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Union Calendar No. 13

109th Congress, 1st Session – – – – – – – – – – – House Report 109–29

OVERSIGHT PLANS

FOR ALL

HOUSE COMMITTEES

WITH ACCOMPANYING RECOMMENDATIONS

BY THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

(Required by House Rule X, Clause 2(d)(2))

together with

ADDITIONAL VIEWS

MARCH 31, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

99–771 PDF WASHINGTON : 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, March 31, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER:

In accordance with Rule X(2)(d)(2) of the Rules of the House of Representatives, I respectfully submit the oversight plans of each committee together with recommendations to ensure the most effective coordination of such plans and otherwise achieve the objectives of the House Rules.

TOM DAVIS, *Chairman.*

Union Calendar No. 13

109TH CONGRESS *1st Session* } HOUSE OF REPRESENTATIVES { REPORT 109–29

OVERSIGHT PLANS FOR ALL HOUSE COMMITTEES WITH ACCOMPANYING RECOMMENDATIONS

MARCH 31, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TOM DAVIS, from the Committee on Government Reform submitted the following

REPORT

OVERSIGHT IN THE 109TH CONGRESS

RECOMMENDATIONS

OF THE

COMMITTEE ON GOVERNMENT REFORM

Pursuant to House Rule X, clause 2(d)(2), the Committee on Government Reform reports to the House the oversight plans submitted by each standing committee, along with the committee's recommendations for ensuring the most effective coordination of such plans.

Congressional oversight, as envisioned by the House leadership, is ultimately about the rule of law. Federal law authorizes the Federal Government to spend taxpayer funds to accomplish certain defined missions. While much oversight is designed to ensure that substantive public policy objectives set forth in congressional enactments are achieved, Congress has also recognized through the enactment of specific Federal statutes that sound management practices will ensure that the substantive objectives are achieved in a cost effective manner. The Constitution's systems of checks and balances obligates the Congress to oversee the implementation of all of its enactments.

Through such oversight, Congress can first determine whether the executive branch is carrying out Congress's intentions. Con-

gress can determine whether the congressional enactment is having the desired effect. And finally, Congress can ensure that government programs are achieving their goals efficiently and cost-effectively. Fraud, waste and mismanagement can be serious impediments to full accomplishment of the government's mission. Congressional oversight establishes the record for corrective action and reforms that ensure the executive carries out the law to the benefit of the public in a cost effective manner and that both the taxpayers and the beneficiaries of Federal programs are not deprived of the public benefits that Congress intended.

Improving the performance of the Federal Government has taken on renewed importance in the wake of the terrorist attacks of September 11, 2001, and the subsequent military actions in Afghanistan and Iraq. The Federal Government suffers from a variety of management problems that undermine its ability to deliver the performance results American taxpayers expect and deserve. These problems affect virtually every area of the government. They include critical computer security weaknesses, pervasive financial management troubles, and the inability to demonstrate what most Federal programs accomplish.

Additionally, the government wastes billions and billions of dollars each year due to improper or erroneous payments. The chart below illustrates seven programs which alone account for 95 percent of the $45.1 billion in improper payments in fiscal year 2004 according to the Office of Management and Budget. Overpayments are clearly unacceptable. In addition to wasting taxpayer dollars, they drain much needed resources from programs that benefit the American people.

Program	Amount	Percent of Total
Medicare	$21.7	48.1%
Earned Income Tax Credit	8.7 to 10.6	21.5
Unemployment Insurance	3.9	8.6
Supplemental Security Income	2.6	5.8
Old-Age, Survivors, and Disability Insurance	1.7	3.8
Public Housing/Rental Assistance	1.7	3.8
Food Stamps	1.6	3.5
Subtotal	42.9	95.1
Other Measured Programs	2.2	4.9
Total	$45.1	100.0%

Management problems do not need to persist. In many cases, solving these problems does not require new laws or major infusions of money. It does require strong leadership at the highest level of government. It also requires a sustained commitment by Congress to focus on the problem and to hold people accountable until the mission is accomplished.

The Committee on Government Reform urges the committees to use all available resources to supplement their own efforts to conduct oversight. Those resources include the services and reports of the Government Accountability Office, the Congressional Research Service, and agency Inspectors General. For example, in January 2005, GAO up-

dated its "High Risk Series," in which it identified 25 areas at high risk due to either "their greater susceptibility to fraud, waste, abuse, and mismanagement" or "to draw attention to areas associated with broad-based transformations needed to achieve greater economy, efficiency, effectiveness, accountability, and sustainability of selected key government programs and operations." In addition, committees should look to agency strategic plans, performance plans, and performance reports mandated by the Government Performance and Results Act to review the agencies' strategic objectives, measures of success, and their capacity to satisfy appropriate performance measures. Finally, the committees should look at past committee legislative and oversight reports, court cases, and other studies that can illuminate the operations of the Federal Government. Use of this common approach to oversight will permit the committees to develop legislation and provide recommendations for reform on the basis of a record that clearly and effectively conveys the need for additional congressional action.

The following selected samples of oversight activities from the reports of the standing committees of Congress cover five broad categories, including homeland security, national defense, savings and efficiencies, government performance, law enforcement, citizen services and benefits, and international affairs and trade. The committee has, in most cases, reviewed additional sources, such as those identified above, to provide examples of the purposes, objectives, performance measures, and known management shortcomings of many programs that could be the subject of relevant committee oversight. These examples illustrate the challenges we face as we embark on our oversight activities this Congress. Sustained and aggressive oversight will go a long way toward ensuring the government's proper functioning in accordance with Congress's intentions.

HOMELAND SECURITY

Since the events of September 11, 2001, the U.S. House of Representatives has made homeland security a priority. The 109th Congress made the Committee on Homeland Security a permanent, standing committee. Additionally, other committees continue to have legislative and oversight jurisdiction over the Federal departments and agencies that are involved in securing the United States.

The Committee on Financial Services will continue to oversee the implementation of the Terrorism Risk Insurance Act of 2002 [TRIA] (Public Law No. 107–297) by the Treasury Department, State insurance departments, and insurance underwriters. According to the Conference Report for TRIA, the ability of the insurance industry to cover the unprecedented financial risks presented by acts of terrorism can be a major factor in recovering from terrorism attacks, while maintaining the stability of the economy. As TRIA's expiration date of December 31, 2005 approaches, the committee will examine whether the law should also encompass group life insurance.

The Committee on Government Reform will continue its extensive oversight of the U.S. Visitor and Immigrant Status Indicator Technology [US-VISIT] program, which records and retains biometric identifiers of foreign visitors as they enter and exit our borders. As of November 18, 2004, US-VISIT had processed 13 million foreign nationals and matched 1,500 persons against watch list databases (February 2005, GAO Report, "Some Progress Made but Many Challenges Remain on U.S. Visitor and Immigration Status Indicator Technology Program.").

The Committee on Government Reform will conduct comprehensive oversight of the Transportation Security Administration [TSA]. The committee will continue its oversight focus on airline passenger and baggage screeners. According to the December 2004 DHS Office of Inspector General's [OIG] Report, "Major Management Challenges Facing the Department of Homeland Security," an undercover OIG audit of screener performance revealed improvements are needed to guarantee that prohibited items are not carried into the sterile areas of airports or permitted into checked baggage. The committee will also conduct oversight of TSA's new passenger pre-screening system for commercial aviation known as Secure Flight and mass transit security.

The Committee on Government Reform authored Title III, Security Clearances, of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). Title III directs the President to select a single executive branch department or agency to be responsible for security clearances and investigations and requires the head of the designated department or agency to develop a plan to reduce the length of the personnel security clearance process. The committee will work closely with the executive branch to ensure the spirit of the legislation is honored.

The Committee on Transportation and Infrastructure will continue its oversight of the Coast Guard by assessing the implementation of the Maritime Transportation Security Act of 2002 [MTSA] (Public Law 107–295) and the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293). Both laws establish provisions to enhance U.S. maritime transportation security. MTSA requires the Secretary of Transportation to prepare a National Maritime Transportation Antiterrorism Plan for determining catastrophic emergencies. The Coast Guard and Maritime Transportation Act of 2004 authorizes members of the Coast Guard in the performance of official duties to: (1) carry a firearm; and (2) while at a facility make an arrest without a warrant for any offense against the United States committed in their presence.

The Committee on Transportation and Infrastructure also plans to monitor the placement of the Coast Guard within DHS. The Homeland Security Act (Public Law 107–296) Section 888 transferred the Coast Guard from the Department of Transportation to DHS. The Homeland Security Act states that the Coast Guard shall remain a distinct entity within DHS and prohibits the Secretary of DHS from reducing the mission or capabilities of the Coast Guard without a certification to Congress that a clear, compelling, and immediate need exists. The committee will continue its oversight of the Coast Guard to ensure its ability to carry out its non-security missions.

The Committee on Homeland Security will be conducting oversight of port security, including the Container Security Initiative, the Customs-Trade Partnership Against Terrorism program [C–TPAT] and Operation Safe Commerce. According to U.S. Customs and Border Protection [CBP], as of November 2004, there were 7,400 enrolled partners in C–TPAT and of those partners they were over 86 of the top 100 U.S. importers by containerized cargo volume.

The Committee on the Judiciary will conduct oversight of immigration and border issues by focusing on border security agreements between the United States and Mexico and Canada, as well as examining compliance by the Internal Revenue Service, the Social Security Administration, and DHS with immigration laws that impose enforcement actions upon employers who knowingly employ or violate the rights of illegal aliens.

The Committee on Homeland Security will conduct oversight of the Department's ability to detain, monitor, and remove aliens subject to deportation. Within DHS, Immigration and Customs Enforcement [ICE] is tasked with removing illegal alien population. According to the December 2004 Department's Office of Inspector General's Report, "Major Management Challenges Facing the Department of Homeland Security," DHS continues to face challenges in identifying, locating, detaining, and removing aliens who have committed criminal acts, as ICE has only 5,500 special agents responsible for the estimated current U.S. illegal alien population of 8–12 million.

The Committee on Homeland Security will conduct oversight of the Office of Air and Marine Operations [AMO]. Since January 2003, AMO has been responsible for airspace security operations for the National Capital Region. According to CBP, in fiscal year 2004, AMO was involved in national and international interdiction operations that resulted in the seizure of over 140,939 pounds of cocaine and almost 424,062 pounds of marijuana and more than 1,108 arrests.

The Committee on Homeland Security will examine the effectiveness of DHS to integrate and coordinate the security aspects of its legacy entities. The committee will pay particular attention to the "One Face at the Border" initiative, which DHS created out of legacy U.S. Customs, legacy Immigration and Naturalization Service, and USDA's Animal and Plant Health and Inspection Service. Prior to the creation of DHS, all three entities performed necessary border inspection services, and now all three belong to a single program for inspectors under CBP.

NATIONAL DEFENSE

Oversight of national security policy and homeland defense continues to be of foremost concern to the 109th Congress. Transformation policies of the military services, acquisition and modernization of equipment, reserve component mobilization requirements, intelligence sharing, and protection and response to nuclear, chemical, biological weapons of mass destruction will be examined closely. Close oversight of the Department of Defense and the Department of Homeland Security are the focus of committees' of jurisdiction. Congress will also continue to monitor the conduct of

Operation Iraqi Freedom, the pursuit of terrorist and insurgents around the world, the force protection capabilities of U.S. armed forces, the process of establishing indigenous security forces in Afghanistan and Iraq, and the continued threat of weapons of mass destruction proliferation to states such as Iran and North Korea.

The Committee on Armed Services will focus on the Department of Defense's National Military Strategy, which includes addressing the adequacy of active and reserve component force structure and end strength to carry out current and emerging missions. The committee will also examine the execution of the priorities of the Quadrennial Defense Review that direct long term Department transformation, authorities and resources available to conduct stabilization operations. The committee expects that balancing funding for transformational programs and initiatives, along with supporting the cost of the global war on terrorism, will be a challenge.

Oversight of major weapons system development, examination of military equipment modernization with respect to military capability including Army modularity, tactical aviation and bomber force structure, shipbuilding requirements, anti-submarine and mine warfare, and strategic and tactical logistic life capability are also on the Armed Services Committee agenda. The Committee on Government Reform will also monitor the technology maturation for the Joint Strike Fighter and the F–22 fighter cost containment strategies, the Army modularity initiative and the effects of the Air Force Future Total Force on Air National Guard missions and equipment. The Committee on Financial Services will review the Defense Production Act with an eye toward eliminating obsolete language and undertaking any reforms necessary to keep the law available as a useful tool to protect national security. Armed Services will also examine the pace at which new technology moves from the laboratory to a fielded system, focusing on the Advanced Concept Technology Demonstration program, Army's Rapid Fielding Initiative, the Technology Transition Initiative, the Defense Challenge Program and the Small Business Innovative Research Program.

The Committee on International Relations will monitor the realignment of U.S. military forces abroad, reviewing policy implications of the Department of Defense's proposed troop realignment plans and the current transformation plans of the North American Treaty Organization [NATO].

Assessment of threats to U.S. national security and coordination with other Federal departments on defense-related intelligence, including the Director of National Intelligence and the National Counter Terrorism Center will be the focus of the Committees on Armed Services, Government Reform and the Select Committee on Intelligence.

During the 109th Congress, the Armed Services Committee will examine the need for active end strength growth, assess the mix of active and reserve component forces, and look at the impact of the high pace of deployments and frequency of troop rotations to combat zones on service personnel and their families. Armed Services will investigate the adequacy of recruitment and retention policies, and the health and medical readiness of wounded and disabled service members and their families. The Committee on Gov-

ernment Reform will continue its investigations into improving reserve component administrative services coordination, and examine possible reforms needed by our country's increasing dependence on National Guard forces for missions at home and abroad.

The Committee on Government Reform will monitor the emerging role of U.S. Northern Command and National Guard forces in homeland defense and military assistance to civilian authorities, and along with the Armed Services Committee, monitor the execution of Title 32, Chapter 9 and other emerging requirements needed to promote protection of the homeland. The Committee on Government Reform will also examine the interaction between Department of Defense and the Department of Homeland Security as they define their overlapping roles and responsibilities in homeland security and homeland defense. Government Reform will examine intergovernmental efforts toward joint training and conducting joint exercises between National Guard, Active Duty, State and civilian entities in preparation for a terrorist event. Oversight of coordination between Federal departments, State and local entities charged with protecting the homeland will also be conducted by the Committee on Homeland Security. The Committee on Homeland Security will also monitor information sharing between departments, including the Department of Defense on homeland security/homeland defense related information, including border and transportation information.

Protection of U.S. air space will also be the focus of the Committee on Homeland Security, specifically a review of airspace incursions, with Department of Defense, North American Airspace Defense Command, and Air National Guard. The Committee on Transportation and Infrastructure will evaluate Federal Aviation Administration's [FAA] Facilities and Equipment Program in an effort to modernize radars, including the FAA radar systems used in coordination with the Department of Defense in tracking U.S. airspace.

Missile Defense programs, and protection against biological and nuclear terrorism will be investigated by the Committees on Armed Services, Government Reform and Homeland Security. The Armed Services Committee will continue to monitor the Department of Defense's plans to accelerate fielding of several missile defense programs and continue to assess Atomic Energy Defense activities including modernization of U.S. defense nuclear force structure. The Committee on Homeland Security will review the Department of Homeland Security's research and development, particularly with respect to biological and nuclear terrorism. The Committee on Government Reform will investigate Department of Defense coordination on research, development and acquisition activities for chemical and biological defense equipment. The Committee on Homeland Security and the Committee on Armed Services will jointly monitor the preparedness of the U.S. armed and civilian forces to fight effectively abroad and at home under the threat of the use of chemical or biological weapons, focusing on development of medical countermeasures.

SAVINGS AND EFFICIENCIES

More effective contract management by all Federal agencies, particularly the Department of Defense [DOD], the Department of Energy [DOE], and the National Aeronautics and Space Administration [NASA], would result in significant savings to the taxpayer. The Government Accountability Office [GAO] identified this issue in its High Risk List for 2005 as particularly susceptible to fraud, waste, and mismanagement. Although GAO recognizes that steps have been taken by the largest agencies to improve the acquisition process, it finds that additional reforms are necessary for this process to be efficient. In addition, GAO identifies strategic human capital management in its High Risk Series because of the absence of a consistent strategic approach to obtaining, managing and maintaining necessary human capital to maximize government performance and ensure accountability.

