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# We will always protect the pillars of our democracy.



DANIELLE BRIAN

Executive Director

Dear Friend,

Over the past 38 years, the Project On Government Oversight has worked to stymie corruption in our government so the American people could be confident that decisions being made in Washington are aimed at benefiting them. Over those almost four decades of work, the fight has gotten more difficult as the country has faced new and growing challenges.

We've seen unethical behavior become more and more normalized, and in many instances become legal.

For decades we've seen industry officials enter government to oversee the industries they once ran. But, the number of them running government agencies now is testing the already fragile ethics system designed to eliminate such conflicts of interest.

We've seen more government officials openly defy legitimate Congressional oversight requests, further weakening our constitutional checks and balances. We've seen a president fail to hold government officials accountable for violating laws aimed at removing politics from government service.

We've had unprecedented revelations about how foreign powers are attempting to influence our government's policy decisions—even attempting to influence our elections.

POGO

We've seen emerging surveillance technology, like Amazon's facial recognition program, begin to test the limits of privacy protections found in the Constitution.

And the consequences of our elected leaders failing to work together to solve our immigration needs while protecting everyone's constitutional rights are coming to a head.

With partisan divides crippling the functionality of our government, an independent, nonpartisan government watchdog that fights for solutions to the challenges of today, like POGO, is more relevant than ever before.

The past few years have not only challenged the country and our system of government but also POGO as an organization. Your support of our mission and our work has allowed us to grow to meet the challenges of today and to play a critical role in working towards an open and honest government that works for everyone.

Danielle brian

POGO

### **POGO Investigative Team**

SHINING A LIGHT ON THE DARKEST CORNERS OF OUR DEMOCRACY.





(ILLUSTRATION: LESLIE GARVEY/POGO)

## Customs and Border Protection Has a Long-Standing Corruption Issue

An April 2018 POGO investigation showed the Department of Homeland Security's largest law enforcement agency has a major, longstanding internal corruption issue.

According to documents obtained by POGO through the Freedom of Information Act, 207 employees at Customs and Border Protection were arrested from October 2004 through March 2018 on charges related to corruption. The investigation came out at a time when the Trump Administration was calling for hiring more agents and lowering the standards for who could be hired.

#### **OVERHEARD**

WITHOUT
APPROPRIATE
OVERSIGHT,
CORRUPTION CANAND WILL-SPREAD
LIKE A DISEASE,
EVEN WITHIN LAW
ENFORCEMENT.

- POGO Executive Director Danielle Brian

8 POGO INVESTIGATIVE TEAM

#### Detention Medical Care Company Sued at Least 1,395 Times

A POGO investigation brought to light a Department of Homeland Security Inspector General report that showed one of the nation's biggest private providers of health care to prisons and immigration detention centers, Correct Care Solutions, had been sued 1,395 times in federal court for quality of care problems—a number ten times higher than previously disclosed.

A list of cases reviewed by POGO included high-profile cases involving inmate deaths and some in which plaintiffs received large settlements from Correct Care Solutions.

The piece was published on October 29, 2018, on Yahoo News. As a result, Senator Kamala Harris (D-CA) and most of the House of Representatives' California delegation sent a letter to the then-acting director of Immigration and Customs Enforcement, Ronald Vitiello, citing POGO's investigation and demanding documents that will help provide more transparency around how these private detention centers are caring for those at their facilities.

#### **OVERHEARD**

I'M SO GLAD THAT
POGO HAS THE TIME
AND RESOURCES
TO TAKE ON THESE
COMPLEX, DEEP DIVES
WHICH NEWSPAPERS
INCREASINGLY DO NOT.

- Joe Stephens, founding director of the Program in Journalism at Princeton University and former *Washington Post* investigative reporter.

(ILLUSTRATION: CJ OSTROSKY/POGO)



#### Uncovering DHS Secretary's Approval of Family Separation Policy

POGO and Open the Government, a coalition of good government organizations of which POGO is also a member, obtained documents through a Freedom of Information Act request that provided new insights into internal decision-making behind the separation of thousands of parents from their children at the border in early 2018. Then-Department of Homeland Security Secretary Kirstjen Nielsen publicly proclaimed over Twitter there was no policy of family separation. The documents we obtained showed otherwise.

A memo presented three policy options to Secretary Kirstjen Nielsen on what could be done at the southern border to handle the number of migrants with children seeking asylum—the option calling for removing children from their parents was checked by the secretary.

In November 2018, 26 Members of Congress sent a letter to Secretary Nielsen citing our work and calling on her to resign.

Ultimately, Secretary Nielsen would resign in the spring of 2019.

(PHOTO: JETTA DISCO)



10 **POGO INVESTIGATIVE TEAM** 





Tweet online at: bit.ly/jacob-tweet

nai resources toward enhanced referrals

he detention of certain allens who moved from the United States.<sup>3</sup> he lifegally cross into the United States <sup>1</sup> The Secretary of Homeland Security

varions: (a) Insproper time or place; averabance of fasts. Any alien who (1) restores or appendix to 10 by inner grains on efficient, or (2) shades to 50 by inner grains on efficient, or (2) shades to 50 by inner grains (3) shades to 50 by inner of a material floot, shad, for the first of the fast of the



(ILLUSTRATION: CJ OSTROSKY/POGO)

PART ONE

#### Big Oil's Bidding

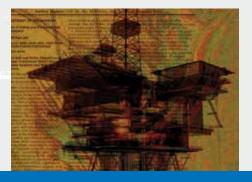
POGO investigators reviewed decades of data and found the government has been failing to ensure that the American public gets fair market value for allowing energy companies to drill off the American coastline.

The government is required by law to use competitive bidding when awarding drilling leases offshore, but the system the government has been using since 1983 is enabling energy companies to secure offshore leases for almost nothing because there is often only one bid. Our investigation found that the average price paid to the American taxpayer in each Gulf of Mexico auction, adjusted for inflation, has declined by nearly 96 percent, from \$9,068 per acre to \$391.

#### **OVERHEARD**

THE SERIES PICKS
UP "WHERE THE
HEADLINES LEAVE
OFF, LOOKING INTO
BIG OIL AND ITS RISKS
AND RELATIONSHIPS
IN WASHINGTON."

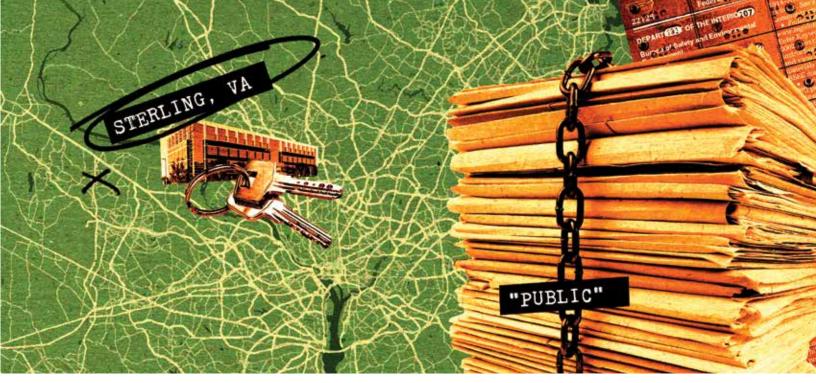
-Judges' comments from the Society for Advancing Business Editing & Writing



Read our story about the trip our chief investigative reporter took to the Interior Department's Bureau of Safety and Environmental Enforcement in Loudoun County, VA, to review the proposed changes—something the government offered in the public notice. **Spoiler Alert:** It wasn't as easy as it sounds.

VISIT pogo.org/drilling-down

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(ILLUSTRATION: LESLIE GARVEY/POGO)

PART TWO

#### Rules Hidden from Public Scrutiny

POGO uncovered efforts by the Department of the Interior to loosen safety rules governing offshore drilling by adopting standards written by the American Petroleum Institute—a trade association that lobbies on Big Oil's behalf.

