, I guess, these ideas that there's extortion that goes on behind the scenes that we don't see?

CONGRESSMAN CHAFFETZ: I don't know that there's outright extortion, but, boy, if you know of some, tell me. I'd love to expose it. But, look, I say that with a smile on my face, but we're serious about this. I don't see it. I've been fighting the TSA on this since day one when I got into Congress and I continue to try to beat the drum and educate people and highlight this. And you've got to really ask yourself why is it that just the TSA at airports uses these machines? I mean, if it was such great technology and it worked so well, why isn't it used everywhere else? Because it doesn't work. And yet, somebody went in there and sold them.

I'm very critical of Mr. Chertoff, who, after he left, worked as one of the salesmen there, and Ms. Daschle, who joined him in a bipartisan way, and sold the American people a bunch of crap. And they made hundreds of millions of dollars and I don't think enough stories were written about it. I think if more sunlight and more stories and more embarrassment went out there, you wouldn't have people trying to sell such terrible technology.

But they claim it's better, but the IG came in, they did a whole bunch of tests, I can't tell you how many. Every single time they tried to get something through those machines, they got it through.

MR. O'HANLON: One last question here and then we have to wrap up,



I'm afraid. Third row. Right here in the third row. We'll take both the questions together and then ask you to follow up.

CONGRESSMAN CHAFFETZ: Fire away. Fire away.

MR. MAUCIONE: Hi. Scott Maucione with Federal News Radio.

There's a new session of Congress coming up. You've talked a lot about DHS. What are you going to be doing to hold their kind of feet to the fire in terms of legislation, hearings, defunding? And what else on a broader scope will your committee be doing in the next year?

MR. O'HANLON: You want to answer that?

CONGRESSMAN CHAFFETZ: Part of it -- yeah. Go ahead, sorry.

MR. JAMPHY: Real quick. My name is Kwame Jamphy. I'm one of those contractors in software engineering that you're talking about. I had the opportunity to attend the Second Congressional Hackathon. I asked this question of Congressman McCarthy. I said when we find issues of fraud, waste, and abuse on our data servers, where do we go in Congress to address those issues? He said take it to him directly. I followed up and his policy director is going to host a disclosure session for myself. I understand that that's the type of session that perhaps someone from your committee or office would like to attend. How exactly or who exactly is the person that I would reach out to or have the policy director from McCarthy reach out to attend?

CONGRESSMAN CHAFFETZ: Sure. So thank you. Thank you for doing that. #GOPOversight is the Twitter handle. You can find us on, you know, a variety of different things. Go find our website from there. And once you get there, please send us that information.

IT involves every department and agency. There's nobody that doesn't have an IT department, right? So we did something as the Oversight Committee

because we have overreaching -- we don't want to deal with all these different silos. For the very first time we created a subcommittee on IT. Will Hurd, a congressman from Texas, is the one that spearheads that. Troy Stock is the staff director for that. So somehow we'll get that information to Troy Stock, but we would love to have that information.

As it relates to Homeland Security, some things need to be plussed up. I've been encouraging our appropriators to put more money into the Secret Service to deal with, for instance, building a mock White House and doing those types of things. But a lot of what needs to happen there, they already have the authorization for it. Congress actually last year appropriated more money to the Secret Service than the President asked for. But they have a huge hiring problem. I can't get in there and solve that for them and they can't just solve it overnight. The problem is they're bleeding more people than they're able to hire up.

But then we highlighted it, Mark Meadows did a good job of finding out that you had some people who had not completed their security clearance process and they were put on the front lines. You can't put a Secret Service agent or officer at work when they haven't completed their security clearance, but that's what they've been doing.

And so, you know, it's a constant battle with Homeland Security. Money is not going to solve all of these issues, good management will. And right now I think Homeland as much as anybody is suffering.

MR. O'HANLON: Please join me in thanking Chairman Chaffetz for being here today. (Applause)

CONGRESSMAN CHAFFETZ: Thanks. That was great. I've got to bolt out of here, but thank you. You've been very kind and I appreciate the dialogue. Thanks for hearing me out. I do appreciate it.

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I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

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