The Committee on Government Reform will continue to oversee the contracting issues associated with the U.S. military as it pertains to their global missions in areas such as Bosnia, Iraq, Afghanistan, and other parts of the world. In 2003 and 2004, our military found itself deployed throughout the world in support of various geopolitical objectives. These deployments required the U.S. Government to quickly set up contingency operations for the basic living conditions of both military and civilians working in the theater of operations. These forces were faced with difficult living conditions because of their remote locations and the threat of armed military actions. Contracting for goods and services to support these needs was and continues to be a difficult undertaking. The committee will continue to monitor the progress of the Iraq reconstruction efforts.

The Committee on Armed Services will monitor the Department of Defense's implementation of recent reforms of the Federal acquisition system, including the Department's revision of the 5000 series acquisition regulations. The committee intends to examine DOD's implementation of the rapid acquisition process to support the conduct of the global war on terrorism.

The Committee on Armed Services will review Department of Defense infrastructure and organization, focusing on defense reform proposals. The committee will also assess implementation of the reforms in joint officer management and joint professional military education recently mandated.

The Committee on International Relations will conduct oversight of the State Department programs, including compliance with the Government Performance and Results Act, public diplomacy and reorganization plans, review of trust fund organizations, such as the East/West Center, the Asia Foundation and the Eisenhower Foundation, overseas property management, and management of the foreign affairs agencies' workforce.

The Committee on Government Reform will examine financial and performance management practices at Federal departments and agencies. This oversight will include a review of the Consolidated Financial Statements of the Federal Government, reviews of individual agency accounting practices, and examining agency compliance with existing Federal financial laws. The committee plans

to review financial management at the Departments of Defense and Homeland Security, as well as others. In addition, the committee will focus on agencies' efforts to eliminate waste, fraud and mismanagement in taxpayer-funded Federal programs.

In light of accounting irregularities and management reorganizations at Fannie Mae and Freddie Mac, the Committee on Financial Services will oversee efforts to improve the regulatory structure of those institutions and the 12 Federal Home Loan Banks. The committee will also investigate the accounting procedures and financial reporting of Fannie Mae and Freddie Mac.

The Committee on Financial Services will review the mission, organization, human resources and technology of the Department of Housing and Urban Development to determine whether it is meeting and addressing contemporary housing issues.

The Committee on Homeland Security will examine ways to improve information sharing among Federal, State and local governments, law enforcement entities, first responders and emergency management personnel, as required by the Homeland Security Act of 2002.

The Committee on Small Business will conduct oversight hearings on all major Small Business Administration [SBA] programs to determine their effectiveness and potential options for improvements. The committee will also consider whether SBA is carrying out its statutory roles and evaluate its preparation and implementation of strategic plans and performance plans required by the Government Performance and Results Act.

The Committee on Government Reform will continue oversight of the Electronic Government Act of 2002 initiatives to further the Federal Government's use of information technology to improve government services and operations. In particular, the committee will review the consistent under-funding of the electronic government fund.

The Committee on Government Reform intends to continue its oversight of the General Services Administration's [GSA] $20 billion government-wide voice and data telecommunications program, Networx. The committee will keep a close eye on this program as it moves closer to the award phase to determine whether GSA's acquisition strategy will be effective in today's telecommunications environment.

The Intelligence Reform and Terrorism Prevention Act of 2004 enacted the most dramatic reform of our Nation's intelligence capabilities in almost 50 years. The Intelligence Reform and Terrorism Prevention Act of 2004 requires the President to establish a trusted and secure information sharing environment to promote the sharing of intelligence and homeland security information in a manner consistent with national security and the protection of privacy and civil liberties. The Committee on Government Reform will oversee the implementation of this government-wide information-sharing environment.

The Federal Government takes on average 4–8 months to hire employees, from the time a job vacancy announcement is publicly posted until an offer is made to a candidate. Although data from the private sector is difficult to confirm, it is estimated that private firms take an average of 2–6 weeks to conduct a similar process.

In the 108th Congress, the Committee on Government Reform held two oversight hearings to examine the reasons for the delays in the Federal process and uncovered a number of deep-seated problems, including: unclear vacancy announcements, excessive layers of approval, little use of statutory hiring flexibilities, and poor guidance from the Office of Personnel Management [OPM]. OPM is working to reform hiring at select agencies through its "Extreme Hiring Makeover" project. The Committee on Government Reform will continue to engage in oversight of this area and explore legislative remedies.

Congress and the Office of Personnel Management have made telecommuting an integral part of emergency planning for continuity of operations should the Federal Government be shut down due to terrorism or a catastrophic event. The Committee on Government Reform has investigated why telecommuting has remained under-funded despite the passage of legislation requiring all eligible Federal workers be allowed to telecommute by April 2004. Members of Congress have threatened punitive action, including cutting agency budgets, unless this problem is remedied. The committee will continue to exercise oversight over the funding of telecommuting by agencies to assure compliance with statutory requirements.

The Committee on Energy and Commerce intends to examine the Federal Communications Commission's universal service support policies and determine how the policies can be modernized to reflect the redistribution of communications traffic among services and the potential for using new technologies to assure access to telecommunications services to high cost and low income customers. The committee will also investigate the program to control waste, fraud and abuse of the fund.

The National Commission of Future Revenue Sources to Support the Highway Trust Fund was created by Congress to examine ways to extend the life of the Highway Trust Fund. The Committee on Transportation and Infrastructure will monitor the progress of this commission to ensure that all possible options for future Federal transportation infrastructure financing are identified and considered.

The Committee on Ways and Means will consider proposals to improve the quality, efficiency and fairness of Internal Revenue Service tax administration, including improved debt collection procedures.

The Committee on Ways and Means will conduct oversight hearings on the management of the Medicare program by the Centers for Medicare and Medicaid Services [CMS]. This will include potential changes to improve CMS's efficiency and interactions with beneficiaries and providers. The committee will also examine Medicare reimbursement for physician services, pricing transparency for hospital services, payments for post-acute care providers and payments to other Medicare providers. The committee intends to investigate CMS policies to adopt new technologies in the Medicare program and enforcement of laws to combat waste, fraud and abuse in the Medicare program.

The Committee on Science will investigate the Department of Energy's laboratory complex that conducts a wide range of research

and development capabilities and is funded at approximately $6 billion annually. The focus of this investigation is the recent problems at Los Alamos in controlling and monitoring government purchasing practices and ensuring security of equipment. The committee will also consider calls for external regulation of worker and nuclear safety practices at the laboratories, as well as the need for action to address the deterioration of the laboratories' aging infrastructure.

The Committee on Science will oversee the National Aeronautics and Space Administration's [NASA] implementation of the administration's space exploration policies. The committee will consider the effect of this policy on space and earth science and aeronautics research and development. The committee will separately investigate problems that NASA has experienced in managing its finances.

The Committee on Agriculture will assess the Forest Service research program to ensure that it focuses on enhancing the competitiveness of the domestic forestry sector, including forest products industry and non-Federal forest landowners.

The Committee on the Judiciary will oversee implementation of the Federal Debt Collection Act of 1990 and other aspects of Federal debt collection efforts.

GOVERNMENT PERFORMANCE

One of the primary oversight tools that congressional committees utilize is the Government Performance and Results Act of 1993 (Public Law No. 103–62) (Results Act). The Results Act is the centerpiece of a statutory framework that Congress enacted to help resolve longstanding management issues within the Federal Government by improving Federal programs' effectiveness, accountability, and service delivery; and by enhancing congressional decision-making by providing more objective information on program performance. This law requires Federal agencies to develop strategic plans in which they clearly define their missions and long-term goals, as well as the strategies with which they will achieve their objectives. In addition to the preparation of strategies to improve agency efficiency and accountability, the Results Act also mandates that executive agencies submit annual reports to Congress and the Director of the Office of Management and Budget on results achieved during the prior term to correspond with budget submissions to Congress.

In 1997, Federal agencies submitted their inaugural strategic plans to guide them as they prepare their annual goals. They are required to update these strategic plans every 3 years to keep objectives current to address the particular concerns of the Department. During the 2nd Session of the 109th Congress, House committees will reassess the missions of these agencies.

The Rules of the House require that committee reports accompanying legislation include a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. Performance goal statements should: (1) describe goals in an objective, quantifiable, and measurable form; (2) describe the resources required to meet the goals; (3) establish performance indicators to measure outputs

or outcomes; and (4) provide a basis for comparing actual program results with performance goals.

During the 109th Congress, several House committees will continue oversight into the mandates placed on executive departments and agencies by the Results Act. The Committee on Government Reform will continue to examine whether or not executive departments and agencies have continued to accomplish goals set out in performance reports, and continue diligent oversight of the management and efficiency practices of these offices.

The Committee on Armed Services will be examining the rules, regulations, statutes, and court decisions affecting the Department of Defense [DOD] and the Department of Energy to ensure better management practices and greater efficiency. According to the 2005 GAO Report, "High Risk Series, An Update," (GAO–05–207), DOD was targeted as having several management challenges including contract management, financial management, and support systems management. In addition, DOD did not issue performance plans for fiscal year 2002 or 2003, and did not submit fiscal year 2001 results.

The Committee on the Judiciary will continue to conduct oversight of the departments and agencies under the jurisdiction of the committee, with a particular emphasis on the Department of Justice Office of Justice Programs. Oversight issues will include matters identified by Inspectors General as well as items noted in the GAO report on "Major Management Challenges and Program Risks."

The Committee on International Relations will be conducting their ongoing oversight into the implementation of the Results Act, particularly with regard to the Department of State and the U.S. Agency for International Development [USAID]. According to the January 2003 GAO Report, "Major Management Challenges and Program Risks, the U.S. Agency for International Development," USAID has dealt with several performance and accountability matters in the last several years.

LAW ENFORCEMENT

The Committee on Financial Services will continue its broad oversight of identity theft issues, including examining the privacy issues that arise as part of the Gramm-Leach-Bliley Act (Public Law No. 106–102) and the Fair and Accurate Credit Transactions Act (Public Law No. 108–159). According to Federal Trade Commission [FTC] congressional testimony, in 2002, 162,000 calls from actual identity theft victims were received by the FTC's toll-free identity theft hotline.

The Committee on Financial Services will conduct oversight of the enforcement of Title III of the USA PATRIOT Act (Public Law 107–56), as well as the counter-terrorism financing provisions included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). In an additional effort to thwart terrorist financing, the committee will monitor the new Office of Terrorism and Financial Intelligence and the Financial Crimes Enforcement Network.

The Committee on the Judiciary will also examine the USA PATRIOT Act, as certain provisions will expire at the end of 2005.

The committee will hold both classified and public hearings to determine whether these provisions should be renewed and whether changes should be made to the provisions regarding pen register searching and delayed notice search warrants.

The Committee on the Judiciary will conduct oversight of the Federal Bureau of Prisons' [BOP] management practices. According to the Department of Justice [DOJ] Office of Inspector General's 2004 list of top management challenges facing DOJ, locating detention space at a reasonable cost and managing the space remains a top management challenge for DOJ. As of September 30, 2004, BOP was housing 179,895 inmates in 104 facilities.

CITIZEN SERVICES AND BENEFITS

The Committee on Government Reform will continue to investigate the Food and Drug Administration's [FDA] post-marketing surveillance of drugs, and whether FDA has the appropriate authority and resources to adequately monitor the safety of drugs. The committee intends to consider the adequacy of FDA's guidance documents regarding risk management after approval of a drug by exploring what types of post-marketing commitments FDA requests of drug sponsors and what formal procedures FDA has in place for monitoring or establishing whether a post-marketing commitment is met. The committee will also review FDA's enforcement authorities under existing law, including enforcement of provisions against false and misleading advertisements and provisions guaranteeing the use of good manufacturing practices for drugs, biologics, and vaccines.

The Committee on Government Reform will continue to examine the actions taken by the Department of Health and Human Services, the Centers for Disease Control and Prevention, and the FDA to fully prepare for an unpredictable 2005–2006 flu season and how these Federal agencies are providing guidance and coordinating with State and local health officials. The committee will also review the need for legislation and discuss specific solutions to ensure a stable annual flu vaccine supply.

The problem of methamphetamine trafficking and abuse is a growing issue that will have to be addressed by the 109th Congress. The Committee on Government Reform intends to continue its study of the problem and to explore new legislative solutions, including controlling access to precursor chemicals and increasing penalties for trafficking.

The Committee on Government Reform will continue its aggressive program of oversight of the Department of Health and Human Services [HHS] as it affects health and social policy, focusing most prominently on bioethics (including human cloning and stem cell research), human life issues, racial health disparities, reproductive health, HIV policy, and health issues impacting illegal drug policy.

The Committee on Energy and Commerce will review the management, operations and activities of the Consumer Product Safety Commission [CPSC] in safeguarding consumers from faulty or dangerous products.

The Committee on Energy and Commerce intends to explore national energy policy issues, particularly those relating to production, supply and consumption of electricity, oil, natural gas, coal,

hydroelectric power, nuclear power and renewable energy. The committee will consider the impact of government policies and programs on the exploration, production and development of domestic energy resources.

The Committee on Energy and Commerce will review activities related to the Clean Air Act, particularly the efforts to achieve improved air quality. The committee will conduct oversight of the Environmental Protection Agency's [EPA] strategies and actions to achieve Clean Air Act standards.

The Committee on Energy and Commerce intends to oversee hazardous and toxic waste treatment by reviewing the efficiency, effectiveness, funding and pace of progress of the Superfund program. Specifically, the committee will review EPA's relationship to the States' toxic waste cleanup programs, and what actions are necessary to expedite cleanups at toxic waste sites.

During the television transition from analog to digital format, the broadcasters are operating on two 6 MHz channels. Station licensees are supposed to return the 6 MHz analog channel by December 31, 2006, or once 85 percent of television households can receive digital channels (i.e., purchase a digital television receiver). However, significant controversy surrounds this transition. The Committee on Energy and Commerce will investigate this situation and the FCC's progress in achieving the transition so that the returned frequency can be used for other services.

The Committee on Financial Services will examine financial privacy issues in the context of the implementation of the Gramm-Leach-Bliley and FACT Acts, and will focus on combating identity theft and other emerging threats to security of consumers' personal financial information. The committee will also review government and private sector efforts to achieve greater innovation and efficiencies in the payments system.

The Committee on Financial Services will exercise oversight over credit card industry practices, as well as the use of financial instruments, including credit cards, checks, electronic funds transfers and other alternative forms of payment, in unlawful Internet gambling. The committee will focus on the potential misuse of illegal offshore Internet gambling sites to facilitate money laundering.

The marketing of insurance products has raised questions of misleading sales and marketing representations, churning of life insurance, coercion and pressure tactics, product bundling and premium charges for credit insurance and mortgage insurance. The Committee on Financial Services intends to investigate these issues, which may include the manner in which insurance brokers are compensated for sale of insurance products, and marketing practices targeting military personnel.

The Committee on Education and the Workforce will examine the implementation of the Higher Education Act to focus on the goal of increasing access to postsecondary education for low and middle-income students. The committee will consider quality and accountability, the increasing costs in postsecondary education and the role of Federal spending increases in the higher education costs.

The Committee on Transportation and Infrastructure intends to continue its oversight of aviation safety issues, focusing on aircraft

maintenance and Federal Aviation Administration's oversight of that maintenance.

Hydrogen holds the potential to provide a cleaner, more efficient source of fuel than fossil fuels. The FreedomCAR program and Hydrogen Fuels initiative are designed to provide Federal funding for R&D into hydrogen as a preferred fuel. The Committee on Science will examine whether the current research plan and program goals are adequate to ensure an efficient transformation to a hydrogen-based economy.

The Committee on Science will monitor the National Earthquake Hazards Reduction Program, which is a multi-agency earthquake mitigation program, and focus on the administration's recent plan for tsunami detection and warning.

The Committee on Small Business will exercise oversight over the Small Business Technology Transfer program that is designed to help small business access technologies developed at Federal laboratories.

The Committee on Agriculture will investigate the Department of Agriculture [USDA] and U.S. Trade Representative's [USTR] implementation of trade agreements to ensure other countries' trade obligations, including World Trade Organization [WTO] dispute settlement provisions relating to cotton, biotechnology and geographical indications, European Union [EU] meat hormone ban, and tariff rate quotas. The committee will also explore issues relating to the North American Free Trade Agreement [NAFTA], particularly Canada's use of high tariffs for dairy, poultry, eggs, barley and margarine products, and Mexico's actions impairing trade on pork, apples, beef and rice.

The Committee on Agriculture will monitor USDA's food safety programs, including the meat and poultry inspection laws and the FDA's food inspection activities to ensure that policies and resources are focused on developing scientifically sound systems for food safety assurance. The committee will also investigate USDA's programs to educate consumers regarding safe food handling practices, development of microbial interventions to reduce frequency and severity of food borne illnesses, expanded research and development of pathogen reduction technologies, and streamlined, science-based policies relative to assessment and approval of food safety technologies.