What was somewhat unique and outrageous about this situation was that the text of those copyrighted standards was not included in the new standards. The text couldn't be republished because the oil industry had a copyright on it. If you wanted to review them you either needed to purchase them or register with the association's website. Finally, in 2019, the rules were adopted and the conditions to review the regulation are the same.

PART THREE

A BLIND EYE TO
INDUSTRY TAKEOVEREVEN WHEN LIVES
ARE AT STAKE

One installment of the series showed that years after the 2010 Deepwater Horizon catastrophe, a critical safety system on offshore drilling rigs that's meant to prevent injury, death, and environmental disaster can still fail in myriad ways. POGO found that federal data showed in 2017 alone 18 of 25 rig operators in the Gulf of Mexico reported a total of 1,129 blowout preventer equipment failures. POGO's investigation came at a time the Trump Administration had proposed rolling back Interior Department safety requirements related to blowout preventers.

## **POGO Policy Team**

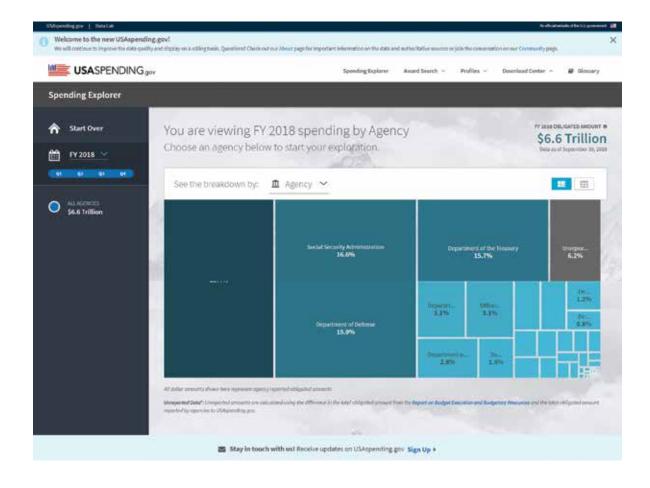
PUTTING POLICY BEFORE POLITICS.

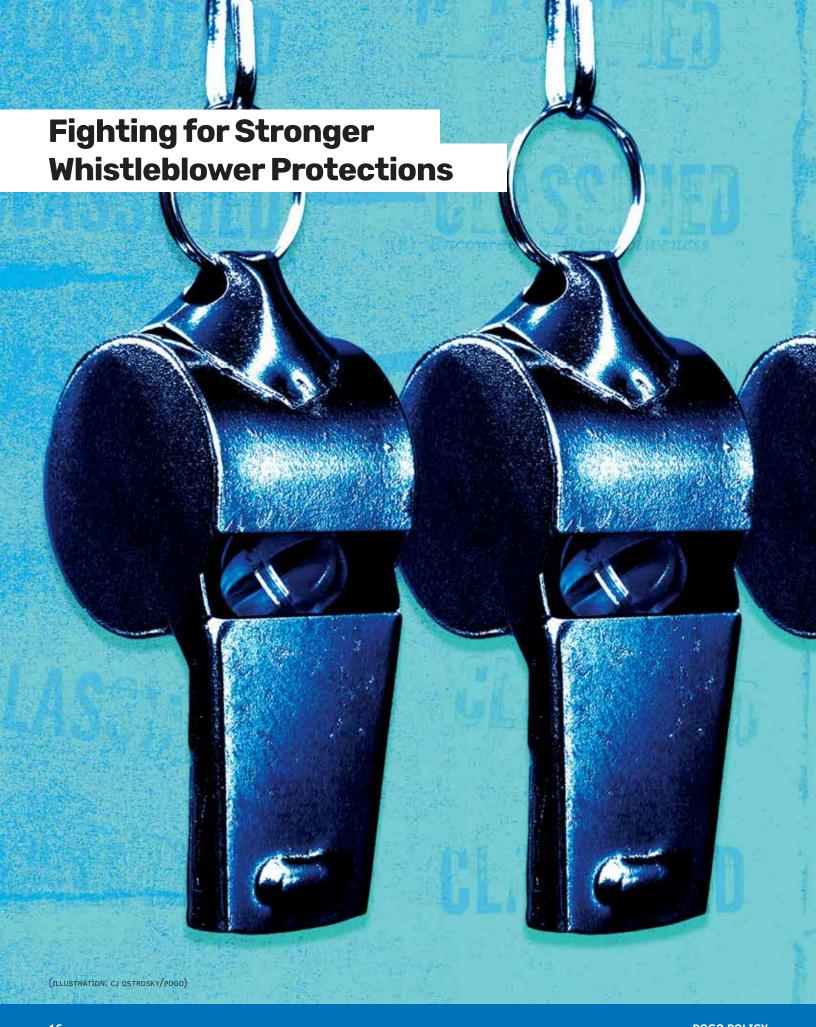
## Bringing More Transparency to Government Spending

Many people are likely unaware that the Department of the Treasury maintains a website that anyone can access to see how the government is spending taxpayer dollars—at least that's the intent. The website, www.USAspending.gov, is plagued with user interface issues and missing data. Our policy team sent a letter to the Treasury Department raising our concerns and proposing policy solutions and technical fixes.

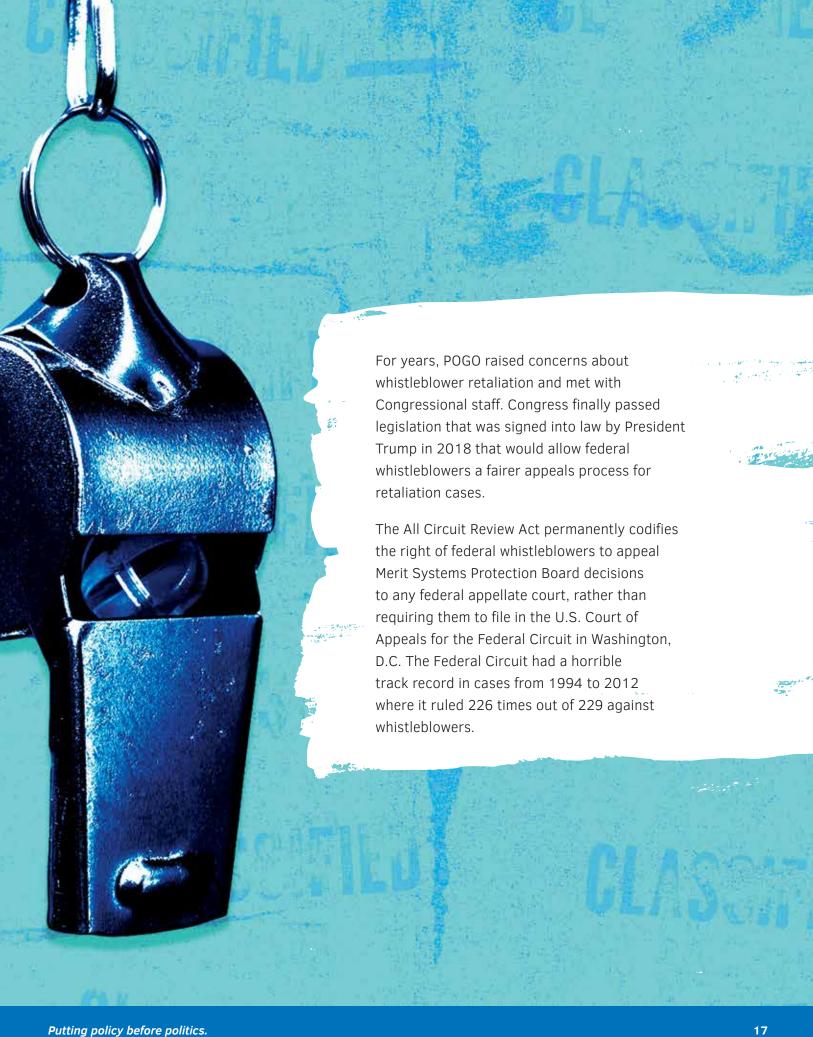
We are happy to report that shortly after receiving our letter, the Treasury Department

responded, thanking us for reaching out and committing to making some of our recommended changes. Since then, they have engaged with our staff on implementing solutions that can make the website more user-friendly for the public and provide the right information on how the government spends taxpayer money. This website is an essential tool for the public to be informed and hold their government accountable for how it spends their tax dollars, and while the site still isn't perfect, it is moving in the right direction.





16 POGO POLICY



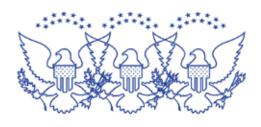
# Strengthening and Protecting Independent Agency Watchdogs

## Stopping the Improper Replacement of Internal Watchdogs

An October 2018 email from Department of Housing and Urban Development Secretary Ben Carson reported by several news outlets and obtained by POGO announced to the Department's staff that Assistant Secretary for Administration Suzanne Israel Tufts would become the new acting Inspector General at the Interior Department.

The move came as a surprise, given that the Interior Department already had an acting Inspector General—Mary Kendall, who had served in that role for over nine years—and this wasn't a move to name Tufts as the new permanent Inspector General. At the time, Acting Inspector General Kendall's office had been conducting several investigations involving then-Interior Secretary Ryan Zinke.

The move announced in Secretary Carson's email is not what POGO had in mind when we sent a letter to President Trump in July 2018 urging him to fill Inspector General vacancies. Our ongoing work to reform both the Federal Vacancies Reform Act of 1998 (known as the Vacancies Act) and the Inspector General Act of 1978, put us in a position to be uniquely helpful to journalists who exposed the plans. The resulting attention forced the Administration to quickly stop the move.



"WHERE ARE ALL THE WATCHDOGS" VACANCIES TRACKER

Many Inspector General offices across the federal government go for long periods of time without Senate-confirmed leaders—a troubling issue that is not unique to this Administration.

pogo.org/ig-tracker

18 POGO POLICY

## New Report Shows Path Forward for More Effective Agency Accountability

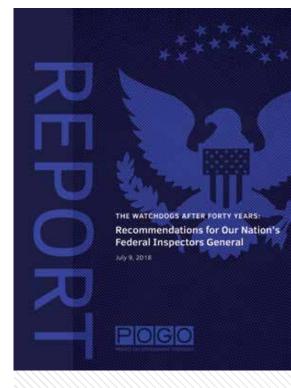
In September 1978, Congress enacted the Inspector General Act, which established many of the government watchdog offices at federal agencies. Inspectors General serve as crucial independent watchdogs within federal agencies, and are indispensable to making our government effective and accountable. These watchdogs investigate agency mismanagement, waste, fraud, and abuse, and provide recommendations to improve federal programs and the work of federal agencies.

To mark the 40<sup>th</sup> anniversary of the passage of the act, POGO organized an advisory team of former Inspectors General to explore policy reforms and best practices that Congress could enact to strengthen the independence of these offices and to provide them the resources necessary to hold our government officials accountable.

Following the release of our resulting report, *The Watchdogs*After Forty Years: Recommendations for Our Nation's Federal

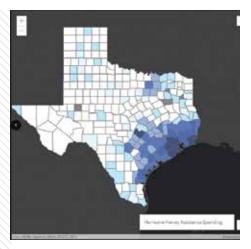
Inspectors General, the policy team began briefing Inspectors

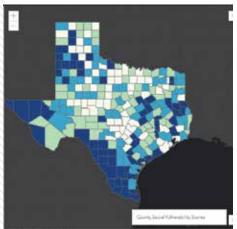
General offices to encourage them to implement best practices as well as Congress to enact our recommendations.





Peter Tyler, then Senior Policy Analyst at POGO, testifies on disaster relief spending before the Subcommittee on Intergovernmental Affairs of the Committee on Oversight and Government Reform on July 25, 2018. (PHOTO: PAM RUTTER/POGO)





At the end of 2018, we launched our first web-based federal disaster relief spending tracker. The tracker examines data related to recovery efforts in Texas after Hurricane Harvey, and is designed to give a larger picture of where federal resources are being spent.

Future iterations of this site will incorporate additional third-party data, such as the Social Vulnerability Index created by the Centers for Disease Control and Prevention, which uses 15 U.S. Census variables to help local officials identify communities that may need help in preparing for or recovering from disaster. We hope the integration of the data will show if the actual spending of federal disaster relief aid is going to those communities identified as those most in need.

We are anticipating this project will lead to future tracking projects related to natural disaster recovery and the spending of federal resources.

https://www.hurricanespending.com

20 POGO POLICY



Police forces fire tear gas grenades from an armored vehicle in Ferguson, MO, August 17, 2014. (PHOTO: WIKIMEDIA COMMONS)

## Restoring Transparency to the Pentagon's Military Equipment Transfer Program

POGO worked with the office of Senator Brian Schatz (D-HI) to include language in the Fiscal Year 2019 Department of Defense Appropriations bill aimed at increasing transparency around the Pentagon's excess military equipment transfer program (often referred to as the 1033 Program).

The 1033 Program is responsible for transferring billions of dollars' worth of surplus military gear to state and local police departments, as well as some federal law enforcement agencies. The program received national attention in 2014 because of law enforcement's use of militarized equipment in response to protests in Ferguson, Missouri.

The bill's language reinstated a key interagency working group, which used to coordinate the management of the excess military equipment transfer program and similar programs at other agencies. Additionally, the working group consulted with non-federal government stakeholders, including law enforcement organizations, state officials, and civil rights groups, to get input and recommendations.

The language also required that the Pentagon notify Congress before changing the list of items available for transfer, especially new types of weapons.

## The Constitution Project Team

TAKING ON SOME OF THE MOST DIFFICULT CONSTITUTIONAL QUESTIONS OF OUR TIME.

#### **Protecting the Rule of Law**

# Allowing the Justice Department's Special Counsel to Finish its Investigation

Over the course of the two years the Justice Department's special counsel investigation was looking into Russian involvement in the 2016 presidential election, POGO worked both behind the scenes with coalition partners and in public to ensure the investigation continued until its conclusion free of political influence.

As part of this work **POGO brought together 38 former elected Republicans, former judges and prosecutors to sign a letter** calling on

Congress to protect the work of the special counsel investigation and to support legislation that would do just that. We also organized a letter signed by leading constitutional scholars Professors Stephen Vladeck and Richard Posner, who agreed that the legislation being considered in the Senate Judiciary Committee at the time was constitutional.





Executive Director Danielle Brian speaks on a Brookings panel about the state of the rule of law in the U.S. on October 3, 2018. (PHOTO: PAM RUTTER/POGO)

## The Office of Legal Counsel's Secret Laws

Over the course of the special counsel's two-year investigation, another little-known but powerful Justice Department office, the Office of Legal Counsel, began to get some attention from the news media.

This office was designed to provide guidance to executive branch agencies through the issuing of legal analysis and opinions, but from what we've seen over the course of its history, **these legal opinions are often treated as law**. Problematically, most of these legal opinions are also kept secret and never challenged before a judge who can determine if their analysis is correct or not.

One such memo that came to light in 2018 states that no sitting president could be indicted by the Justice Department. We immediately came out against such a notion and took on efforts to raise awareness on how legal opinions from the Office of Legal Counsel are not the final word.

**MUST READ** 

"NOT THE FINAL WORD" Just Security op-ed by POGO Executive Director Danielle Brian and Director of the Constitution Project at POGO Sarah Turberville.

READ THE OP-ED AT: pogo.org/final-word



Sarah Turberville, Director of The Constitution Project at POGO, speaks on domestic and international attacks on the American judiciary, on a panel hosted by the Council for Court Excellence on December 4, 2018. (PHOTO: PAM RUTTER/POGO)

## Shining a Light on the Office of Legal Counsel's Opinions

Our efforts in 2018 to uncover additional Office of Legal Counsel opinions through Freedom of Information Act requests and pushing for more transparency got the attention of that office.