INTERNATIONAL AFFAIRS AND TRADE

Oversight of the role of the United States in global diplomacy, security and trade is the basis for policies and legislative decisions that affect the safety and welfare of all Americans. During the 109th Congress, committees will focus oversight on the Department of State, U.S. international initiatives, the promotion of democracy, international security, non-proliferation, international crime, human rights, relief assistance, and international finance and trade negotiations.

Along with reviewing and authorizing the Department of State for fiscal year 2006, the Committee on International Relations will review U.S. public diplomacy efforts, focusing on U.S. assistance to Iraq, Afghanistan, Bosnia, Eastern Europe, the New Independent States of the former Soviet Union, Haiti, Africa, Egypt and coun-

tries affected by the Indian Ocean tsunamis. Other initiatives will include monitoring the effectiveness of programs and activities of U.S. Agency for International Development [USAID], the Peace Corps, international population planning international child survival activities, and refugee and migrations assistance programs.

Review of the Department of State will focus on overseas property management, security of U.S. Government facilities abroad, management of foreign affairs agencies' workforce, review of public diplomacy programs, rightsizing, the Office of Foreign Missions, the Diplomatic Security Bureau, and all consular processes.

The Committee on International Relations will review Department of State's annual "Country Reports on Human Rights Practices," the Department's strategies to promote democracy and human rights, implementation of the International Religious Freedom Act, implementation of the Universal Declaration of Human Rights and other internationally recognized rights. The committee will also review world wide refugee statuses and other resettlement issues. Investigations include implementation of the North Korean Human Rights Act, and continued investigation of Sudan following declarations of genocide by Congress and the administration.

The International Relations Committee will continue its oversight of U.S. global efforts to combat HIV/AIDS, as well as global issues affecting the environment, including global warming and Kyoto Protocol implementation which is also of interest to the Committee on Science.

The Committee on Science will monitor international negotiations leading to the development of the International Thermonuclear Energy Reactor, a project aimed at developing clean and abundant power from nuclear fusion. The Committee on Science will also look at plant biotechnology reserves, particularly the Plate Genome Initiatives and the establishment of partnerships with the developing world.

The growth of democratic ideals and institutions around the world will be reviewed by the Committee on International Relations, focusing on U.S. policy in Central and East Asia and the Pacific, including reviewing Tsunami relief and reconstruction. In Europe, review of U.S.-EU relations, NATO, U.S. policy toward Russia and the implementation of the Russian Democracy Act.

In the western hemisphere, the International Relations Committee will look at U.S. efforts to support democratic institutions, political stability and economic growth in the region, focusing on the growing influence of China in the western hemisphere, Latin America and Caribbean AID, U.S. Cuba policy, as well as investigate methods to support institutional strengthening of the Organization of American States.

The Committee on Government Reform will continue to monitor the effectiveness of U.S. AID programs and the Committee on Agriculture will review international assistance programs, including Global Food for Education Program and Food for Progress Program.

Oversight of the activities of the United Nations, including UN Department of Peacekeeping, Law of Sea Convention, and the UN Security Council Resolution on proliferation security and the UN Democracy Caucus will be closely monitored in the 109th Congress.

The UN Oil for Food Program will by investigated by the International Affairs, Government Reform and Energy and Commerce Committees.

In the Middle East, the International Relations and Government Reform Committees will monitor Iraq elections aftermath, assess multilateral, Federal and private reconstruction efforts in Afghanistan and Iraq, review Palestinian elections aftermath and implications for peace negotiations. The Committee on International Relations will conduct a comprehensive review of status of the Syrian Accountability and Lebanese Sovereignty Restoration Act implementation.

The Committee on International Relations will also look at monitoring civil society and political and economic reform in Zimbabwe, Democratic Republic of Congo, Liberia, Nigeria, Somalia and Northern Uganda and assess Africa's cooperation in the war on terrorism focusing on U.S. efforts to provide counterterrorism training and equipment.

The Committee on International Relations will examine in depth the existing U.S. Government strategy to deal with terrorists abroad, including oversight of the State Department's Antiterrorism Assistance program, the coordination of diplomatic initiatives with foreign governments, and oversight of the Office of Foreign Assets Control.

The Committees on International Relations, Government Reform and Armed Services all will review National and International Missile Defense issues, focusing on nonproliferation and disarmament topics including compliance with Conventional Forces in Europe Treaty and START treaties.

The Committee on Government Reform will monitor United States and international compliance with the Biological and Toxic Weapons Convention and Armed Services will conduct general oversight over the Cooperative Threat Reduction program and other nuclear non-proliferation issues, specifically assessing the appropriate conditions to be placed on non-proliferation assistance given to states of the former Soviet Union with the Committee on International Relations.

The Committee on International Relations will also review Iran's nuclear proliferation issues, North Korea's development of weapons of mass destruction, Pakistan's nonproliferation cooperation and the role of China in the proliferation of weapons of mass destruction [WMD] and missiles. The committee will also review the evolution and current organization of al-Qaeda and its efforts to obtain WMD, and its relationships other radical Islamic terrorist organizations, and the emerging threat of fundamentalist terrorism in Latin America and Africa. International security assistance programs, including Foreign Military Financing, Economic Support Fund, International Military Education and Training, International Narcotics and Law Enforcement will also be reviewed.

The Committees on International Relations, Judiciary, Government Reform, and Transportation and Infrastructure all will conduct oversight of specific policies and programs aimed at combating international crime, with focus on the growing links between organized crime, illicit drugs and global terrorism.

The Committee on the Judiciary will continue oversight of the Departments of Justice, Homeland Security and State with regard to meeting the terms of international agreements to facilitate law enforcement, customs and counter terrorist investigations, prosecutions and international traffic in illegal substances and persons. The committee will also focus on illegal immigration, detention of foreign nationals, smuggling, dual nationality, all visa programs, refugee and asylum programs. Specific oversight of international drug trafficking and Federal law enforcement against international drug traffickers, including oversight of the Department of State's Bureau of International Narcotics Law Enforcement, will also be conducted by the Judiciary Committee.

The Committee on International Affairs will focus on international trafficking of humans, arms and narcotics; document fraud and money laundering. Along with the Committee on Government Reform, they will examine the heroin crisis in the United States, with special attention to Afghanistan, Colombia, Bolivia and Peru sources.

As the world grows closer in global economic ties, American life and business increasingly is affected by international finance and trade agreements. Free trade policies, multilateral and bilateral trade agreements will be examined by the Committees on Ways and Means, Energy and Commerce, Armed Services, Financial Services, Judiciary, Agriculture and Resources.

The Committee on Ways and Means will monitor administration trade policies, and the World Trade Organization with respect to agriculture, services, industrial tariffs and development issues. Of specific interest is current Bilateral Free Trade Agreements with Central America and other regional free trade agreements, and developing other appropriate candidates for free trade agreements. The committee will study the effects of U.S. trade agreements on U.S. trading partners, as well as examine U.S. trade remedy laws reviewing antidumping, duty, and product specific safeguards that affect injured domestic industries and their users.

The Committee on Ways and Means will conduct oversight of trade adjustment assistance and develop trade preference legislation, including trade preferences on textiles and apparel. Focus will be given to U.S. relations with China and Japan, sanctions reform, reexamination of import sanctions on Burma, and reviewing the status of rules of origin negotiations underway in the World Customs Organization. The committee will also review U.S. trade policy objectives in Asia, particularly the Asia Pacific Economic Cooperation Forum negotiations.

The Committee on Energy and Commerce will monitor and examine multilateral trade agreements and bilateral trade agreements relating to telecommunications, electronic commerce, food and drugs, and energy. The committee will also examine global crude oil supplies in light of potential supply interruptions and increasing competition for supply.

Along with the Committee on International Relations, the Committee on Armed Services will conduct oversight of arms transfer procedures under the Arms Export Control Act, and reauthorization of the Export Administration Act on defense trade reform. The Committee on Armed Services will also examine U.S. export control

and transfer of military-related technologies to potential adversaries and with Committee on International Relations.

The Committee on International Relations will examine China and the EU Arms Embargo, U.S. sanctions against Burma, U.S. policy toward Pakistan, U.S. economic and trade policy toward the People's Republic of China, and India's deepening economic, political and strategic engagement in Asia and globally. The committee will review Free Trade Agreements for Americas, Dominican Republic/Central America Free Trade Agreement and Free Trade Agreements with Colombia, Ecuador, Peru and Panama. The committee will also assess U.S. trade and investment in Africa, including oversight of the African Growth and Opportunity Act, review of non-tariff trade barriers, assessment of the impact of multilateral and bilateral debt on African economics. Specifically, the committee will also assess the loss of American jobs to growing capabilities and exports from China, outsourcing, non-immigrant visa polices and implementation of Free Trade Agreements. Focus will be made on monitoring trade distorting actions by foreign governments, the Department of Commerce's trade promotion and enforcement activities, including oversight of the Export Administration Act.

The Financial Services Committee will review and assess the annual report to Congress on the International Monetary Fund and state of international financial system. They will conduct oversight of trade negotiations with particular emphasis on the financial services and investment negotiations with the World Trade Organization, International Debt Relief, U.S. support of the Enhanced Heavily Indebted Poor Country Initiative, and the Millennium Challenge Corp.'s role in improving developing nations' economies and standards of living.

The Committee on the Judiciary will examine the development of divergent international antitrust standards and the effect such divergence may have on American firms that operate internationally. The committee will examine the impact of trade agreements on antitrust, immigration and intellectual property laws. Specifically the committee will monitor the role of the United States in negotiating an agreement under which countries would give full credit to patents granted by an international organization or one of the three largest patent offices in the world (US, EU, Japan) in an attempt to stop current patent fees that tax innovation.

The Committee on Agriculture will review the administration's negotiations with World Trade Organization multilateral trade agreement affecting U.S. agriculture, including Bilateral and Regional Free Trade Agreements with developing countries and the possible affect of the inclusion of Russia into the World Trade Organization. The committee will review USDA and USTR implementations, focusing on a WTO dispute settlement provision in cotton and biotechnology, the EU meat hormone ban, and tariff rate quotas. Focusing on U.S. border countries, the Committee on Agriculture will review the North American Free Trade Agreement, including Canada's use of high tariffs for dairy, poultry, eggs, barley and margarine production, and Mexico's actions that affect U.S. pork, apples, beef and rice. Oversight of the new implementation

of mandatory Country of Origin Labeling will also help monitor the affect on American agriculture business.

The Committee on Resources will examine several treaties which have been signed by the United States and will require congressional review. These include: U.S. Russia Polar Bear Agreement, U.S. Canada Agreement on Pacific Whiting, and Convention on the Conservation and Management of Highly Migratory Fish Stocks. The Committee on Resources will also examine America's growing dependence on foreign sources of energy and minerals as it threatens domestic resources. They will also examine the growing need for natural energy and minerals in China and India.

[The oversight plans of all House committees that have submitted plans to the Committee on Government Reform follow:]

U.S. House of Representatives
Committee on Agriculture
Washington, DC 20515

TO: The Honorable Tom Davis, Chairman
House Committee on Government Reform
The Honorable Robert W. Ney, Chairman
House Committee on House Administration
FROM: The Honorable Bob Goodlatte, Chairman
House Committee on Agriculture
DATE: February 16, 2005
SUBJECT: Oversight Plan for the House Committee on Agriculture for the 109th Congress

Pursuant to Rule X, clause 2(d)(1) of the Rules of the U.S. House of Representatives for the 109th Congress, I submit the following plan to fulfill the General Oversight Responsibilities reporting requirements. This outline was prepared in consultation with the Ranking Member, was presented to the full Committee for its consideration, and is now offered for your consideration relative to your responsibilities under the Rules.

The following agenda constitutes the oversight plan of the Committee on Agriculture for the 109th Congress. It includes areas in which the Committee and its subcommittees expect to conduct oversight or investigation of additional matters or programs as they arise. The Committee will consult, as appropriate, with other committees of the House that may share subject matter interest. If you have any questions regarding this outline, do not hesitate to contact me.

OVERSIGHT PLAN
HOUSE COMMITTEE ON AGRICULTURE
109TH CONGRESS

The Committee expects to exercise appropriate oversight activity with regard to the following issues:

2002 FARM BILL AND CURRENT AGRICULTURAL ECONOMIC CONDITIONS:

- The U.S. Department of Agriculture's (USDA) implementation of the Farm Security and Rural Investment Act of 2002;
- Current status of U.S. farm economy;
- Oversight of implementation of new peanut program, including marketing loan program, direct payments, counter-cyclical payments, and quota compensation payments;
- USDA's implementation of the Fair and Equitable Tobacco Reform Act of 2004;
- Impact of 2003 and 2004 calendar year weather conditions on 2004 crop production;

- USDA's implementation of agricultural disaster assistance contained in the fiscal 2005 Military Construction Appropriations conference report;
- Oversight of USDA's activities regarding the implementation of the U.S. Warehouse Act;
- Reauthorization of the United States Grain Standards Act; and
- Implementation of Title IX of the Farm Security and Rural Investment Act of 2002.

FEDERAL CROP INSURANCE AND RISK MANAGEMENT:

- Administration of the Federal Crop Insurance Program, including implementation of the insurance provisions contained in the Agricultural Risk Protection Act of 2000 in light of 2003 and 2004 crop and livestock disasters and continued drought conditions into the 2005 crop year;
- Risk Management Agency implementation of Premium Reduction Plans;
- Review of private sector risk management tools available to producers;
- USDA implementation of statutory provisions designed to reduce crop insurance program waste and improve program integrity;
- Proposed policy options regarding crop insurance options for revenue and gross income protection and multi-year disasters;
- Reauthorization of the CFTC; and
- Oversight of electricity market investigations by the Federal Energy Regulatory Commission and the Commodity Futures Trading Commission.

AGRICULTURAL TRADE:

- The Administration is negotiating the World Trade Organization (WTO) multilateral trade agreement affecting U.S. agriculture. Negotiations continue on the Agricultural Agreement under the Doha Development Agenda;
- Bilateral and regional FTAs are being negotiated (CAFTA-DR, Panama, Bahrain, etc.) and the impact on U.S. agriculture will be assessed;
- Countries that are under consideration for accession to the WTO, such as Russia will be evaluated on the impact on U.S. agriculture;
- USDA's implementation of the Trade Title of the Farm Security and Rural Investment Act of 2002 will be reviewed in preparation for the new Farm Bill;
- USDA and USTR's implementation of trade agreements already adopted and related issues to ensure compliance of other countries' trade obligations, including:
  - WTO dispute settlement provisions (cotton, biotechnology, geographical indications);
  - European Union (EU) issues such as the EU meat hormone ban;
  - use of the U.S. carousel legislation;
  - tariff rate quotas (TRQ);
  - biotechnology;
  - EU non-trade concerns, including animal welfare;

- o import and export state trading enterprises;
- Issues relating to the North American Free Trade Agreement (NAFTA):
  - o Canada's use of high tariffs for dairy, poultry, eggs, barley, and margarine products;
  - o Canadian exports of wheat, barley, and other agricultural commodities into the U.S.;
  - o Mexico's actions that can impair NAFTA trade on U.S. pork, apples, beef, and rice;
  - o Mexico's sanitary and phytosanitary barriers on grains and meat;
  - o Mexico's tax on soft drinks using high fructose corn syrup;
  - o U.S. sugar;
- International food assistance programs to ensure that program goals are being met in the most recent uses of the program reauthorized in the 2002 Farm Bill, including the Global Food for Education Program, Food for Progress Program, and P.L. 480; and
- Congressional oversight of trade negotiations that affects U.S. food assistance programs.

AGRICULTURAL RESEARCH AND PROMOTION:

- Review implementation of biosecurity protocols at USDA Agricultural Research Service (ARS) laboratories;
- USDA's implementation of research, education and extension programs authorized in the Farm Security and Rural Investment Act of 2002, the Agricultural Research, Extension, and Education Reform Act of 1998, and the Agricultural Risk Protection Act of 2000;
- Administration of the Agricultural Research Service's research stations and worksites;
- Review USDA's continuing ability to conduct foreign animal disease research, training and diagnostic programs at the Plum Island Animal Disease Center following the transfer of the center to the Department of Homeland Security;
- Federal efforts to facilitate research and development of aquacultural enterprises, specifically focusing on the activities of the Joint Committee on Aquaculture, chaired by the Secretary of Agriculture and including the Secretaries of Interior and Commerce;
- Implementation of USDA's regulation on organic standards;
- Review coordination between ARS, Economic Research Service (ERS), Cooperative State Research, Education, and Extension Service (CSREES) and action agencies in USDA such as Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) in order to prevent duplicative research;
- Review operation of the National Agricultural Research, Extension, Education, and Economics Advisory Board;
- Evaluate the current mix of research funding mechanisms to insure maximum benefits from these investments to food and fiber producers, processors and consumers; and
- Administration of USDA's agricultural marketing and promotion programs and to assess what, if any, legislation may be needed to carry out these programs.