Originally, we had obtained a list of seven unclassified opinions issued in the first half of 2017, but five of those had been redacted. In the fall of 2018, our challenge to those redactions prompted the office to publish the titles and text of those redacted opinions. As evidence that the redactions were unjustified, one of the titles they had redacted was "Administration of the John F. Kennedy Centennial Commission."

We continue to work with Congress to show how this office operates and encourage them to require more transparency when the office issues legal guidance to the executive branch.



(ILLUSTRATION: CJ OSTROSKY/POGO)

#### Securing Our Elections

What if you showed up to vote and your name wasn't on the voter rolls because hackers broke into the database where it was stored and deleted all of the names? A Department of Justice Special Counsel report and a Senate Intelligence Committee report both found that this scenario isn't too far-fetched. Both reports (both released in 2019), highlighted instances where the Russian government hacked into state voter registration rolls during the 2016 election.

Just after the 2018 midterm elections, we released a report that assessed some of the states' provisional ballot laws and practices in order to see if they were adequate to address a

scenario where hackers manipulated or deleted voter registration rolls ahead of an election. A large number of the states we analyzed lack adequate procedures or regulations to manage a large-scale provisional ballot system in the event of a voter database hack.

Since the release of our report, we worked with the National Association of Secretaries of State to recommend that the scenario we lay out in our report be included in the Department of Homeland Security's second annual national elections security tabletop planning exercises in June 2019.

SHUTTING DOWN EXTREME VETTING INITIATIVE

POGO's analysis and advocacy work over the past year **helped lead to the shutdown of the Department of Homeland Security's ill-conceived (and likely discriminatory) "Extreme Vetting Initiative,"** which would have subjected every U.S. visa applicant and recipient to constant, automated surveillance of their social media activity.



(ILLUSTRATION: CJ OSTROSKY/POGO)

## Amazon and ICE Meet to Discuss Facial Recognition Software

In October 2018, POGO published a story in *The Daily Beast* about **our investigation** that uncovered evidence that Immigration and Customs Enforcement (ICE) officials visited Silicon Valley in June 2018 to meet with Amazon so that the company could pitch its real-time facial matching system, dubbed "Rekognition," despite the inaccuracies of the technology, especially in identifying people of color—which can lead to wrongful arrests.

**As the news of our investigation began to spread**, more than 450 Amazon employees sent a letter to Amazon CEO Jeff Bezos and other Amazon executives protesting the company's decision to sell the software to law enforcement.

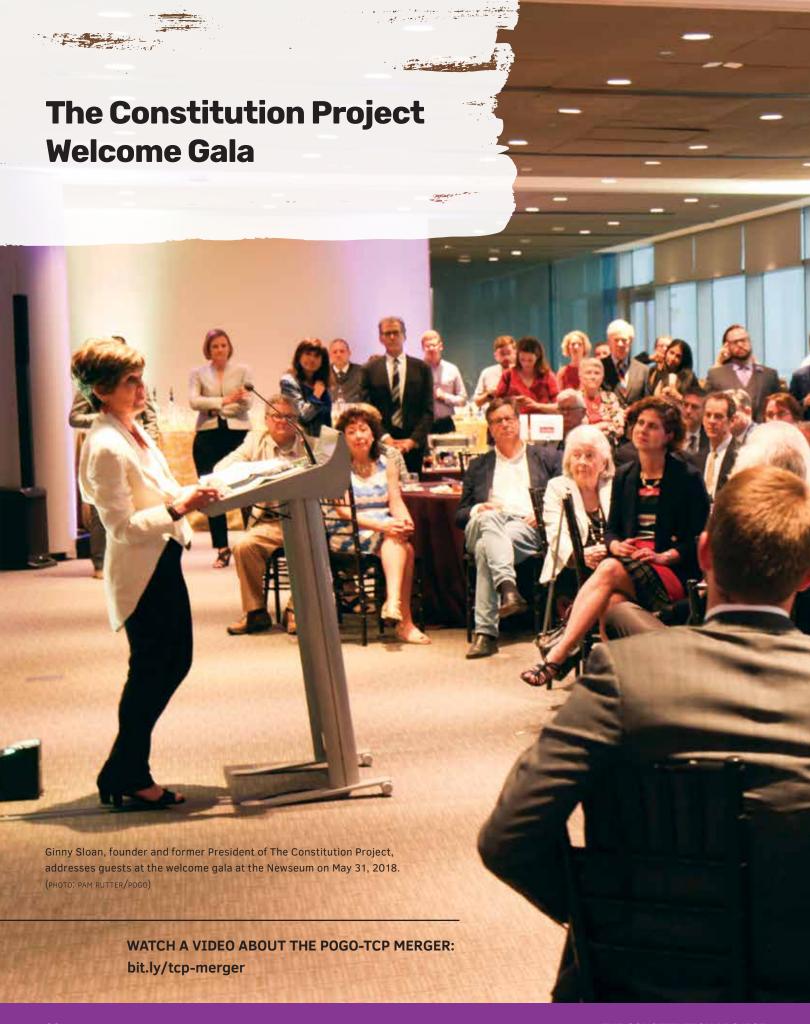
Almost a month after our investigation, eight Members of Congress sent a letter to Amazon CEO Jeff Bezos **citing our report** and demanding answers to their questions about this technology and its potential for abuse.

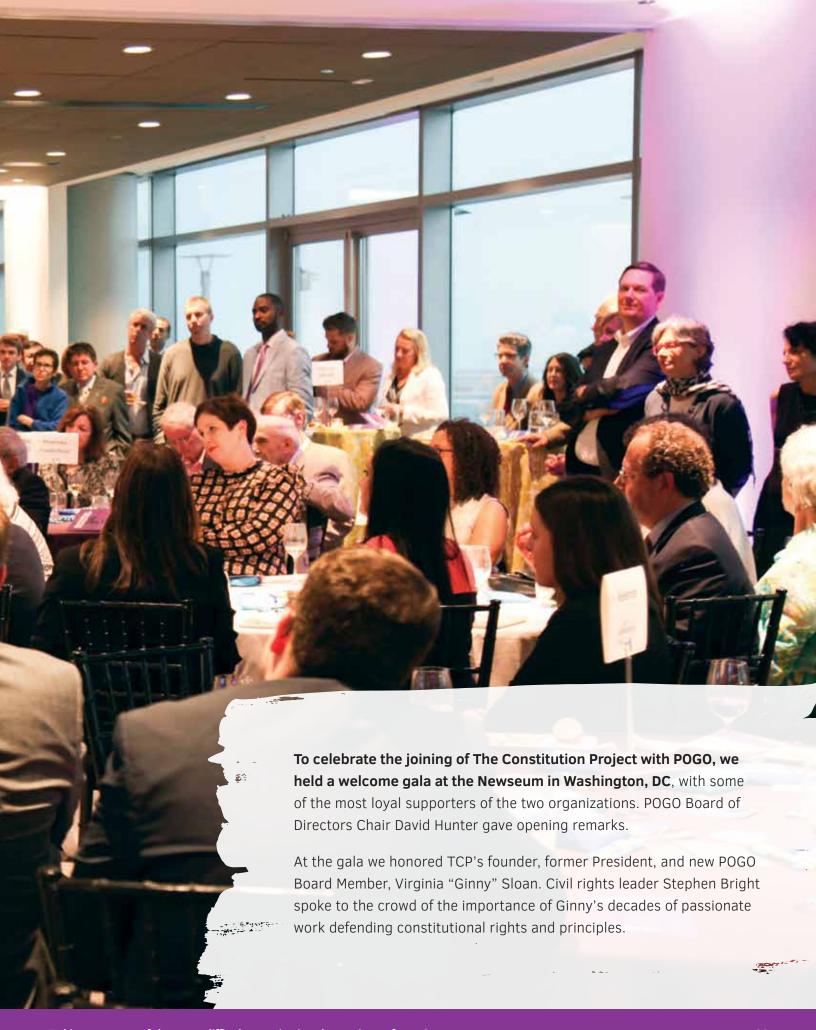
Shortly after, three Senators cited our reporting in a letter asking the deputy director of ICE about the agency's efforts to meet with vendors of facial recognition technology.

The Society of Professional Journalists DC Chapter selected this investigation as a finalist in its yearly reporting awards in 2019.



Jake Laperruque, Senior Counsel for The Consitution Project, speaks about law enforcement and aerial surveillance on a panel hosted by the Cato Institute on September 25, 2018. (PHOTO: PAM RUTTER/POGO)





# The Center for Defense Information Team

FIGHTING TO SECURE A
MORE EFFECTIVE AND
ETHICAL MILITARY FORCE
AT A SIGNIFICANTLY
LOWER COST.





(ILLUSTRATION: LESLIE GARVEY/POGO)

# Increasing Transparency of the Pentagon Revolving Door

In November 2018, our Center for Defense Information (CDI) team released a landmark report and database that exposed the depth of the reciprocal relationship between senior Pentagon officials and Pentagon contractors.

This "revolving door"—the practice of government officials leaving public service to work for companies they oversaw or regulated—is widespread and has enormous and expensive consequences for the American people.

In 2007, POGO worked with Congress to require the Pentagon to create and maintain a database to track its ethics opinions for senior officials and officers who seek employment with Pentagon contractors. However, that database



Mandy Smithberger, Director of the Center for Defense Information at POGO, speaks with reporters about the Brass Parachutes report on November 14, 2018, at POGO offices. (PHOTO: PAM RUTTER/POGO)

is incomplete, deeply flawed, and kept secret from the public.

The CDI team identified **380** instances of senior military officers and Pentagon officials going to work for defense contractors, consultants, or lobbyists within two years of retirement. We also determined that **90** percent of the senior government officials going to the top **20** contractors became lobbyists, where the operational skill is influence-peddling. The report was covered by the media, including *The Washington Post*.



Dan Grazier, Jack Shanahan Military Fellow at the Center for Defense Information at POGO, speaks at The American Conservative's 5<sup>th</sup> Annual Foreign Policy Conference on November 14, 2018. (PHOTO: PAM RUTTER/POGO)

## Bridging Divides to Stop Flawed War Authorization

Last year, Senators Bob Corker (R-TN) and Tim Kaine (D-VA) introduced new legislation that would formally authorize ongoing U.S. military involvement against al-Qaeda, Islamic State, and the Taliban in Afghanistan and Iraq and would have given the Pentagon new authority to operate against additional terrorist groups and in other countries.

### For too long, Congress has allowed the executive branch to make decisions about where America's military is fighting

based on decades-old authorizations passed by Congress. The idea of passing new bipartisan legislation seemed tempting to many who were fighting to have Congress reassert its constitutional authority to declare war. But POGO argued strongly against it because it had serious flaws that would have ceded even more power to the executive branch, rather than restore the constitutional balance of power.

We played an essential role in bringing together leading groups from across the political spectrum to coordinate efforts to slow, and eventually stop, the Corker-Kaine authorization.

#### YOU MADE YOUR VOICE HEARD

POGO sent an email to all of our supporters informing them about the flaws in the Corker-Kaine authorization. Over 4,000 of our supporters signed our petition demanding that Congress not pass this troubling military authorization.

POGO has focused on pushing Congress to fulfill its sacred responsibility to decide when—or if—our nation goes to war, and we will continue to help develop meaningful language that would definitively restrain the endless wars in Afghanistan and Iraq and military engagements in other countries.

pogo.org/take-action

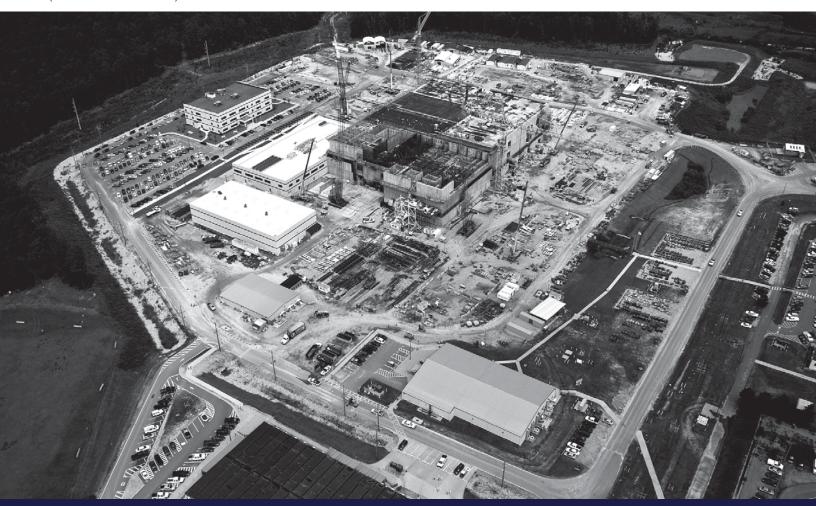
#### Victory at Nuclear Fuel Plant

The flawed Mixed Oxide Fuel Fabrication Facility (MOX), located in South Carolina, has officially been terminated after years of efforts by POGO and other organizations.

The program had been zeroed out for several years in budget proposals from both President Obama and President Trump, effectively stopping new work at the site. But in 2018 the National Nuclear Security Administration at the Department of Energy finally notified the contractor working on MOX that the contract was terminated.

MOX was designed to convert weapons-grade plutonium into mixed-oxide fuel for use with U.S. commercial nuclear reactors as part of an international deal with Russia. However, the project relied on an unproven technology that was never going to work. **The project was drastically behind schedule and grossly over budget**—an estimated 10 times the original cost and more than a decade overdue.

(PHOTO: COURTESY OF SRS WATCH)





An unarmed Trident II D5 missile launches from the Ohio-class ballistic missile submarine USS Nebraska (SSBN 739) off the coast of California. (PHOTO: U.S NAVY/MASS COMMUNICATION SPECIALIST 1ST CLASS RONALD GUTRIDGE)

In 2018, the Defense Nuclear Facilities Safety Board's ability to provide adequate safety oversight of the nation's nuclear weapons lab was at risk. The office, which is part of the Department of Energy, proposed a reorganization plan that would reduce the staff by 46 percent and drastically cut funding, significantly impacting the board's ability to uncover safety issues that could lead to large-scale nuclear disasters. The Department of Energy also ordered its contractors to stop working directly with the oversight board, making it more difficult for the board to get information in a timely manner.

Working with colleagues to engage with Congressional staff, we secured legislative language that temporarily stalled the reorganization, maintained funding levels, and froze the Energy Department's order. The work continues in 2019 to completely stop these efforts and ensure that proper safety oversight of the world's most dangerous weapons is in place.

#### **SOCIAL MEDIA**



Read more of the thread and follow Lydia Dennett, POGO Deputy Director of Investigations: bit.ly/lydia-tweet

Experts at Los Alamos National Laboratory install new infrastructure to the Trinity supercomputer (right). Without adequate oversight, the Defense Nuclear Facilities Safety Board wouldn't be able to uncover safety issues that might lead to massive nuclear disasters. (PHOTO: LOS ALAMOS NATIONAL LABORATORY)



# Strengthening Transparency Around Foreign Influence

On May 25, 2018, POGO submitted written testimony to the Senate Committee on Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies regarding the Department of Justice's Foreign Agents Registration Act (FARA) Unit, the office responsible for investigating and prosecuting violations under this act.

We proposed three recommendations in our testimony that would strengthen FARA:

- Make FARA advisory opinions available to the public.
- Make the Justice Department release to the public its official guidance on how it interprets the law.
- Require that Congress be notified of the date that the Justice Department will complete its strategic plan for comprehensive enforcement of the law and release that plan to the public.