CONSERVATION AND THE ENVIRONMENT:

- Comparing conservation payments to commodity program payments and their effect of

keeping producers profitable;

- Impact of regulatory activities carried out pursuant to the Endangered Species Act, or any proposed legislative changes to such Act, on agricultural producers;
- Oversight of regulatory initiatives undertaken by the Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), and the Fish and Wildlife Service (FWS) concerning Endangered Species Act consultations regarding pesticide products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act;
- Impact of EPA's regulatory activity relative to methyl bromide on production of agriculture in the U.S.;
- Review of the resource needs of the EPA as they pertain to the collection of pesticide registration, re-registration and tolerance fees;
- Review of the continuing international negotiations concerning implementation of the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- Budget and program activities of USDA's Natural Resources Conservation Service (NRCS);
- NRCS implementation of the technical service provider assistance provisions of Farm Security and Rural Investment Act '02;
- Review of the initial implementation of the Conservation Security Program;
- Review of USDA's Conservation Reserve and Conservation Reserve Enhancement Program;
- Review of implementation of the EPA's rule on animal feeding operations and its impact on the U.S. livestock industry and the practical uses of the Environmental Quality Incentives Program (EQIP) to ease implementation of the rule;
- Review of EPA's rule on permit trading under the Clean Water Act and its effect on and potential benefits to U.S. agriculture;
- Review of potential impacts of EPA's Clean Air Act regulatory program on U.S. agriculture;
- Potential consequences for production agriculture in the U.S. should the mandates contained in the Kyoto Protocol to the United Nations' Framework Convention on Climate Change be implemented by treaty, law or regulation;
- Impact of regulatory activities carried out pursuant to the Endangered Species Act, or any proposed legislative changes to the ESA, on agricultural producers;
- Impact of EPA's regulatory activity relative to methyl bromide on production agriculture in the U.S;
- Review EPA's implementation of the Food Quality Protection Act (FQPA), Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and Pesticide Registration Improvement Act (PRIA);
- Review the impact of litigation on producers who are complying with FIFRA, the Endangered Species Act, the Clean Air Act, and the Clean Water Act;
- Review the EPA's regulatory actions in regard to pesticide evaluations; and

- Review of EPA's Air Quality Compliance Agreement for Animal Feeding Operations and its impact on U.S. livestock producers.

BIOTECHNOLOGY:

- Review issues related to trade barriers and possible promotion or increase of trade regarding products helpful to third world countries (pharma/nutraceuticals);
- Review current regulatory framework for products of agricultural biotechnology;
- Specifically, review current regulations and research regarding animal biotechnology; and
- Promote education, outreach and research for increased consumer acceptance of products of biotechnology.

U.S. FOREST SERVICE ADMINISTRATION:

- Review Forest Service budget, focusing on proposed land acquisition and easement programs;
- Review Forest Service financial management and accounting, including progress towards clean financial statements and review of GAO's assessment of Forest Service's fiscal health;
- Continue oversight of Healthy Forests Restoration Act implementation, particularly Title IV projects;
- Continue oversight of Forest Service fire management program, focusing on reducing costs, achieving efficiencies in aviation management, and addressing other procurement problems;
- Conduct oversight on implementation of PL 106-393, the Secure Rural Schools and Community Self Determination Act, in preparation for eventual reauthorization;
- Review and assess effectiveness and appropriateness of programs authorized in Cooperative Forestry Assistance Act, particularly those providing technical assistance and financial assistance to private forest landowners, in preparation for the 2006 Farm Bill;
- Assess effectiveness of Forest Service's commodity programs, including forest products and grazing management;
- Review Administration efforts to reform the National Forest Planning process;
- Review status and implementation of Forest Service's Off-Highway Vehicle (OHV) policy, with particular attention to the extent to which the Forest Service uses local input to guide implementation; and
- Assess Forest Service research program to ensure it focuses on enhancing the competitiveness of the domestic forestry sector, including forest products industry and non-Federal forest landowners.

DAIRY:

- Review structure of domestic dairy industry and how it facilitates or impedes development of new products;
- Review opportunities to improve competitiveness in export markets for U.S.-produced dairy products; and
- Review options to improve the efficiency and effectiveness of dairy programs in light of current budgetary realities.

USDA GENERAL ADMINISTRATION:

- Implementation of USDA's Civil Rights settlement; and
- Confidentiality of information provided to USDA by agricultural producers.

FARM CREDIT, RURAL DEVELOPMENT, AND THE RURAL ECONOMY:

- Farm Credit Administration's (FCA) regulatory program and activities regarding the Farm Credit System (FCS) to assure the FCS' safety and soundness;
- Review of Farmer Mac activities and programs;
- Implementation of rural development policies and authorities contained in FSRIA '02 and the Consolidated Farm and Rural Development Act;
- Review the status of the Rural Telephone Bank
- Oversight of the USDA's Rural Broadband Access Loan and Loan Guarantee Program
- Oversight of the implementation of the USDA's Telecommunications Programs
- Review of rural telecommunications issues
- Review of agriculture technology issues

USDA FOOD AND NUTRITION PROGRAMS:

- Hearings will be held in preparation of the Farm Bill and related to reauthorization of the food and nutrition programs under the jurisdiction of the Agriculture Committee, including the food stamp program, the emergency food assistance program and other commodity distribution programs;
- Review of the 2005 Dietary Guidelines for Americans and any changes to the USDA Pyramid;
- USDA food assistance programs and obesity;
- Oversight of the provisions of the food stamp program, including those related to:
    - Food stamp benefits for non-citizens;
    - Transitional food stamp benefits for persons leaving welfare programs;
    - Simplification of the food stamp program by states;

- Employment and training programs for food stamp participants who are 18 to 50; years old, able-bodied and with no dependents;

- Monitor and hold hearings on the reauthorization of the program of block grants for states for temporary assistance for needy families (TANF), including waiver authority for the food stamp program and initiation of the state food assistance block grant demonstration project, as introduced in H.R. 240 on January 4, 2005;
- Assess states' use of electronic benefits transfer (EBT) systems to improve the distribution of food benefits;
- Review of the reformed food stamp quality control system on reducing overpayments, payments to ineligible participants and underpayments to assess states' administration of the food stamp program; and
- Oversight of commodity distribution programs, including the emergency food assistance program (TEFAP).

FOOD SAFETY:

- USDA's administration of the meat and poultry inspection laws and the Food and Drug Administration's food inspection activities, including seafood and seafood products to ensure that policies and resources are focused on developing scientifically sound systems for food safety assurance;
- USDA's efforts to educate consumers regarding safe food handling practices, the development of microbial interventions to reduce the frequency and severity of food borne illnesses, expanded research and development of pathogen reduction technologies, as well as streamlined, science-based policies relative to assessment and approval of food safety technologies;
- Review implementation of new protocols for meat, poultry, eggs, or seafood safety inspection, including the implementation of Hazard Analysis Critical Control Point (HACCP) pathogen reduction regulation; and
- Impact of lawsuits challenging aspects of food safety inspection modernization efforts including authority to establish and enforce microbiological performance standards and (HACCP) based inspection models.

PLANT AND ANIMAL HEALTH:

- Review implementation of the Plant Protection Act of 2000;
- Review implementation of the Animal Health Protection Act of 2002;
- Review enforcement of the Animal Welfare Act;
- Federal efforts to reduce threats to human, animal, and plant health due to predatory and invasive species;
- USDA's management of domestic pest and disease surveillance and eradication programs;
- Oversight of USDA's expanded BSE surveillance program;

- Review implementation of USDA's final rule recognizing Canada as a BSE Minimal Risk Country;
- Oversight of a national animal identification system that is being developed and implemented by USDA and to assess what, if any, legislation may be needed to carry out this program;
- Department of Homeland Security-Customs and Border Patrol (HS-CBP) administration of the Animal Health Protection Act and Plant Protection Act border inspections;
- Review of DHS-CBP expenditures of Agricultural Quarantine Inspection funds transferred from USDA-APHIS;
- Review of DHS operation of Plum Island Animal Disease Center; and
- The issue of new drug development, approval, and availability for animal agriculture as well as the implementation of the Animal Drug Availability Act.

LIVESTOCK MARKETING:

- Review potential changes and implementation of mandatory livestock price reporting and to assess what, if any, legislation may be needed to carry out this program;
- USDA's implementation of voluntary Country of Origin Labeling in preparation for mandatory Country of Origin Labeling;
- Effectiveness of the Grain Inspection, Packers and Stockyards Administration (GIPSA) in monitoring the potential for market manipulation in the livestock industry; and
- Structural changes in agribusiness and the potential costs and benefits for agricultural producers.

HOMELAND SECURITY AND BIOTERRORISM:

- Review the implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 including USDA and HHS joint regulation of select biological agents and toxins; also, protection against adulteration of food, debarment for repeated or serious food import violations, registration of food facilities and other activities;
- USDA's ability to protect, prevent and effectively deal with an attack on agriculture and its infrastructure;
- Oversight of the transfer of the Agricultural Quarantine Inspection responsibility from the USDA to the Department of Homeland Security;
- USDA's management of domestic pest and disease surveillance and eradication programs in light of the transfer of resources to the Department of Homeland Security; and
- USDA's continuing ability to conduct foreign animal disease research, training and diagnostic programs at the Plum Island Animal Disease Center following the transfer of the center to the Department of Homeland Security.

MISCELLANEOUS:

- Adequacy of agricultural labor and the agricultural guest worker program, H2A; and
- Review implementation of the Specialty Crop Competitiveness Act.

CONSULTATION WITH OTHER COMMITTEES TO REDUCE DUPLICATION:

- With Resources Committee on forestry issues and other public land issues;
- With Science Committee on Research;
- With Ways and Means and Education and the Workforce on nutrition programs;
- With Homeland Security on importation of animal and plant material;
- With Judiciary on immigrant agricultural labor;
- With Energy and Commerce on biomass energy programs both existing and new; and
- With any other committee as appropriate.

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Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515–6015

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FRANK M. CUSHING

TELEPHONE:
(202) 225–2771

February 17, 2005

The Honorable Tom Davis
Chairman, Committee on Government Reform
Washington, D.C. 20515

Dear Mr. Chairman:

On behalf of the Committee on Appropriations, I hereby transmit the Committee's plan for Oversight activities for the 109th Congress. The Committee intends to have an active and productive Congress, reviewing both ongoing governmental activities and analyzing the budget requests in order to reflect the priorities of the American people.

The Committee looks forward to working with all Members of the House of Representatives in order to fulfill our responsibilities under the Rules.

With best regards,

Sincerely,

Jerry Lewis
Chairman

109TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

REPORT

OF

OVERSIGHT PLANS

ONE HUNDRED NINTH CONGRESS

PURSUANT TO CLAUSE 2(d)(1) of Rule X

APPROVED FEBRUARY 15, 2005

U.S. GOVERNMENT PRINTING OFFICE
98-589 WASHINGTON : 2005

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

109th Congress

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LETTER OF TRANSMITTAL

FEBRUARY —, 2005

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
House of Representatives,
Washington, DC.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMEN: On behalf of the Committee on Appropriations, I hereby transmit the Committee's plan for Oversight activities for the 109th Congress. The Committee intends to have an active and productive Congress, reviewing both ongoing governmental activities and analyzing the Budget requests in order to reflect the priorities of the American people.

The Committee looks forward to working with all Members of the House of Representatives in order to fulfill our responsibilities under the Rules.

With best regards,

Sincerely,

JERRY LEWIS, *Chairman*

[FULL COMMITTEE PRINT]

109TH CONGRESS } HOUSE OF REPRESENTATIVES
1st Session

REPORT OF OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON APPROPRIATIONS

APPROVED FEBRUARY —, 2005

Mr. LEWIS of California, from the Committee on Appropriations, submitted to the Committee on Government Reform and the Committee on House Administration the following

REPORT

OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON APPROPRIATIONS

Clause 2(d)(1) of Rule X of the Rules of the House requires each standing committee of the House to adopt oversight plans at the beginning of each Congress. Specifically, the Rule states in part:

> "Rule X, clause (2)(d)(1). Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration."

JURISDICTION OF THE COMMITTEE ON APPROPRIATIONS

Rule X of the Rules of the House vests in the Committee on Appropriations broad responsibility over the Federal budget. Specifically the Rule defines the Committee's jurisdiction, as follows:

> "Rule X clause (b). Committee on Appropriations.
>
> (1) Appropriation of the revenue for the support of the Government.
>
> (2) Rescissions of appropriations contained in appropriations Acts.
>
> (3) Transfers of unexpended balances.

(4) Bills and joint resolutions reported by other committees that provide new entitlement authority as defined in section 3(9) of the Congressional Budget Act of 1974 and referred to the committee under clause 4(a)(2)."

* * * * * * *

GENERAL OVERSIGHT RESPONSIBILITIES

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of Federal laws; and (B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such changes in Federal laws, and of such additional legislation, as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

* * * * * * *

SPECIAL OVERSIGHT FUNCTIONS

3. (a) The Committee on Appropriations shall conduct such studies and examinations of the organization and operation of executive departments and other executive agencies (including any agency the majority of the stock of which is owned by the United States) as it considers necessary to assist it in the determination of matters within its jurisdiction.

* * * * * * *

ADDITIONAL FUNCTIONS OF COMMITTEES

4. (a)(1)(A) The Committee on Appropriations shall, within 30 days after the transmittal of the budget to Congress each year, hold hearings on the budget as a whole with particular reference to—

(i) the basic recommendations and budgetary policies of the President in the presentation of the budget; and

(ii) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

(B) In holding hearings under subdivision (A), the Committee shall receive testimony from the Secretary of the Treasury, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and such other persons as the Committee may desire.

(C) A hearing under subdivision (A), or any part thereof, shall be held in open session, except when the committee, in open session and with a quorum present, determines by record vote that the testimony to be taken at that hearing on that day may be related to a matter of national security. The committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member, Delegate, and the Resident Commissioner.

(D) A hearing under subdivision (A), or any part thereof, may be held before a joint meeting of the Committee and the Committee on Appropriations of the Senate in accordance with such procedures as the two committees jointly may determine.

(2) Pursuant to section 401(b)(2) of the Congressional Budget Act of 1974, when a committee reports a bill or joint resolution that provides new entitlement authority as defined in section 3(9) of that Act, and enactment of the bill or joint resolution, as reported, would cause a breach of the committee's pertinent allocation of new budget authority under section 302(a) of that Act, the bill or joint resolution may be referred to the Committee on Appropriations with instruction to report it with recommendations (which may include an amendment limiting the total amount of new entitlement authority provided in the bill or joint resolution). If the Committee on Appropriations fails to report a bill or joint resolution so referred within 15 calendar days (not counting any day on which the House is not in session), the committee automatically shall be discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(3) In addition, the Committee on Appropriations shall study on a continuing basis those provisions of law that (on the first day of the first fiscal year for which the congressional budget process is effective) provide spending authority or permanent budget authority and shall report to the House from time to time its recommendations for terminating or modifying such provisions.

(4) In the manner provided by section 302 of the Congressional Budget Act of 1974, the Committee on Appropriations (after consulting with the Committee on Appropriations of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such concurrent resolution, and promptly report the subdivisions to the House as soon

as practicable after a concurrent resolution on the budget for a fiscal year is agreed to.

Rule XIII of the Rules of the House prescribes special reporting requirements of the Committee on Appropriations. Specifically Rule XIII, clause 3(f) states:

* * * * * * *

CONTENT OF REPORTS

"(f)(1) A report of the Committee on Appropriations on a general appropriation bill shall include—

(A) a concise statement describing the effect of any provision of the accompanying bill that directly or indirectly changes the application of existing law; and

(B) a list of all appropriations contained in the bill for expenditures not currently authorized by law for the period concerned (except classified intelligence or national security programs, projects, or activities) along with a statement of the last year for which such expenditures were authorized, the level of expenditures authorized for that year, the actual level of expenditures for that year, and the level of appropriations in the bill for such expenditures.

(2) Whenever the Committee on Appropriations reports a bill or joint resolution including matter specified in clause 1(b)(2) or (3) of rule X, it shall include—

(A) in the bill or joint resolution, separate headings for "Rescissions" and "Transfers of Unexpended Balances"; and

(B) in the report of the committee, a separate section listing such rescissions and transfers."

* * * * * * *

OVERSIGHT PLAN

The Committee on Appropriations takes seriously its responsibility to conduct oversight of Government agencies and programs. This function is carried out by the Committee throughout the year at many levels of investigation and examination. For the 109th Congress the Committee intends to proceed in the following manner:

1. *Subcommittee Hearings.* The Appropriations Committee has a long tradition of in-depth analysis of the President's pending budget as well as analysis of the effective use of previously appropriated resources. For example, during the 108th Congress the Committee on Appropriations held 313 hearings, took testimony from 3,063 witnesses, and published 161 volumes of hearings totaling 156,503 pages. This level of oversight and investigation will continue during this Congress.

2. *Investigations.* In addition to formal oversight, the Committee utilizes various investigative agencies to conduct in-depth analysis of specific problem areas. These investigations are conducted by the Committee's own Surveys and Investigations Staff, the General Accounting Office, and the Congressional Research Service. In the previous Congress, the Committee received 39 Surveys and Investigations studies and 211 investigative reports from the GAO.

3. *Appropriations Bills.* The ultimate exercise of oversight is the "power of the purse" which the Committee takes as its highest responsibility. This allocation of scarce Federal dollars demands strict compliance with all budgetary concepts and strictures. The Committee intends to follow the requirements of the Congressional Budget with regard to the subdivision of budget authority and outlays to its subcommittees. Appropriations bills will be developed in accordance with the results of all the oversight activities in paragraphs 1 and 2, above and brought to the floor for consideration within all relevant budgetary constraints.

○

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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515–6035

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ROBERT S. RANGEL, STAFF DIRECTOR

January 31, 2005

Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Davis:

Pursuant to House Rule X, I am forwarding you an electronic and paper copy of the House Armed Services Committee's Oversight Plan for the 109th Congress, as approved by the Committee on Wednesday, January 26, 2005.

Thank you for your attention to this important matter, and I look forward to working with you in the 109th Congress.

With best wishes.

Sincerely,

Duncan Hunter
Chairman

DH:whn
Enclosures

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON ARMED SERVICES

109th Congress

Oversight Plan

This oversight plan is filed pursuant to clause 2(d) of rule X of the Rules of the House of Representatives which requires that, not later than February 15 of the first session of a Congress, each standing committee of the House shall adopt its oversight plan for that Congress.

Introduction

The oversight responsibilities of the Committee on Armed Services will be conducted primarily within the context of the committee's consideration of the annual defense authorization bill. This legislation covers the breadth of the operations of the Department of Defense as well as a significant portion of the annual operating budget of the Department of Energy. The annual national defense budget involves millions of military and civilian personnel, thousands of facilities, and hundreds of agencies, departments, and commands located throughout the world. The committee will continue to perform general oversight of the structure and management of the Department of Defense and related topics. However, the Committee will also pursue a range of additional oversight activities necessary to monitor and facilitate the effective prosecution of U.S. military operations in Iraq, Afghanistan and around the world.

The committee conducts continuous oversight of laws, programs, and agencies under permanent authority in Titles 10 (Armed Forces), 32 (National Guard), 37 (Pay and Allowances), 42 (Atomic Energy), and 50 (War and National Defense), United States Code, which are within its jurisdiction.

The jurisdiction of the committee, pursuant to clause 2(c) of rule X of the Rules of the House of Representatives is as follows:

1. Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.
2. Common defense generally.
3. Conservation, development, and use of naval petroleum and oil shale reserves.
4. The Department of Defense generally, including the Departments of the Army, Navy, and Air Force generally.
5. Interoceanic canals generally, including measures relating to the maintenance, operation, and administration of interoceanic canals.
6. Merchant Marine Academy, and State Merchant Marine Academies.
7. Military applications of nuclear energy.

8. Tactical intelligence and intelligence related activities (TIARA) of the Department of Defense.
9. National security aspects of the merchant marine, including financial assistance for the construction and operation of vessels, the maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference, and merchant marine officers and seamen as these matters relate to national security.
10. Pay, promotion, retirement, and other benefits and privileges of members of the armed services.
11. Scientific research and development in support of the armed services.
12. Selective service.
13. Size and composition of the Army, Navy, Marine Corps, and Air Force.
14. Soldiers' and sailors' homes.
15. Strategic and critical materials necessary for the common defense.

In addition to its legislative jurisdiction and general oversight function, the committee has special oversight functions with respect to international arms control and disarmament and the education of military dependents in schools pursuant to clause 3(g) of rule X of the Rules of the House of Representatives.

Oversight Agenda

The committee will continue its oversight and assessment of threats to U.S. national security. The committee will regularly assess national security threats and challenges as it considers of the fiscal year 2006 and fiscal year 2007 defense budget requests. This effort will involve oversight hearings with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the individual service secretaries and chiefs of staff, combatant commanders, officials of the Department of Defense and the military departments, the Director of National Intelligence, including the National Counter Terrorism Center and other defense-related intelligence agencies, and the Secretary of Energy, the Under Secretary for Nuclear Security and other officials of the Department of Energy. In addition, the committee will invite the views and perspectives of outside experts in academia, industry, associations, and those in private life on these matters.

The oversight agenda below, unless otherwise noted, is designed to support the consideration by the committee and, ultimately, the House of Representatives of the annual defense authorization bill as well as the committee's broader oversight responsibilities. The issues identified below are expected to be on-going areas of oversight activity throughout the 109th Congress. In addition, the committee will pay particular attention to the mandates placed on executive departments and agencies by Public Law 103-62, the Government Performance and Results Act of 1993. Pursuant to clause 2(d)(1) of rule X of the Rules of the House of Representatives, the committee will also examine rules, regulations, statutes, and court decisions affecting the Department of Defense and the Department of Energy for their effects on efficiency and good management practices.

Given the unique nature of national security issues and related oversight of the armed forces, the oversight agenda is subject to the emergence of unforeseen events that may displace previously planned activities. Such events significantly complicate the ability to prescribe with great accuracy or specificity the entire oversight agenda of the committee. For instance, the oversight of defense activities by the committee has historically involved in-depth assessments of military operations and other major events that are generally difficult to predict in advance. Most recently, the committee held extensive hearings and briefings on the conduct of Operation Iraqi Freedom, the pursuit of terrorists and insurgents in Iraq, the force protection capabilities of U.S. armed forces deployed around the world (in particular, as they relate to the responsiveness of the defense acquisition system and the U.S. industrial base to properly and rapidly equipping military forces), the process of establishing indigenous security forces in Afghanistan and Iraq, and the continued threat of weapons of mass destruction proliferation to states such as North Korea and Iran. The breadth and demands of these reviews are such that they can dominate committee and staff resources, sometimes at the expense of other planned activities. The continuing unsettled nature of the post-September 11 world requires that event-driven oversight continue, despite the impact on planned oversight activities.

In addition, the committee has a long tradition of translating oversight activities into prescriptive legislative action as reflected in past efforts such as providing for concurrent receipt of retirement and disability benefits for veterans with qualifying combat related disabilities, reforming the military retirement system, the Goldwater-Nichols Department of Defense Reorganization Act, the Federal Acquisition Workforce Improvement Act, the Federal Acquisition Streamlining Act of 1994, the Federal Acquisition Reform Act of 1996, establishing the National Nuclear Security Administration and related reforms of the management of the national security programs of the Department of Energy, and reforming the military health care system. Additionally, the committee has taken an active role in the monitoring and engaging in the various aspects of technology export policy and associated legislation such as the Export Administration Act and expects to continue that effort in the 109th Congress. The committee will continue to maintain a strong linkage between formal oversight efforts and legislative initiatives.

In addition to the above, the following specific areas and subjects are identified for special attention during the 109th Congress.

POLICY ISSUES

National Military Strategy and Other Defense Policy Issues

Particular attention will be given, to the following: the adequacy of active and reserve component force structure and end strength to carry out the national military strategy of the United States; Department of Defense efforts to convert lower priority military personnel spaces to higher priority requirements; initiatives to enhance guard and reserve forces and integrate active and reserve components; the role of contingency

operations in the execution of the National Military Strategy and the force structure required to sustain such operations; implementation of the National Military Strategy delineated in the Quadrennial Defense Review; the technological, doctrinal, and other factors affecting the long-term transformation of the conduct of military operations; force structure changes being made or contemplated in order to achieve the Department's transformational goals; authorities and resources available and necessary to conduct reconstruction and stabilization operations; a review of the roles and responsibilities of the Chairman of the Joint Chiefs of Staff and of the combatant commands' military requirements, including the reorganization and functional realignment of Strategic Command and the evolving mission of the Northern Command and its ability to complement the missions of the Department of Homeland Security; and the roles and missions of the armed services and their implications for modernization requirements and the development of major weapons systems.

Global War on Terrorism

Since September 11, 2001, the Department of Defense has conducted continuous military operations against those who might threaten the security of the United States or its friends and allies. Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom have placed new demands on the armed forces and required them to alter standard operating procedures, training, doctrine, and traditional concepts of operations. Even as this occurs, enemies of the United States are adapting their tactics and techniques to exploit those areas where U.S. capabilities might not be as strong. Consequently, it is increasingly clear that success in these areas requires increased cooperation between and among federal departments and agencies. The committee will also continue to examine the department's role in counternarcotics efforts and the link to terrorism. The committee will review these efforts to ensure that the Department of Defense contributes to the long-term success of government-wide efforts to prevail in the Global War on Terrorism.

Intelligence

The committee will continue to coordinate with the Permanent Select Committee on Intelligence on tactical intelligence matters, intelligence-related activities of the Department of Defense and intelligence and counterintelligence activities of the Department of Energy in the course of its annual oversight of the intelligence community and the authorization of appropriations for intelligence activities shared by the two committees. The committee will place particular emphasis on the ongoing reorganization of the Intelligence Community, through implementation of the National Intelligence Reform Act of 2004 (Public Law 108-458), with particular interest in improving the quality of the Nation's intelligence and ensuring our national intelligence community continues to provide rapid and full support to military operations and requirements.

Space Programs

Particular attention will be given, to the policies and programs associated with the protection of national security space assets and the development of space-based effects in

military operations. The committee will assess Department of Defense efforts to leverage industry and academia for the purposes of increasing the quality of space-qualified personnel involved in space programs. Further, the committee will engage the space community to develop a clearly articulated and coherent space control policy as well as explore opportunities to further integrate space assets with the nation's warfighting capabilities.

Missile Defense Programs

The committee will continue to monitor the Department of Defense's plans to accelerate fielding of an initial capability for several missile defense programs. The committee will focus on three areas: tracking of key milestones for the development and testing of missile defense elements and the effect on future program viability, tracking the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) requirement for establishing system baselines and operational test and evaluation criteria, and transitioning of missile defense elements to the individual military services for eventual acquisition and operation.

Organization and Management of the Department of Defense

The committee will review Department of Defense infrastructure and organization, in particular defense reform proposals recommended by the administration or implemented in light of lessons learned from past efforts at defense transformation, Operations Enduring Freedom and Iraqi Freedom, and the ongoing reorganization of the intelligence community. In addition, the committee will assess the Department of Defense's implementation of the reforms in joint officer management and joint professional military education mandated by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375).

Threats Posed by Unconventional Warfare

The committee will continue its oversight of unconventional threats to national security and U.S. military forces. Particular attention will be given to: the continuing response of the Department of Defense to the events of September 11, 2001, and the Global War on Terrorism; the operations of the Northern Command; the adequacy of military force protection measures, including intelligence, operational, and tactical doctrine; equipment modernization necessary to conduct the global war on terrorism; progress in establishing a national collaborative environment for intelligence information; the conduct of information operations; related organizational matters; the design of installations and facilities to address threats posed by terrorism utilizing either conventional weapons or weapons of mass destruction; and the role and involvement of the Special Operations Command.

Military Applications of Nuclear Energy

The committee will continue to assess Atomic Energy Defense Activities programs, including, but not limited to, the following: continuing modernization and maintenance of U.S. defense nuclear force structure in support of military and national security requirements; assessment of possible effects of a nuclear test ban, in whole or in part, on the safety and reliability of the U.S. nuclear deterrent; the adequacy of the Department of Energy's science-based stockpile stewardship program to guarantee the safety, reliability and performance of the stockpile in the absence of testing; assessment of options for the disposition of weapons-grade plutonium and highly enriched uranium; Department of Energy compliance with Design Basis Threat requirements; implementation of Waste Incidental to Reprocessing changes, including the National Academy of Sciences study on nuclear waste, required by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375). Additionally, the committee will pursue an assessment of security standards and practices at Los Alamos National Laboratory and other National Nuclear Security Administration sites, with a specific focus on the quality of federal oversight of laboratory management and operating contractor security practices; an evaluation of National Nuclear Security Administration performance of its roles and missions under Title 50 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65); implementation of the recommendations of the Nuclear Posture Review undertaken pursuant to sections 1041 and 1042 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398); and the national security implications of the Moscow Treaty requiring a reduction in active, deployed strategic weapons to a level of 1,700-2,200 weapons by 2012.

Nuclear Non-Proliferation and Threat Reduction

The committee will continue its oversight of the Cooperative Threat Reduction program and nuclear non-proliferation issues. In particular, the committee will focus on ensuring increased transparency and high standards of conduct from participating parties and ensuring complete access and accountability for these programs. The committee will also assess the appropriate conditions to be placed on non-proliferation assistance given to the states of the former Soviet Union.

Technology Transfers and Export Controls

The committee will continue to examine the U.S. export control regime and its effectiveness in preventing the transfer of sensitive military-related technologies to potential adversaries. In particular, the committee will assess the effects of globalization, including industrial mergers and acquisitions, on the ability of the United States to prevent the flow of militarily sophisticated dual-use technologies to potential adversaries, and evaluate proposals to modify existing domestic and multilateral export control regimes. In these and other export control-related areas, the committee will continue to coordinate with the Committee on International Relations.

Transformation

The Secretary of Defense has made transformation of U.S. military forces to meet the challenges of the 21st Century one of his highest priorities. The 2001 Quadrennial Defense Review outlined six transformational goals for the Department of Defense and the military services. The 2005 Quadrennial Defense Review is anticipated to further refine these transformation goals. The committee expects that balancing funding for transformational programs and initiatives along with supporting the cost of the Global War on Terrorism will be a challenging aspect of the fiscal year 2006 budget submission. The committee will hold oversight hearings on a number of aspects regarding transformation, including funding for the Department's transformation investment accounts, initiatives such as anti-access capabilities, enhanced space operations, and leveraging information technology and information operations, and funding for and implementation of the Army's plan to modularize active and reserve component combat brigades.

Homeland Defense

The National Defense Authorization Act for FY 2002 (P.L. 107-107) created an Assistant Secretary of Defense for Homeland Defense to oversee Department of Defense activities related to homeland security. In October 2002, the Department established a new combatant command, Northern Command, to provide unity of command for the land, sea and air defense of the United States. Although measures have been established to coordinate Department of Defense homeland defense and counter-terrorism programs with those of the Departments of Homeland Security, Health and Human Services, and others at the interdepartmental level, these measures do not appear to have been carried through to the operational level, particularly in the areas of acquisition. The Ronald W. Reagan National Defense Authorization Act for FY 2005 (P.L. 108-375) created new authority for the use of the National Guard under title 32, U.S. Code, in support of homeland defense activities. The implementation of this new statutory authority, as well as progress the department has made in various aspects of periodic homeland defense, will be a focus of committee oversight activities.

ACQUISITION ISSUES

Acquisition Policy

The committee will continue to monitor the ongoing implementation of the Federal Acquisition Streamlining Act of 1994, the Federal Acquisition Reform Act of 1996, and other recent reforms of the federal acquisition system as they affect the procurement practices of the Department of Defense. The Department of Defense has revised the 5000 series acquisition regulations that established acquisition program milestones and decision criteria to provide streamlined guidance designed to support shorter acquisition timelines. The committee will examine the effectiveness of these changes. In addition, the committee will examine the Department's reaction and use of the rapid acquisition process to support the conduct of the Global War on Terrorism. In particular, the committee will focus on the acquisition of space systems and Department efforts to develop a separate space acquisition system. The committee will continue to

coordinate with the Committee on Government Reform in matters of shared jurisdiction and interest.

Financial Management and Oversight of Weapons Programs

Major weapons system development and acquisition programs continued to experience cost growth and schedule delays over the past several years. The committee will assess the need for legislative action by examining causes of these problems including, requirements growth, late requirements definition of, poor cost estimating, improper funding profiles, labor and material cost increases, poor program execution, and program instability.