Lydia Dennett speaks at a panel on foreign lobbying at the Center for Responsive Politics on September 14, 2018. (PHOTO: PAM RUTTER/POGO)



Lydia Dennett speaks at a House Transparency Caucus panel on foreign lobbying on July 25, 2018.

(PHOTO: PAM RUTTER/POGO)



The F-35 (left) was supposed to face off against the superior A-10 (right). (ILLUSTRATION: CJ OSTROSKY/POGO)

The F-35 Joint Strike Fighter program serves as the ideal case study to understand the Military-Industrial-Congressional Complex. It continues to be the most expensive weapon system the Pentagon has ever purchased—and it's still significantly behind schedule.

The program encapsulates all the problems with the business of purchasing weapons in the United States. The F-35 has a needlessly complicated design that makes it expensive and difficult to operate and maintain.

We conducted several investigations into the F-35 program in 2018.

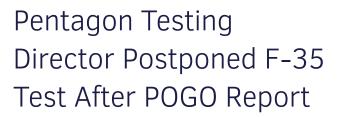
#### F-35 vs. A-10 Fly-Off Farce

We received exclusive documents showing that the Air Force was staging a fly-off between the F-35 and the ground troops' favorite, the A-10 Thunderbolt, that didn't resemble realistic combat conditions. The targets were so obvious they could be seen on Google Earth, and the scenarios were skewed to benefit the F-35.

Our investigation found that the tests were meant to mislead those tracking the program and would not provide the information necessary to determine if the F-35 could indeed support ground troops in realistic combat situations—which it must do if it's going to replace the A-10 as the Pentagon's preferred close air support aircraft.

## F-35 Program Cutting Corners on Design Flaws

In August 2018, the CDI team received documents that showed officials in charge of the F-35 program are recategorizing major design flaws rather than fixing them in order to claim they completed the program's development phase without having to pay cost overruns for the badly needed fixes. Our investigation found that some of these flaws would have serious consequences for pilot safety and combat effectiveness.

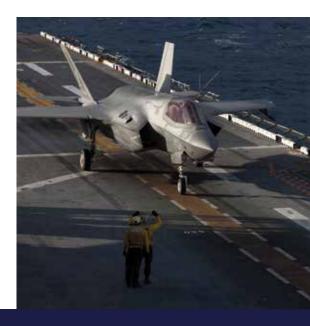


In September 2018, our team obtained a previously unreleased memo issued only a few weeks earlier stating that the F-35 program had not met the necessary entry criteria to begin the crucial combat-testing phase. Just two days after we published this investigation, the Pentagon's testing director announced that the tests will be delayed until the program addresses several software issues, part of the necessary entry criteria the plane hadn't met.

(PHOTO CREDITS: U.S. AIR FORCE / STAFF SGT. MARLEAH ROBERTSON (TOP);
U.S. AIR FORCE / STAFF SGT. PETER THOMPSON; U.S. MARINE CORPS / LANCE
CPL. KEVAN DUNLOP)







# The Congressional Oversight Initiative Team

HELPING BOOST
CONGRESS'S
OVERSIGHT CAPACITY

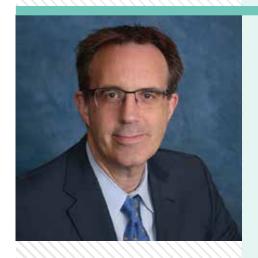
## **Congressional Oversight Fellows**

Last year we launched the Congressional Oversight Fellowship program, which sent talented, motivated individuals to spend a year working in Congress to learn about oversight and investigations in real time. We selected two fellows, one serving in a Republican committee office and one serving in Democratic committee office.

The Fellowship is the latest effort by POGO's Congressional Oversight Initiative, which aims to strengthen Congress's oversight and investigations capabilities. "This fellowship is a chance for talented, experienced, skeptical people to see firsthand how Congress examines America's problems," said Justin Rood, Director of the Congressional Oversight Initiative. "And hopefully bring fresh perspectives and talent to bear in the process."



Andrea Noble worked with the majority staff of the House Energy and Commerce Committee, where she undertook a year-long investigation into the opioid crisis in America. Noble came from the world of journalism, and is an award-winning reporter with more than a decade of experience writing about law enforcement and legal affairs. She most recently covered the Justice Department for *The Washington Times*.



Jim Getz worked alongside the minority staff of the House Oversight and Government Reform Committee on several hearings regarding the upcoming 2020 Census and with whistleblowers on a number of issues. He brought a unique background of both law and journalism, with a master's in journalism from The Ohio State University and a law degree from the University of Maryland School of Law, where he focused on environmental law.

## **Monthly Oversight Trainings**

Since 2006, we have worked to help Congress better perform one of its most important constitutional responsibilities—overseeing the executive branch. Our Congressional Oversight Initiative is well respected by both Republicans and Democrats who work on Capitol Hill.

Our training program and expertise are receiving unprecedented demand from Capitol Hill and beyond. Over the past two years we have held 19 training seminars with over 500 participants. In addition to our monthly trainings, in 2018 we trained six Congressional committees on oversight and investigations. Our team has also met with media organizations including NPR and Reuters to provide insights on some of the best practices of effective Congressional oversight.

#### **OVERHEARD**

WHEN I WAS A STAFF DIRECTOR, I ALWAYS ENCOURAGED EVERY ONE OF MY STAFF TO ATTEND POGO'S OVERSIGHT TRAININGS FOR CONGRESSIONAL STAFF. THEY WERE CONSISTENTLY WELL-RUN AND USEFUL FOR EVERYONE FROM INTERNS TO SENIOR STAFF.

-Margaret Daum, former Democratic Staff Director, Senate Committee on Homeland Security & Governmental Affairs



## **Congressional Oversight Boot Camps**

At least twice per year, POGO, in conjunction with the Levin Center at Wayne Law and The Lugar Center, offer two-day, intensive training sessions for Congressional staff on the art and practice of oversight and investigations.

Each of these "Oversight Boot Camps" combines staff from the U.S. House and Senate, committees and personal offices, and the Democratic and Republican parties to produce a bipartisan, bicameral experience. To date, more than 145 Congressional staff have undergone boot camp instruction on how to do fact-based, bipartisan, in-depth investigations.

#### **OVERHEARD**

POGO'S BIPARTISAN TRAININGS OF CONGRESSIONAL STAFF WERE VERY HELPFUL DURING MY TIME ON THE HILL. THEIR NON-PARTISAN VOICE HAS BEEN WELL RESPECTED IN THE HALLS OF CONGRESS AND IS NEEDED MORE TODAY THAN EVER BEFORE.

-Pablo Carrillo, former Chief of Staff for Senator John McCain

Justin Rood, Director of the Congressional Oversight Initiative, speaks at a briefing on what to expect from Congress and the White House in 2019 at the National Press Foundation on November 15, 2019. (PHOTO: PAM RUTTER/POGO)



## First-Ever Oversight Summit

Just ten days after the 2018 midterm elections, POGO took the lead in hosting the first-ever Oversight Summit in Washington, DC. The one-day event brought together 275 participants from across the federal government, the media, and the nonprofit oversight community to discuss some of the most pressing government oversight challenges of the day.

We worked with 11 partner organizations from across the political spectrum to organize panel presentations and discussions about a variety of topics and issues ripe for government oversight.

#### They included:

- Oversight of intelligence and law enforcement surveillance
- Oversight priorities for the next Congress
- A discussion of the promise and practice of bipartisan, fact-based oversight featuring former Senator Carl Levin (D-MI)







TOP: Michael E. Horowitz, Justice Department Inspector General, leads a conversation on the role of Inspectors General in an era of diminished confidence in other oversight institutions.

ABOVE: Summit attendees listen and participate in a discussion on oversight priorities for the next Congress.

(ALL PHOTOS: PAM RUTTER/POGO)



Nick Schwellenbach, POGO's Director of Investigations (left) and Louis Lopez, Associate Special Counsel for Investigation and Prosecution at the U.S. Office of Special Counsel (right) participated in a panel discussion on the painful choice that faces some government employees: What do you do when you receive an order that seems to conflict with the Constitution and the rule of law?