Military Modernization

Particular attention will be given to the following: a continuing examination of military equipment modernization with respect to military capability; Army modularity; tactical aviation and bomber force structure; shipbuilding requirements; anti-submarine and mine warfare; strategic and tactical logistic lift capability; development of joint-service transformation programs; ammunition and the associated industrial base; and inventories of precision and conventional munitions.

Force Protection

The committee will monitor force protection measures used to combat asymmetric unconventional threats. Particular attention will be given to the following: tactical wheeled vehicle armoring initiatives; personnel body armor; countermeasures to improvised explosive devices; countermeasures to rockets and mortars; equipment modernization necessary to combat asymmetric threats and the associated industrial base; and the innovation of operational training, tactics and procedures necessary to meet rapidly evolving asymmetric threats in theaters such as Iraq and Afghanistan.

Cost Accounting and Asset Management Reforms

Four years ago the Department of Defense embarked on an effort to update cost accounting and asset management systems. Congress supported the effort with the expectation that installation of modern computer-based systems would increase efficiency and result in significant cost savings. To date there is neither evidence that significant progress has been made, nor savings realized. The committee intends to determine what actions must be taken to cause successful completion of this modernization effort.

MILITARY READINESS

Base Realignment and Closure

The committee will continue to examine the costs and savings associated with base realignment and closure actions taken in 1988, 1991, 1993, and 1995. In addition, the committee will closely monitor the conduct of the Department of Defense and the Base Realignment and Closure Commission during the 2005 base realignment and closure round authorized in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107). The committee will also examine the impact of base realignment and closure actions on affected local communities, particularly the effects of regulations and statutes governing base reuse, property disposal, and community adjustment assistance. Furthermore, the committee will assess the effects of base realignment and closure actions on force readiness, strategic posture, and surge capabilities.

NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE

The committee will continue its oversight of the implementation of the recently enacted Maritime Security Act of 2004. In addition, the committee will monitor closely the administration's efforts at implementing the new national security tanker program. Concerns have been raised as to the effectiveness of the title XI loan guarantee. The committee will address the need for additional legislation to ensure the continuation of a viable program. The committee will also continue to assess the condition of the National Defense Reserve Fleet and the administration's efforts at disposing of the vessels using domestic sources in an environmentally sound manner.

TOTAL FORCE, PERSONNEL, AND HEALTH ISSUES

Force Readiness and Adequacy

The committee will closely examine the need for active end strength growth in the Army and Marine Corps beyond the levels authorized by the 108th Congress. In addition, the committee will assess the mix of active and reserve component forces to ensure that each component is effectively structured to sustain the war on terrorism. Particular attention will also be given to the following: the impact of the high pace of deployments and frequency of troop rotations to combat zones on service personnel and their families; the adequacy of recruitment and retention policies, programs and resources of the military services; current policies supporting officer and enlisted recruiting, accessions, training, promotions, separations, and retirements; and pay, compensation, and other benefits of military service.

Mobilization and Sustainment of the Reserve Components

There are growing numbers of reports that the reserve components are facing increasing difficulty in sustaining personnel levels required by the Global War on Terrorism and by force requirements for missions beyond wartime requirements. Over the longer term, the committee expects that the independent commission on the National Guard and Reserves established by the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) will provide useful insight into necessary future reforms. In the near term, the committee will closely examine mobilization

policies and processes, as well the use of incentives for voluntary service and the authorities and processes related to involuntary recalls to active duty to determine if changes are required sooner than those that might be recommended by the independent commission.

Health Care and Medical Readiness for Reserves

The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) provided enhancements to the health care benefits for reserve component members and their families as well as new initiatives to improve medical readiness for the reserves. The committee will pay particular attention to ensure that DOD properly and equitably implements TRICARE Standard coverage for eligible reservists and their families. The implementation of the program will require the Department of Defense to make a number of policy determinations that will require close oversight by the committee to ensure the program is promptly and equitably implemented. Additionally, the committee will consider the findings of a Comptroller General study on the cost and feasibility of providing private health insurance stipends for members of the Ready Reserves. The committee will also monitor efforts by the Department to develop a comprehensive plan to improve medical readiness and health status tracking of members of the Armed Forces, particularly members of the reserve components.

Wounded and Disabled Service Members and Their Families

The committee will focus during the 109th Congress will be the adequacy of Department of Defense policies and programs for wounded and disabled service members and their families. Particular attention will be given not only to the ability of the military services to provide for injured military personnel and their families while on active duty, but also to the effectiveness of the systems to provide for wounded and disabled service members following separation from active duty. To these ends, the committee will oversee the medical treatment and medical holdover programs and assess the processes and outcomes of the medical and physical evaluation boards in each service to ensure their fairness and equity for active and reserve component personnel. The committee will be particularly interested in the processes used by the services to retain disabled service members who wish to remain on active duty.

As part of a continuing assessment of programs designed to provide a seamless transition to civilian life for active and reserve component service members and their families, the committee will oversee programs such as the Army's Disabled Soldier Support System and the Marine for Life Program. The committee will work with the Departments of Veterans' Affairs and Labor, and the House committees with jurisdiction over those departments, to oversee the inter-agency arrangements related to the seamless transition of wounded and disabled service members and their families. The committee will also evaluate the Department of Defense's ability to integrate and coordinate the services and resources available to wounded and disabled service members and their families not only from other federal agencies, and the private sector. These efforts will

be in addition to the Comptroller General review of the Department of Defense transition assistance programs mandated by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375).

Mental Health Services for Members of the Armed Forces

The committee will assess the adequacy and effectiveness of mental health services provided to members of the Armed Forces and their families. Particular attention will be given to mental health services for service members and their families during a deployment to combat theaters and during the post-deployment period. Given the desire for a comprehensive look at these issues, the committee directed the Comptroller General in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) to review the existing mental health treatment and screening resources currently provided by the Department of Defense. The review, due to Congress by March 31, 2005, will require the immediate attention of the committee.

Military and Military Retiree Health Care

The committee will continue efforts to address the cost, accessibility, and quality of peacetime military health care. In particular, the committee will focus on issues related to beneficiary access to TRICARE providers, especially for those beneficiaries using TRICARE Standard. The committee will also continue to assess reports of provider shortages in some areas.

Sexual Assault in the Military

The committee will continue efforts to prevent sexual assaults in the military and to ensure that victims of sexual assault are provided appropriate care and support. The committee anticipates that the final report from the Task Force on Sexual Harassment and Violence at the Military Academies will provide a number of proposals that merit adoption and implementation. Given the desire for a more expansive and comprehensive look at the issues, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) expand the mission of the task force to include an examination of all matters relating to sexual assault in the military and to provide recommendations for more effectively address sexual assault. Additionally, the committee is interested in how sexual assaults are treated in the military justice system and will focus on the recommendations by the Department of Defense for revision of the Uniformed Code of Military Justice. Finally, the committee will review and assess the Department of Defense policy and procedures on prevention and response to sexual assaults involving members of the Armed Forces.

Morale, Welfare, and Recreation Programs

Particular attention will be given to the following: oversight of morale, welfare, and recreation programs; examination of military exchanges and commissaries; and oversight

of non-appropriated fund construction programs and other non-appropriated fund instrumentalities.

Civilian Personnel

The committee will continue its oversight efforts of Department of Defense civilian personnel pay and policies with a particular emphasis on the implementation of National Security Personnel System.

SCIENCE, TECHNOLOGY, AND ENVIRONMENTAL ISSUES

Accelerating Transition and Fielding of Advanced Technologies for Emerging Critical Operational Needs

The pace at which new technology moves from the laboratory to a fielded system has been an area of continuing concern to the Department of Defense and to Congress. There are a number of initiatives underway in the Department of Defense to address this problem: the Advanced Concept Technology Demonstration program; the Army's Rapid Fielding Initiative; the Technology Transition Initiative; the Defense Challenge Program; the Small Business Innovative Research program; congressional direction to the Secretary of Defense to proscribe rapid acquisition and deployment procedures, special emergency procurement authority for use in support of contingency operations or in response to a nuclear, biological, chemical, or radiological attack; and establishment of the quick reaction special projects program. The committee will review the effectiveness of these programs and assess additional measures recommended by the Department to accelerate the more rapid transition and fielding of advanced technologies to meet emerging critical needs.

Chemical-Biological Defense Program

The preparedness of U.S. armed forces to fight effectively under the threat of the use of chemical or biological weapons by an adversary has been an area of continuing interest and oversight by the committee since before the 1990 Persian Gulf War against Iraq. A major reorganization of the chemical-biological defense program management within the Department of Defense to make the program more responsive to the needs of the forces in the field (and to homeland defense requirements) took place in fiscal year 2004. Changes in some elements of the program as a result of that reorganization are likely to be a part of the fiscal year 2006 budget request. The committee will review the current state of preparedness for chemical-biological defense among U.S. armed forces and assess the effectiveness of the program management and the adequacy of program funding.

Accelerating the Research, Development, and Acquisition of Medical Countermeasures Against Biological Warfare Agents

In the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), Congress directed the Secretary of Defense to accelerate the Department of Defense's efforts to develop medical countermeasures against biological warfare agents and for the Institute of Medicine and the National Research Council to identify new approaches to accelerate the process for review and approval of such countermeasures. In Public Law 108-186, Congress provided the authority for the Secretary to establish an enhanced biomedical countermeasures program to protect members of the Armed Forces from attack with chemical, biological, radiological, or nuclear agents. During consideration of the Fiscal Year 2005 budget request, the committee directed the Secretary to provide the Department's strategic plan implementing these authorities. The committee expects to address the effectiveness of this plan during oversight hearings on the chemical-biological defense program.

Chemical Demilitarization Program

Under the Chemical Warfare Convention Treaty, the United States is required to complete destruction of its stockpile of lethal chemical warfare agents and munitions by September 2012. Although approximately one-third of the U.S. chemical weapons stockpile has been destroyed and progress is being made in bringing on line the last of the Army's baseline incineration plants, long-term technical issues and political and environmental controversies have resulted in significant program delays and cost growth in the program. A recent Department of Defense acquisition decision subdivides the program and funding into Army- and Office of the Secretary of Defense-managed elements and limits construction of the Office of the Secretary of Defense-managed facilities pending the identification and assessment of more cost-effective alternatives. The committee will review the current state of the program as well as measures that may be taken to reduce program costs and accelerate the destruction of the stockpile.

Environmental Programs

The committee will examine the Department of Defense and military services' environmental management programs including funding levels and adherence to federal, state, and local requirements for cleanup, compliance, and pollution prevention. The committee will also examine the Department's conservation and environmental technology programs. Particular attention will be given to the effect that compliance with federal, state, and local environmental requirements has on military units' ability to realistically utilize test and training ranges and military installations.

Industrial and Technological Base

The operations in Iraq and Afghanistan have placed significant surge requirements on the defense industrial base. The committee is concerned that in several instances, critical equipment and spare parts could not be delivered in a timely manner and creating a significant problem for the combatant commander. Current law (10 U.S.C. 2501) requires that the National Technology and Industrial Base be capable of supporting military operations of varying intensity and duration. The committee will conduct a

careful examination of industrial and governmental performances in fulfilling these requirements and the Department of Defense process of ensuring this capability. In addition, attention will be given to the following: current budgets and policies related to the maintenance of the defense industrial and technology base; development and transition of advanced manufacturing technology; the ramifications of mergers and acquisitions in the defense industry on the development of future weapons systems; dual-use technology programs; examination of the current defense laboratory and testing system; the role of defense funding for university research in the maintenance of the technology base; the role of defense education funding to stimulate the creation of scientist and engineers; and the adequacy of the science and technology base to support force transformation.

Information Technology

The committee will continue its oversight into the Department of Defense's information technology (IT) programs, systems, and policies, including business and national security systems. The committee will pay particular attention, but not limited to the following issues: implementation by the Department of the information security reforms authorized by the E-Government Act of 2002, as well as numerous provisions in various National Defense Authorization Acts, including the new business management domain structure and authority, end-to-end Internet Protocol version 6 testing, and others; assessment of the measures the Department is executing or will implement to reduce the number of legacy systems, and to improve the security of its myriad of networks; establishment and implementation of an information architecture for all information technology systems and programs, to include networks and applications; reduction of the vulnerability of information technology systems to unauthorized access and use, the theft of information, and new forms of information or cyber-warfare and terrorism; and evolution of information operations that are supported by IT programs. The committee will continue applying strict scrutiny to the Department's enterprise-wide business systems that are intended to streamline how the Department handles its day-to-day business operations. The committee will also closely monitor the Department's implementation of these enterprise-wide systems to evaluate its costs, schedules, and scalability. Committee oversight will also focus on attaining a better understanding of the Global Information Grid (GIG) architecture for tactical information technology systems and how intelligence, operations, logistics, communications, and other tactical information technology systems fit together in an enterprise architecture to ensure cost savings and to minimize redundancies, while delivering more capabilities to the operators. As appropriate, the committee will continue to coordinate with the Committee on Government Reform. Additionally, the committee will review the management of radio frequency spectrum to ensure that national security requirements are adequately addressed. In that review, the committee will continue to coordinate with the Committee on Energy and Commerce in this matter of shared jurisdiction and interest.

Space Technology

Particular attention will be given to cooperation within the Department of Defense between the office of the Director for Defense Research and Engineering and the National Security Space Office to fill the void that exists between space science and technology efforts and operational space requirements development. Additionally, the committee will closely monitor and the development of small-satellite and responsive launch technology with the objective of full demonstration and future operational deployment.

JIM NUSSLE, IOWA
CHAIRMAN

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(202) 226-7270

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THOMAS S. KAHN, MINORITY STAFF DIRECTOR
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U.S. House of Representatives
COMMITTEE ON THE BUDGET
Washington, DC 20515

February 17, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Davis:

Pursuant to Rule X, Clause 2 of the Rules of the House of Representatives, I respectfully submit the oversight plan of the Committee on the Budget for the 109th Congress. The oversight plan was adopted by the committee on February 2 by voice vote.

Sincerely,

Jim Nussle

Jim Nussle
Chairman

(202) 226-7270 309 Cannon House Office Building e-mail: budget@mail.house.gov

PRINTED ON RECYCLED PAPER

OVERSIGHT PLAN
COMMITTEE ON THE BUDGET
U.S. HOUSE OF REPRESENTATIVES
109th CONGRESS

Resolved: That the Committee on the Budget, pursuant to clause 2(d) of House Rule X, and Committee Rule 23, adopt as the Oversight Plan of the Committee on the Budget for the 109th Congress the following:

COMMITTEE JURISDICTION/OVERSIGHT

Under clause 2(d) of House Rule X, each committee is required to adopt and submit to the Committees on Government Reform and House Administration an oversight plan by February 15 of the first session of each Congress. The Budget Committee's oversight responsibilities are determined by both the breadth of the Federal budget and the relatively narrow focus of its legislative jurisdiction.

Under clause 1(d)(1) of House Rule X , the primary responsibility of the Budget Committee is the development of a concurrent budget resolution that sets spending and revenue levels in aggregate and across 20 budget functions. These budget functions encompass all Federal programs or activities other than those that are defined as off-budget, such as Social Security and the Postal Service, and those that are considered non-budgetary, such as the Federal Reserve.

Although the subject matter of the budget is inherently broad, the committee's formal oversight responsibility focuses on laws governing the budget process and the agencies responsible for administering elements of those laws. Under clauses 1(d)(2) and (3) of House Rule X, the major laws falling within its oversight are the Budget and Accounting Act of 1920, the Congressional Budget Act of 1974, and the Emergency Balanced Budget and Deficit Control Act of 1985. The two agencies with primary responsibility for administering elements of these laws and hence which fall under the Committee's jurisdiction are the Office of Management and Budget [OMB] and the Congressional Budget Office [CBO].

In addition to these general oversight responsibilities, the Budget Committee has the special oversight responsibility under clauses 3(b) and 4(b) of House rule X to study the effect on budget outlays of existing and proposed legislation and to request and evaluate continuing studies of tax expenditures.

OVERSIGHT PLAN FOR 109th CONGRESS

Budget Priorities

In the process of developing the annual concurrent budget resolution, the Committee will hold hearings and receive testimony from Members of Congress, Cabinet-level and other Federal officials, State and local officials, and expert witnesses to review the President's budget submissions and other alternatives to programs and activities.

The Committee shall continuously assess the performance of Federal agencies in both administration and service delivery by reviewing performance data in the President's budget submissions and the relevant reports and audits of the General Accounting Office and the Offices of the Inspectors General.

The Committee will study the budgetary effect of existing law and proposed legislation, as well as government regulation, on government spending.

The Committee will draw on the authorizing committee's Views and Estimates on the President's Budget, which are submitted to it pursuant to section 301(d) of the Congressional Budget Act, to coordinate development of the annual concurrent budget resolution.

Budget Enforcement

The Committee will provide ongoing oversight of the Office of Management and Budget's implementation of budget submission, control, execution, and enforcement procedures under the Budget and Accounting Act of 1920, the Congressional Budget and Impoundment Control Act of 1974, the Budget Enforcement Act of 1990, and the Balanced Budget and Emergency Deficit Control Act of 1985, and other applicable laws. Additionally, the Committee will examine the accuracy, timeliness, and responsiveness of OMB.

The Committee will consider proposals and study alternatives to improve ways in which the Congress and the President develop and enforce budgetary decisions. This will include an examination of the tools and methods utilized by the various States.

In addition, the Committee will closely monitor adjustments to the discretionary spending limits, reclassifications of budget accounts, re-estimates of the subsidies of credit programs, consistency in cost estimates for direct spending and tax bills, compliance with the Emergency Balanced Budget and Deficit Control Act in the development of baseline budget projections, and changes in spend-out rates for discretionary programs, and implementation of performance plans.

The Committee will work with the Appropriations and the authorizing committees to ensure that spending and tax legislation does not breach the appropriate levels in the budget resolution, as required under sections 302(f) and 311(a) of the Congressional Budget Act of 1974.

Budget Process Reform

The Committee will consider proposals to improve the ways in which the Congress and the President develop and enforce budgetary decisions.

Direct Spending and Tax Incentives

The Committee will request and evaluate continuing studies of tax incentives and direct spending by the Federal Government, and whether they are the most appropriate and efficient means to achieve specified public policy goals.

OVERSIGHT SCHEDULE

First Session (2005)

Winter 2005—Hearing on CBO's Economic and Budget Outlook – Director of CBO.

Winter 2005—Hearing on the President's fiscal year 2006 budget – Director of OMB.

Winter 2005—Hearing on Social Security.

Winter 2005—Hearing on National/Homeland Security.

Winter 2005—Hearing on Domestic Entitlements.

Winter 2005—Hearing on the economic outlook and the impact on the Federal Budget – Chairman, Board of Directors of the Federal Reserve System.

Winter 2005—Hearing on the President's fiscal year 2006 budget – Members of Congress.

Winter 2005—Receive Views and Estimates from other committees to coordinate the development of the annual concurrent budget resolution.

Summer 2005—Hearing on oversight of the Congressional Budget Office.

Summer 2005—Hearing on issues related to tax reform.

Summer 2005—Hearing to review innovative initiatives developed by States to enforce budget discipline.

Summer 2005—Hearing to review the administrations's performance scorecard of Federal agencies and programs – Deputy Director of OMB, expert witnesses.

Summer 2005—Hearing on issues related to budget controls.

Summer 2005—Hearing on Pension Benefit Guaranty Corporation liabilities.

Summer 2005—Possible hearing on regulatory budgeting.

Summer 2005—Hearing on Mid-Session Review – Director of OMB.

Summer 2005—Hearing on the Update of the Budget & Economic Outlook – Director of CBO.

Summer 2005—Field hearing on topical subject to be determined.

Second Session (2006)

Winter 2006—Hearing (possible joint House/Senate) on CBO's Economic and Budget Outlook – Director of CBO.

Winter 2006—Hearing on the economic outlook and the impact on the Federal Budget – Chairman, Board of Directors of the Federal Reserve System.

Winter 2006—Hearing on the President's fiscal year 2007 budget – Director of OMB.

Winter 2006—Hearing(s) on the President's fiscal year 2007 budget.

Winter 2006—Hearing on the President's fiscal year 2007 budget – Members of Congress.

Winter 2006—Receive Views and Estimates from other Committees to coordinate the development of the annual concurrent budget resolution.

Summer 2006—Hearing on the Mid-Session Review – Director of OMB.

Summer 2006—Hearing on the Update of the Budget & Economic Outlook – Director of CBO.

Summer 2006—Hearing on oversight of OMB – Director of OMB.

Summer 2006—Field hearing on topical subject to be determined.

The Committees on Appropriations and the Committee on Ways and Means were consulted with regard to the development of this Oversight Plan.

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February 8, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

On Wednesday, February 2, 2005, the Committee on Education and the Workforce adopted in open session and with a quorum present, its oversight plan for the 109th Congress.

A copy of the plan is enclosed and I am transmitting it to you and the Committee on House Administration as required by Rule X, clause 2 of the Rules of the House of Representatives.

Sincerely,

JOHN A. BOEHNER
Chairman

JAB/jms

[Committee Print]

REPORT OF OVERSIGHT PLAN
OF THE
COMMITTEE ON EDUCATION AND THE WORKFORCE

MR. BOEHNER, from the Committee on Education and the Workforce, submitted to the Committee on Government Reform and the Committee on House Administration the following.

REPORT
OVERSIGHT PLAN
OF THE HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE

1. House Rule X, Clause 2(d)(1)

Each standing committee of the House is required to adopt formally an oversight plan at the beginning of each year. Specifically, Rule X, 2(d)(1) states in part:

> *[E]ach standing committee of the House shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration.*

2. Jurisdiction of the Committee on Education and the Workforce.

Rule X of the Rules of the House vests in the Committee on Education and the Workforce (Committee) with jurisdiction over issues dealing with students, education, workers, and workplace policy.

1. *Child Labor.*
2. *Gallaudet University and Howard University and Hospital.*
3. *Convict labor and the entry of goods made by convicts into interstate commerce.*
4. *Food programs for children in schools.*
5. *Labor standards and statistics.*
6. *Education or labor generally.*
7. *Mediation and arbitration of labor disputes.*
8. *Regulation or prevention of importation of foreign laborers under contract.*
9. *Workers' compensation.*
10. *Vocational rehabilitation.*
11. *Wages and hours of labor.*
12. *Welfare of miners.*
13. *Work incentive program.*

3. General Oversight Responsibilities

According to House Rule X, Clause 2(a):

> *The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in – (1) its analysis, appraisal, and evaluation of –*
> *(A) the application, administration, execution, and effectiveness of Federal laws; and*
> *(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and*
> *(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.*
> *(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis –*
> *(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;*
> *(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction.*

4. Exercise of Oversight Responsibilities

The Committee takes seriously its responsibility to conduct oversight and investigation, and is therefore committed to ensuring that government agencies, departments, and programs within in its jurisdiction:

- Focus on their appropriate federal mission;
- Work in an effective and efficient manner; and
- Consistently follow Congressional intent in their respective activities and operations.

Accordingly, and in keeping with the Rules of the House and the principles of oversight and investigation, the Committee has identified six major projects for the 109th Congress. These projects are:

Higher Education: The Committee will thoroughly examine the laws and regulations governing the Higher Education Act (HEA), with the goal of increasing access to postsecondary education for low and middle-income students and restoring the HEA's original focus on this mission. The Committee will examine issues of quality and accountability, including the causes and potential remedies for the "graduation gap" that continues to exist between disadvantaged students and their peers at traditional American colleges and universities. The Committee will also work to examine the issue of skyrocketing costs within postsecondary education, and the role federal spending increases may be playing in the ongoing hyperinflation in college costs, which hurts parents, students, and taxpayers. In addition, within the

reauthorization of the HEA, the Committee will work with Historically Black Colleges and Universities, Hispanic-Serving Institutions, and other minority-serving institutions to review opportunities to further strengthen and improve aid to these schools.

Retirement Security: The Committee will continue to monitor the Department of Labor's activities with respect to its efforts to protect the integrity and viability of private pension and welfare plans covered under the Employee Retirement Income Security Act of 1974 (ERISA). In addition, the Committee will continue its oversight of the Pension Benefit Guaranty Corporation, and its efforts to encourage the growth of defined benefit pension plans and provide timely and uninterrupted payments of pension benefits to American workers.

Elementary and Secondary Education: Following the enactment of the No Child Left Behind Act, in the 107th Congress, the Committee has been and will continue to be focused on the effective and timely implementation of the Act. The Committee will examine ongoing efforts to implement the law at the state and local level, as well as the obstacles to successful implementation at all levels, including how federal regulations promote or inhibit timely and effective implementation. Specific areas of focus will include accountability, assessments, choice, supplemental services, teacher quality, and flexibility. The Committee will also examine similar efforts to implement the Individuals with Disabilities Education Improvement Act, legislation signed by President Bush in December 2004 to align special education law with No Child Left Behind and provide new tools for parents, teachers and students with special needs.

Early Childhood Education: The Committee will conduct oversight of the use of federal Head Start funds and the various roles played by federal and local entities in the use of those funds, including the U.S. Department of Health and Human Services (HHS). The Committee will seek to address growing concerns that a significant share of the $7 billion the federal government is currently investing in Head Start never reaches or benefits the children the money is intended to serve.

Department of Education: The Committee has been and will continue to be a vigorous advocate of financial accountability at the U.S. Department of Education. In November 2004, Secretary Paige said he had been notified that the Department was likely to receive its third consecutive "clean" annual audit by an outside "Big Six" accounting firm (prior to 2001, the Department had achieved just one such "clean" audit in its history). Potential problems and questions remain, however. The Committee expects financial accountability at the Department to further improve under the leadership of incoming Education Secretary Margaret Spellings, and will work during the 109th Congress to verify that this is the case.

Department of Labor: The Committee will continue its oversight of the various programs and statutes administered by the U.S. Department of Labor, including administration of the Occupational Safety and Health Act. The Committee also

expects to monitor and review the implementation of the Department of Labor's recent regulatory initiatives under the Fair Labor Standards Act of 1938 and the Labor-Management Reporting and Disclosure Act of 1959, and the Department's administration of other workplace laws within its jurisdiction. In addition, the Committee will work to ensure that the Department of Labor's methods for collecting and disseminating employment data are consistent with the realities, needs, and challenges of today's workforce.

In addition to the above, the Committee reserves the right to review and investigate general legislative, administrative, and regulatory issues affecting the jurisdiction of the Committee.

U.S. House of Representatives
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

February 9, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Robert W. Ney
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairmen Davis and Ney:

Please find attached the Committee on Energy and Commerce's Oversight Plan for the 109th Congress. The Plan was adopted in open markup session this afternoon.

Please do not hesitate to contact me with any questions. I look forward to working with you in implementing our aggressive oversight agenda.

Sincerely,

Joe Barton

Joe Barton
Chairman

cc: The Honorable John D. Dingell

Attachment

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

109TH CONGRESS

CONGRESSMAN JOE BARTON, CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committees on Government Reform and House Administration not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Energy and Commerce for the 109th Congress. It includes the areas in which the Committee expects to conduct oversight during the 109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

COMMERCE, TRADE, AND CONSUMER PROTECTION ISSUES

THE FEDERAL TRADE COMMISSIONS CONSUMER PROTECTION EFFORTS

In the 109th Congress, the Committee will review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission (FTC). In particular, the Committee will review Commission activity with regard to franchises, business opportunities, telemarketing and identity theft, as well as actions regarding false and deceptive advertising in safeguarding consumers.

CONSUMER PRODUCT SAFETY

In the 109th Congress, the Committee will review the management, operations, and activities of the Consumer Product Safety Commission (CPSC) in safeguarding consumers, and particularly children, from faulty or dangerous products. This may include review of the adequacy of the CPSC's authority and data gathering and dissemination efforts with respect to products within its jurisdiction, and other activities that enhance consumer product safety, such as safety standard organizations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the 109th Congress, the Committee will review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they pertain to motor vehicle-related safety.

In the 109th Congress, the Committee will examine issues that substantially impact or affect interstate commerce, with particular interest in activities that impede such commerce. The Committee will review consumer information privacy in the commercial context. The Committee also will examine impediments to electronic commerce, including state legal and regulatory impediments. In addition, the Committee will review and consider issues relating to private-sector cyber security, fraud, and other criminal issues confronting e-commerce.

TRADE

In the 109th Congress, the Committee will monitor and examine both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to services within the Committee's jurisdiction – including telecommunications, electronic commerce, food and drugs, and energy. The Committee also will examine non-tariff trade barriers, such as legal and regulatory barriers, to electronic commerce and other services within the Committee's jurisdiction.

TRAVEL AND TOURISM

In the 109th Congress, the Committee will review issues affecting the travel and tourism industries, as well as how the industries, along with Federal and state governments, can encourage and promote the United States as a travel destination for international and domestic passengers.

SPORTS

In the 109th Congress, the Committee will examine issues in the commerce of professional and amateur sports, including the National Collegiate Athletic Association (and the recruiting of athletes). The Committee will also examine the abuse of steroids by amateur and professional athletes.

ENERGY AND AIR QUALITY ISSUES

NATIONAL ENERGY POLICY

During the 109th Congress, the Committee will examine issues relating to national energy policy, including U.S. policies that relate to production, supply, and consumption of electricity, oil and natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources. The Committee also will examine global crude oil supplies in

issues relating to the nation's current energy infrastructure with a view towards its expansion.

ELECTRICITY MARKETS

In the 109th Congress, the Committee will review electricity transmission policies of the Federal government to promote competitive wholesale power markets, transmission, and generation infrastructure upgrades, and compliance with relevant statutes. It will examine the activities of the Federal Energy Regulatory Commission (FERC) relating to electric industry restructuring, protection of consumers, and the development of efficient and vigorous wholesale markets for electricity.

MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

The Committee will oversee management and operations issues at the Department of Energy (DOE), including management and operations of the National Nuclear Security Administration (NNSA) and the national laboratories. The Committee will also review DOE management of the contractors that operate the national laboratories. The Committee's oversight work will include a review of the implementation of new nuclear security requirements at NNSA and DOE facilities, ongoing safety and security problems at the Los Alamos National Laboratory, the Office of Environmental Management's accelerated cleanup program and high-level waste management efforts, and DOE's progress toward submitting a license application for Yucca Mountain.

THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission (NRC). The Committee will examine NRC's budget requests, conduct oversight of how the Commission discharges its various responsibilities, and review whether the Commission is an effective regulator of nuclear facilities. In particular, the Committee will monitor closely the efforts of NRC to fully implement new security requirements at commercial nuclear power plants.

CLEAN AIR ACT

In the 109th Congress, the Committee will review significant activities regarding the Clean Air Act and the success of various efforts in achieving improved air quality in a manner that allows both administrative flexibility and improved cost-effectiveness. The Committee's review will include oversight of the Environmental Protections Agency's (EPA) strategies and actions to attain Clean Air Act standards.

EPA MANAGEMENT AND OPERATIONS

During the 109th Congress, the Committee intends to conduct its general oversight of the EPA, including review of the agency's funding decisions, resource allocation, grants, research activities, enforcement actions, relations with State and local governments, and program management and implementation.

HAZARDOUS AND TOXIC WASTES

In the 109th Congress, the Committee will review the efficiency, effectiveness, funding, and pace of progress of the Superfund program. The Committee will review the EPA's relationship to the States' toxic waste cleanup programs, and whether Federal program reforms, additional funding, or stronger enforcement under the Resource Conservation and Recovery Act are necessary to expedite cleanups at toxic waste sites. The Committee will conduct and review global hazardous materials treaties which the United States is a signatory and monitor compliance of these agreements with Federal and state environmental laws and regulations.

DEPARTMENT OF DEFENSE COMPLIANCE WITH ENVIRONMENTAL LAWS

The Committee will review DOD's environmental activities and ascertain its record of clean-up effectiveness, ongoing monitoring, and compliance with Federal and state environmental laws and regulations.

HEALTH AND HEALTHCARE ISSUES

FOOD AND DRUG ADMINISTRATION

In the 109th Congress, the Committee will review the management, operations, and activities of the Food and Drug Administration (FDA), including its implementation of relevant statutes and regulations connected to its mission to ensure the safety of drugs and the food supply. This will include the review of issues connected to the approval process and post- market surveillance of drugs and medical devices, as well as issues surrounding the innovation and development of vaccines, drugs, and devices.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

In the 109th Congress, the Committee will review the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS), including its management and oversight of the programs it administers. The Committee will also examine and review Medicare and Medicaid management and activity as it relates to ongoing

CENTERS FOR DISEASE CONTROL AND PREVENTION

In the 109th Congress, the Committee will review the management, operations, and activity of the Centers for Disease Control and Prevention, with particular focus on its work relating to surveillance and prevention of disease outbreaks.