A summit attendee asks a question during a conversation on the failures of oversight and election security, led by award-winning investigative journalist Kim Zetter.



At the keynote address, former Senator Carl Levin (left) presented the firstever Carl Levin Award for Effective Oversight to state Representative Weston Newton (R-SC) (right). Following the presentation, they discussed the promise and practice of bipartisan, fact-based oversight.

## **Our Year**

YOUR SUPPORT HAS ALLOWED US TO MEET THE CHALLENGES OF TODAY.

## New Look & Feel, Same Watchdog Bite

As part of our growth and expansion efforts, POGO undertook a major overhaul of our visual and digital presence, launching a refreshed brand and new website in the fall of 2018.

The visual refresh, designed in-house in collaboration with our external website partner, established a bold, ambitious design to match our bold and ambitious mission.

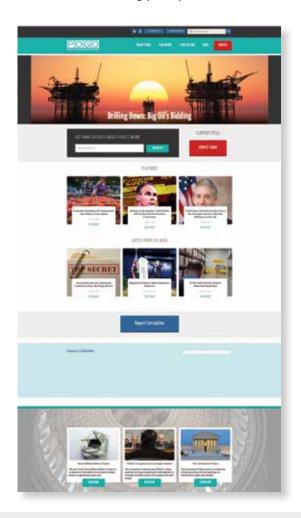
We also created a significantly more modern online experience for our visitors, incorporating modern best practices and a lot of under-the-hood improvements to make our site more accessible, secure, and readable.

Here are just some of the new features we rolled out:

- Site-wide encryption, a necessary step in protecting our visitors' privacy and personal information
- Clean, mobile-first design that adapts to our visitors' devices—be it desktops, mobile phones, or tablets
- Enhanced in-site search with more robust filtering so our visitors can find exactly what they're looking for
- One-stop shop for all of POGO's work by unifying our projects under one umbrella, allowing for visitors to see more of our teams' content and impact
- Improved navigation and exploration, with a focus on the issues and topics we cover



The new POGO website (above) features a refreshed brand. The old POGO.org (below).



### **New Staff Additions**

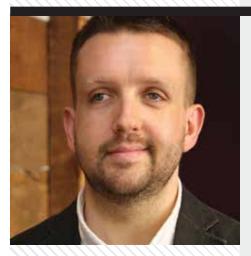
The following staff joined POGO over the course of 2018. Each addition has helped the organization grow in its reach and effectiveness.



#### Janel Forsythe, Social Media Editor

Janel works with the communications team at POGO to disseminate information on investigations through social media. She was previously the Digital Content and Communications Manager at the National Academy of Social Insurance.

She received her Bachelor of Arts from Ursinus College where she double majored in sociology and media & communication studies. She chose both majors because she "wanted to study how the media helps people understand social issues locally, nationally, and internationally." Janel also has a Masters of Science in sociology from the London School of Economics and Political Science.



#### **Dylan Hedtler-Gaudette, Policy Analyst**

In his role, Dylan advocates for good government policy solutions in a range of issue areas, including judicial ethics and transparency, greater accountability and openness at the Department of Justice, enhancing the capacity and integrity of Congress, and the protection of core constitutional principles, among others.

Dylan was born and raised in Maine where he completed his undergraduate studies in political science and economics at the University of Southern Maine. He also obtained his master's degree in international relations at Northeastern University in Boston, Massachusetts. Dylan and his partner, along with their two cats, live in Baltimore, Maryland.



#### **Danielle Harris, Operations Manager**

Danielle helps to keep POGO running. She received her bachelor's degree in government and politics with a minor in women's studies and sociology as well as her master's degree in government and politics with a concentration in public administration from St. John's University in New York, New York.

Danielle has eight years of experience in political campaigning, community organizing, advocacy, and government administration work. She currently resides in Fairfax County, Virginia with her husband and two dogs, Jack and Ginger.



#### **Lance Sims, FOIA Litigation Manager**

In this role, Lance coordinates our Freedom of Information Act requests with investigators and advises the organization on appeal and litigation strategies. He is responsible for maintaining the FOIA database and communicating with federal agencies regarding the status of POGO's requests. Lance has nearly 15 years' experience as a civil and criminal litigation paralegal and has worked on cases in local, state, appellate and Federal courts, including the United States Supreme Court.

Lance earned his master's degree in public health from the Howard University College of Medicine in 2006. He earned a bachelor's degree in biology and a bachelor's degree in psychology at Howard University in 2003 where he graduated magna cum laude.

### **National & Local Media**

#### **TOP PUBLICATIONS IN 2018**







Bloomberg















Los Angeles Times





The New York Times











VANITY FAIR

The Washington Post

POGO has always been a trusted source for the media, and this year was no exception. Over 700 national news stories cited POGO in 2018, and those stories were picked up thousands of times by local and regional outlets. POGO's experts have a national reputation as impartial, reliable, and knowledgeable sources on everything from big-picture budgets to nitty-gritty ethics laws. On a daily basis, our experts do it all: they field phone calls, provide statements, speak on the air for radio, and appear on television.

In 2018, numerous editorial boards, including *The New York Times*, *The Boston Globe*, and *The Miami Herald*, have relied on POGO's expertise when weighing in on some of the most consequential issues of our time.

POGO experts also regularly pen opinion pieces for national outlets, including The Washington Post, The American Conservative, CNN, USA Today, DefenseOne, The Hill, The Washington Examiner, and many more. Working with other outlets to publish opinion pieces helps expose new audiences to POGO's expertise, and to add a strong, reliable perspective to national coverage of controversial and complex topics.

## How to secure US elections from future hacking



By Jake Laperruque and Paul Rosenzweig

According to indictments released last v\*\* intelligence officers successfully This echoes the Senate Inti interference in the election. dalata voter registration da

Former executioners: SCOTUS must stop lethal injection in



a case that will ultimately determine e Russell Bucklew. As former correction

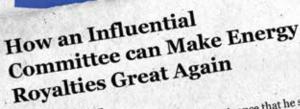
3s, we feel strongly that the court should

## After 'foreign surveillance' law, Congress must demand answers from intelligence community

By Jake Laperruque

This month, Congress engaged in a vigorous debate — albeit one pri to reauthorizing Section 702 of the Foreign Intelligence Surveillance A warrantless surveillance authority.

During the House debate, unfortunately, a mix of Republicans and De rendment in the form of the USA Rights Act, which would have prov House Intrinence Committee's bill -



President Trump has a plan for energy dominance that he says "unlocks millions. and trillions of dollars in wealth" by auctioning off federally owned ocean lar By Laura Peterson ion. Our new investigation reveals that the American public was cheated evenue from such lands over the past three decades because of a br " influential committee meeting this week has the power to

The Washington Pos Those 5-to-4 decisions Court? 9 to 0 is far mor

By Sarah Turberville and Anthony Marcum Istice Antl

nrotection bill' is the b





## Community Engagement: A Discussion on Ethics in Government

On December 9, 2018, POGO Executive Director Danielle Brian spoke at the historic St. John's Church, known as the "Church of the Presidents," which sits across Lafayette Square from the White House. During her talk, she spoke to members of the community and congregation about the concept of ethics in government, challenging the attendees to think beyond the headlines of conflicts of interest and encouraging them to help change the national conversation about the issue.



SAINT JOHN'S CHURC

10:00 AM THIS SUND

SPEAKER SERIES

#### LISTEN TO AND READ

POGO Executive Director Danielle Brian's remarks online at pogo.org/ethics-speech

## **Donor Spotlight**



#### Liz and David Peterson

"POGO is flourishing, and its evolution from the Project on Military Procurement to the POGO we know today is a testament to the organization's agility and commitment to addressing contemporary issues related to government accountability and oversight. When we found out about our life insurance company's charitable giving program, we immediately recognized it as an important opportunity to thank POGO for its amazing work, and support future efforts."

(PHOTO: COURTESY OF LIZ PETERSON)

Col. Roseanne Greco USAF (retired) testifying at the Vermont State House in opposition to the proposal to base the F-35 at the Vermont Air National Guard Station in South Burlington, Vermont.

## Colonel Rosanne Greco, USAF (retired)

"It's reassuring to know that POGO continues to do investigative work and reporting on important matters in our federal government. They uncover the truth, which all too often reveals unethical behaviors including greed, corruption, and lies. The proposed basing of the F-35A in Vermont is a prime example. I think of POGO as the *60 Minutes* of online journalism. And, we need investigative journalism now more than ever. That's why I will continue to support POGO."

(PHOTO: COURTESY OF JULIA LUCKETT PHOTOGRAPHY)

## Thanks to Our Supporters

POGO wouldn't be here without you. We extend our deep gratitude to all of our 2018 donors for making our work possible.

POGO Guardians are monthly sustaining donors, and are indicated in blue.

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Estate of Rosemary and Leo Joseph Havilan

Estate of Dr. James Head

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\$500,000+

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## **Financial Statement**

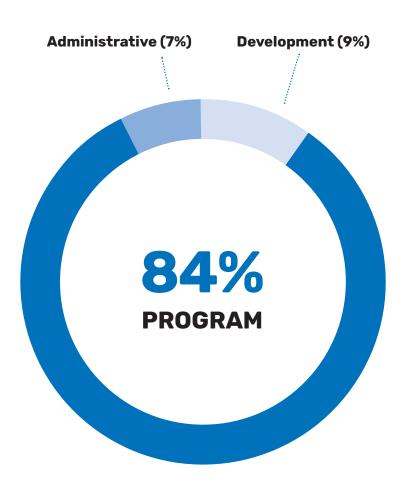
REVENUE -	
Grants	\$5,338,220
Contributions	\$1,097,059
Other Income	\$189,203
Total	\$6,624,482

#### **EXPENSES**

Program	\$4,881,838
General and Administrative	\$429,052
Development	\$542,800
Total	\$5,853,690

This statement of activities from January 1, 2018, to December 31, 2018, has been audited.

POGO's full, audited financial statements and 990 forms are available at **pogo.org/about/financial-information**.



**Our commitment to you:** POGO never shares, sells, or rents the names of our supporters to other groups.

POGO does not accept contributions from for-profit corporations, labor unions, any government, or anyone who stands to benefit financially from our work, in order to preserve our independence.

POGO reviews all contributions exceeding \$100 in order to maintain this standard. POGO accepts employee- and customer-directed contributions and matching funds and accepts contributions from law firms, which we limit to less than 1 percent of POGO's operating budget.

## Our history shaped us to meet the challenges of today.

We got our start in 1981 as a small Pentagon watchdog—an offshoot of the National Taxpayers Union and funded by a mix of conservative and progressive foundations. With the help of Pentagon insiders and government documents, our small organization brought to light wasteful Pentagon spending, such as \$7,600 coffee pots and \$435 hammers. Then we began shining the light on the ineffectiveness of larger weapons systems such as the 1982 M1-Abrams tank—about which the Pentagon falsified testing reports and put soldiers at risk.

We realized fairly quickly that waste, fraud, corruption, and abuse of power wasn't limited to the Pentagon but was a widespread problem across the federal government. So we decided to expand our mission, and have been keeping a watchful eye over the entire federal government for 29 years.

Throughout that time, we've continued to grow and add to our programs and staff in order to be even more effective. In 2006, we launched the **Congressional Oversight Initiative (COI)** when we realized Congress needed help to become more effective at conducting oversight of the executive branch and to exercise its role in our democracy's system of checks and balances.

This initiative's goal isn't to point fingers when Members of Congress fail to do their part, but to help provide resources, knowledge, and skills that Congressional staff need to do their job more effectively.

In 2012 we added the **Center for Defense Information (CDI)** to our ranks. We are still raising concerns about wasteful Pentagon spending programs like the F-35 Joint Strike Fighter, but are also now focusing on creating a more effective national security policy that protects our country and the men and women fighting for it rather than one that lines the pockets of defense contractors.

In 2016 the **Center for Effective Government** (formerly known as OMB Watch) merged with POGO, bringing its expertise in regulatory policy and federal government processes. This expertise bolstered POGO's role in fighting for a federal government that is transparent and accountable to the American people, not just to the politically powerful industry and other special interest lobbyists and donors.

And in 2017 **The Constitution Project (TCP)** joined POGO, bringing a whole new range of expertise so we can combat the increasing partisan divide on our constitutional rights and liberties, while also ensuring that our democracy's system of checks and balances is working properly.

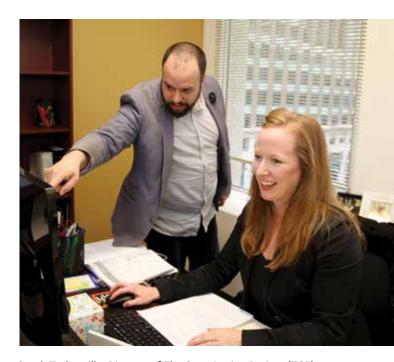
## We strive to always be fair and accurate in our investigations and advocacy.

Our investigations into waste, fraud, corruption, and abuse of power allow us to find deficiencies in federal government policies, programs, and projects. Much of our focus is where government and powerful private interests intersect, a nexus where corruption and abuse of power can thrive if oversight isn't strong: pharmaceutical industry, financial services industry, public procurement—particularly arms sales, the defense industry, and the growing private prison and detention industry—and natural resource extractive industries.

POGO's investigators are experts in working with whistleblowers and other sources inside the government who come forward with information that we then verify using the Freedom of Information Act, interviews, and other fact-finding strategies. We publish these findings and release them to the media, Members of Congress and their constituents, executive branch agencies and offices, public interest groups, and our supporters.

## How We Choose Our Investigations

- Availability of inside sources or unreported documents
- Capacity to make a unique contribution
- Opening for positive systematic change in the federal government
- Urgency for action
- Ability to broaden public awareness



Sarah Turberville, Director of The Constitution Project (TCP) at POGO, and Jake Laperruque, TCP Senior Counsel, discuss upcoming work. (PHOTO: PAM RUTTER/POGO)

**Our public policy advocacy** seeks to create a more effective, ethical, and accountable federal government by exploring and pushing for policy reforms that address the systemic issues uncovered by our investigations.

We also push for reforms aimed at fortifying the pillars of good government.

- Protecting the ability of government employees and contractors to come forward when they witness waste, fraud, or abuse of power in the federal government without fear of retaliation
- Increasing transparency and access to government information vital to the public interest so that the American people can be confident the decisions being made are in their best interest
- Ensuring internal government watchdog offices have the resources and independence to conduct proper **oversight of the agencies** they are charged with watching
- Supporting our constitutional system of checks and balances to ensure our government is working properly and fairly for everyone
- Solidifying **an ethical code of conduct** that government officials and political leaders adhere to

**Our reputation** as an honest broker attracts current and former decision makers and other government insiders, and allows us to facilitate conversations and advocacy efforts among likely and unlikely allies across the political spectrum.

We know that neither political party has a monopoly on corrupt and abusive behavior in government, and neither has a monopoly on the solutions to these issues. That's why nonpartisan isn't just a word for us, but an essential value of the organization and its staff.

IN 2018, MEMBERS OF
CONGRESS FROM BOTH
POLITICAL PARTIES
CITED OUR WORK OVER
50 TIMES ON ISSUES
RANGING FROM FOREIGN
LOBBYING REFORMS
TO CURBING WASTEFUL
GOVERNMENT SPENDING

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The Project On Government
Oversight is a nonpartisan
independent watchdog that
investigates and exposes waste,
corruption, abuse of power, and
when the government fails to
serve the public or silences
those who report wrongdoing.

We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.



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