NATIONAL INSTITUTES OF HEALTH

In the 109th Congress, the Committee will examine the National Institutes of Health's (NIH) organizational structure, priority setting, and research activities. This effort will include oversight of management and operations of internal NIH programs as well as NIH-funded extramural research.

TELECOMMUNICATIONS ISSUES

FEDERAL COMMUNICATIONS COMMISSION

During the 109th Congress, the Committee will conduct its oversight of Federal Communications Commission (FCC) management and operations, including the impact of its decisions and actions on the U.S. economy and economic growth.

AVAILABILITY OF BROADBAND TECHNOLOGIES

In the 109th Congress, the Committee will examine the availability of broadband technologies and the deployment of broadband services and facilities. The Committee will also evaluate the impact of the Communications Act and FCC regulations on the deployment of new technologies, services, and facilities, and whether the law and the regulations are maximizing the incentives that all entities have to make investments in broadband networks.

UNIVERSAL SERVICE REFORM

In the 109th Congress, the Committee will examine the FCC's universal service support policies and evaluate how these policies can be modernized to reflect the redistribution of communications traffic among new communications mediums, as well as the efficacy of utilizing fixed and mobile wireless technologies to reduce the costs of ensuring that high cost and low income consumers have reasonable access to telecommunications services. The Committee will also review whether the program's structure and internal processes need to be changed to control waste, fraud and abuse of Universal Service funds.

DIGITAL TELEVISION

Each television broadcast licensee is supposed to return a 6 MHz channel and transmit exclusively in digital by Dec. 31, 2006, or once 85 percent of television households in the market can receive digital channels, whichever is later. Some of that spectrum has been earmarked for public-safety use upon return and some for auction for advanced commercial services, such as wireless broadband. In the 109th Congress, the Committee will examine the Commission's progress in completing the DTV transition.

ENFORCEMENT OF THE FCC'S DECENCY REGULATIONS

During the 109th Congress, the Committee will conduct its oversight of the FCC's enforcement of broadcast decency laws and regulations, including examining how Congress and the FCC can help broadcasters to reduce the level of indecent material on television and radio.

SPECTRUM MANAGEMENT

During the 109th Congress, the Committee will conduct its oversight of the FCC's management of the nation's spectrum. An increasing portion of communications services utilize spectrum to provide voice, video, and data services to consumers. The Committee will evaluate the FCC's spectrum-management policies to ensure that such policies are maximizing the use of the public airwaves for innovative communications services.

HOMELAND SECURITY ISSUES

CRITICAL INFRASTRUCTURE ASSURANCE ACTIVITIES

In the 109th Congress, the Committee intends to review infrastructure assurance efforts that affect areas within the Committee's jurisdiction.

NUCLEAR SMUGGLING

In the 109th Congress, the Committee will monitor Federal government and private sector efforts at border crossings, seaports, and mail facilities. The Committee's review will analyze and assess Customs' and DOE's efforts and equipment aimed at detecting and preventing the smuggling of dangerous commerce, particularly nuclear and radiological weapons of mass destruction.

BIOTERRORISM PREPAREDNESS AND RESPONSE

In the 109th Congress, the Committee will review the implementation of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 by the Department of Health and Human Services (HHS), and the coordination between HHS and the

PUBLIC SAFETY COMMUNICATIONS OPERATIONS

During the 109th Congress, the Committee will examine whether the communications needs of first responders are being met. The Committee will examine the progress being made to ensure that first responders have interoperable communications capabilities with local, state, and federal public safety officials. The Committee will also consider whether first responders have an adequate amount of spectrum for voice, video, and data transmissions. In addition, the Committee will conduct oversight regarding the implementation of Phase II E911 services, which enable Public Safety Answering Points (PSAPs) to pinpoint the location of wireless subscribers who dial 911.

IMPLEMENTATION OF GOVERNMENT-WIDE CYBER SECURITY PROGRAM

The Homeland Security Act of 2002 included a separate legislative provision entitled the Federal Information Security Management Act, which reauthorized and enhanced a government-wide cyber security program under the direction of the Office of Management and Budget (OMB). During the 109th Congress, the Committee will review efforts to ensure that Federal agencies are complying with the cyber security provisions of the new Homeland Security Act.

MISCELLANEOUS ISSUES

UNITED NATION'S OIL FOR FOOD PROGRAM

In the 109th Congress, the Committee will conduct its investigation of the United Nation's Oil for Food Program.

FEDERAL AGENCY MANAGEMENT

As part of the Committee's oversight responsibilities generally and as an expansion of its review of conflict-of-interest policies in particular, the Committee will examine ethics policies and practices at Federal agencies and commissions within the Committee's jurisdiction. The Committee will also examine agency procurement practices and contracts, as well as agency implementation of laws and regulations. The Committee will also review agency risk assessment practices and implementation of the Data Quality Act.

MICHAEL G. OXLEY, OH, CHAIRMAN

United States House of Representatives
Committee on Financial Services
Washington, D.C. 20515

BARNEY FRANK, MA, RANKING MEMBER

February 2, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Davis:

By direction of the Committee on Financial Services, and pursuant to clause 2(d)(1) of rule X of the Rules of the House of Representatives for the 109th Congress, I am transmitting herewith the Committee's oversight plan for the 109th Congress. The oversight plan was adopted by a voice vote, as amended, a quorum being present.

Should you have any questions, please contact me or Robert Gordon, Senior Counsel, at extension 5-7502.

Sincerely,

Michael G. Oxley
Chairman

MGO/rmg

Enclosure

cc: The Honorable Barney Frank

109TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

OVERSIGHT PLAN OF THE COMMITTEE ON FINANCIAL SERVICES FOR THE ONE HUNDRED NINTH CONGRESS

FEBRUARY 2, 2005. Approved by the Committee on Financial Services [as amended].

Mr. OXLEY, from the Committee on Financial Services, submitted to the Committee on Government Reform and the Committee on House Administration the following

REPORT

Clause 2(d)(1) of rule X of the Rules of the House of Representatives for the 109th Congress requires each standing committee, not later than February 15 of the first session to adopt an oversight plan for the 109th Congress. The oversight plan must be submitted simultaneously to the Committee on Government Reform and the Committee on House Administration.

The following agenda constitutes the oversight plan of the Committee on Financial Services for the 109th Congress. It includes areas in which the Committee and its subcommittees expect to conduct oversight during this Congress, but does not preclude oversight or investigation of additional matters or programs as they arise. The Committee will consult, as appropriate, with other committees of the House that may share jurisdiction on any of the subjects listed below.

FINANCIAL INSTITUTIONS

Implementation of the USA PATRIOT Act. The Committee will monitor the government's efforts to combat terrorist financing, including its enforcement of Title III of the USA PATRIOT Act (Public Law 107-56) and its implementation of the counter-terrorist financing provisions included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-796).

Money Laundering and the Financing of Terrorism. The Committee will review enforcement of anti-money laundering laws and regulations, including but not limited to those enacted or implemented as part of the USA PATRIOT Act. This review will include examination of the administration's annual National Money Laundering Strategy, a short-term reauthorization of which was included in the Intelligence Reform and Terrorism Prevention Act of 2004. The Committee will also monitor the development of the newly created Office of Terrorism and Financial Intelligence, to ensure that adequate resources are applied efficiently, and in particular will monitor the effectiveness of the Financial Crimes Enforcement Network (FinCEN) and ongoing changes at the Office of Foreign Assets Control, including adequate allocation of assets at OFAC to develop suitable, modern computer systems that allow it to do its job effectively.

Implementation of Gramm-Leach-Bliley Act. The Committee will continue to monitor various aspects of the implementation of the Gramm-Leach-Bliley Act (GLB) to ensure that the benefits of that landmark financial modernization law are fully realized by consumers and the financial services sector. Included in the Committee's review will be regulatory interpretations of (1) GLB's provision authorizing the Federal Reserve Board and the Treasury Department to define activities that are "financial in nature," and therefore permissible for financial holding companies and financial subsidiaries to engage in; and (2) the Title II "push-out" provisions, relating to regulation of certain securities activities conducted within banking organizations. The Committee will also review government and private sector implementation of the financial privacy requirements of Title V of GLB, including the process by which consumers are given notice and choice about how their financial information is used and disseminated by financial firms.

Implementation of FACT Act. The Committee will monitor government and private sector implementation of the Fair and Accurate Credit Transactions (FACT) Act (Public Law 108-159), the 2003 legislation that renewed certain key provisions of the Fair Credit Report-

ing Act (FCRA) and gave consumers important new rights and protections against identity theft, including the ability to obtain free credit reports annually. Among the issues the Committee may address are what efforts can be undertaken to promote voluntary reporting of data not currently being supplied to credit reporting agencies, which could have the effect of facilitating greater access to the financial mainstream, as well as how the use of credit and credit-based insurance scores may affect the availability and affordability of financial services and products.

Financial Privacy and Identity Theft. In addition to examining financial privacy issues in the context of the implementation of the Gramm-Leach-Bliley and FACT Acts, the Committee will continue its focus on combating identity theft and other emerging threats to the security of consumers' personal financial information.

Payments System Innovations. The Committee will review government and private sector efforts to achieve greater innovations and efficiencies in the payments system. With passage of the Check 21 Act (Public Law 108-100) during the 108th Congress, the Committee led the way toward a more modern check processing system. The Committee will continue to monitor the implementation of the Check 21 Act, as well as other improvements to the payments system, including ACH debit entries, wire transfers, and international remittances.

Deposit Insurance Reform. The Committee will review proposals to address potential inequities and economic distortions in the Federal deposit insurance system, to ensure that deposit insurance continues to serve its historic function as a source of stability in the banking system and a valued safety net for depositors.

Internet Gambling. The Committee will continue to monitor the use of financial instruments which include credit cards, checks, electronic funds transfers, and other alternative forms of payment in unlawful Internet gambling. The Committee's review will focus on the potential misuse of illegal offshore Internet gambling sites to facilitate money laundering and other criminal activity.

Basel Capital Accord. The Committee will continue to review changes to the Basel Capital Accord, which seeks to establish an international minimum standard for assessing regulatory capital cushions held by commercial banks, and monitor its implementation in the United States. The Basel Accord is promulgated by an informal grouping of banking supervisors from the Group of Ten countries meeting under the auspices of the Bank for International Settlements' Basel Committee on Banking Supervision. The members of the Basel Committee negotiated changes to the Basel Accord, finalizing the agree-

ment in 2004. The Accord will determine the level of capital financial institutions must hold against various assets. The Committee will examine the need for the recommended changes and will address whether the proposed new capital charges will have a discriminatory effect on U.S. financial institutions or other unintended consequences. The Accord is scheduled to be fully implemented in the United States by 2007. The Committee will also assess whether adequate arrangements have been made for the allocation of responsibilities among home and host regulators for reviewing and setting regulatory capital requirements within a banking organization. The Committee will continue to consider whether legislation is needed to formalize the negotiating authority of various Federal banking regulators when participating in discussions under the umbrella of the Basel Committee on Banking Supervision.

Credit Unions. The Committee will review issues relating to the safety and soundness and regulatory treatment of the credit union industry.

Financial Supervision. The Committee will require Federal regulators to provide periodic updates on their safety and soundness supervision of the banking, thrift and credit union industries, to ensure that systemic risks or other structural weaknesses in the financial sector are identified and addressed promptly. The trend toward consolidation in the banking industry and the growing number of large credit unions serving broad fields of membership requires that Federal regulators maintain the expertise and risk evaluation systems necessary to oversee the activities of the increasingly complex institutions under their supervision. The Committee will also consider proposals to modernize the federal regulatory structure to better reflect the new market for financial services created by GLB.

Regulatory Burden Reduction. The Committee will review the current regulatory burden on banks, thrifts, and credit unions with the goal of reducing unnecessary or duplicative regulations, consistent with consumer protection and safe and sound banking practices. The Committee's starting point will be the work done in the 108th Congress in developing bipartisan regulatory relief legislation (H.R. 1375) that passed the House in March 2004. Pursuant to the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA), the Federal banking agencies and the National Credit Union Administration (NCUA) are currently engaged in a review of all existing regulations to identify and eliminate those that are outdated, unnecessary, or unduly burdensome to insured depository institutions. The Committee will monitor the EGRPRA process, which is expected to

yield legislative proposals for reducing regulatory burdens on insured depository institutions.

Consumer Protections. In addition to issues addressed throughout this oversight plan that relate to consumers of financial services, the Committee will consider other specific consumer protection issues within its jurisdictional purview, including, but not limited to, the use of credit reports to change the rates and terms of pre-existing accounts, to ensure that the financial services industry fulfills its responsibility to treat its customers fairly and fully disclose the terms on which financial products and services are offered to the public.

Credit Card Regulation. The Committee will continue its review of credit card industry practices, which have been the subject of Committee oversight hearings in each of the last two Congresses. In that regard, the Committee will monitor the Federal Reserve Board's recently announced review of the format and content of the disclosures required by the Truth in Lending Act related to open-end credit arrangements (such as credit card accounts). The Committee will also monitor efforts to reform the nation's bankruptcy laws, including provisions to allow for the netting of financial contracts.

Credit Counseling. The Committee will review the credit counseling industry, which provides financial education and debt management services to consumers seeking to address excessive levels of personal indebtedness.

Financial Literacy. The Committee will continue its efforts to promote greater financial literacy and awareness among the public. As part of these efforts, the Committee will review the implementation of Title V of the FACT Act (Public Law 108-159), which authorized the creation of a Financial Literacy and Education Commission comprised of senior officials from a wide cross-section of government agencies. To date, the Commission has held several public hearings, created a website and toll-free hotline, and begun developing a national strategy to promote basic financial literacy and education. The Committee will also monitor an ongoing General Accountability Office (GAO) review mandated by the FACT Act assessing the extent of consumers' knowledge and awareness of credit reports, credit scores, and the dispute resolution process, and on methods for improving financial literacy among consumers. The committee will also review the Federal Trade Commissions' efforts to implement the Act's National Public Service Multimedia Campaign.

Access to Financial Services. The Committee will continue to explore ways to expand access to mainstream financial services by traditionally underserved segments of the United States population,

particularly those without any prior banking history (commonly referred to as the "unbanked"). One area of review will be developments in the rapidly expanding marketplace for international remittances services used by individuals seeking to send funds back to relatives in their countries of origin.

Community Development Financial Institutions Fund. In reviewing the expired authorization of the Community Development Financial Institutions (CDFI) Fund, created in 1994 to promote economic revitalization and community development, the Committee will examine the record of the Fund in implementing reforms pledged in 1997 to eliminate irregularities in the grant making process identified during the course of an investigation by the Subcommittee on General Oversight. The Committee will monitor the CDFI Fund's implementation of the New Markets Tax Credits program, which was part of the Renewable Communities and New Markets initiative enacted into law during the 106th Congress.

Subprime Lending. The Committee will study the complex problem of and potential solutions to abusive and deceptive lending in the mortgage industry, particularly among those households with imperfect credit.

SECURITIES

Sarbanes-Oxley Act. The Committee will continue to monitor and review the implementation and impact of the Sarbanes-Oxley Act upon investors, public companies, and the capital markets.

Public Company Accounting Oversight Board. The Committee will examine the work of the Public Company Accounting Oversight Board as it completes its first required inspections of public company auditors pursuant to the Sarbanes-Oxley Act.

Financial Accounting Standards Board. The Committee will review the recent work of the Financial Accounting Standards Board (FASB) and the success of the mechanisms put in place in the Sarbanes-Oxley Act to independently fund FASB's operations.

Corporate Governance. The Committee will study the role and actions of directors of public companies and mutual funds in light of the governance changes mandated by the Sarbanes-Oxley Act, public company listing standards, and the Securities and Exchange Commission's (SEC) rulemakings.

Market Structure. The Committee will monitor and review the work of the SEC relating to updating the rules governing the National

Market System to ensure that any changes adopted encourage competition, decrease costs, limit conflicts of interest, improve transparency, and protect investors. As part of these investigations, it will also examine the issue of payment for order flow.

Credit Rating Agencies. The Committee will assess the role and regulation of credit rating agencies to determine if there is a need for greater transparency and competition in the industry.

Mutual Funds. The Committee will appraise the impact and functioning of the SEC's adopted and proposed rules affecting mutual funds to ensure that investors are being protected. In particular, the Committee will focus on rules prohibiting late trading, limiting market timing, enhancing fee and expense disclosure, requiring compliance officers, and strengthening corporate governance.

529 Plans. The Committee will continue to monitor the regulation of 529 college tuition savings plans and will undertake an examination of the expected regulatory proposals of the SEC Chairman's Task Force on College Savings Plans.

Securities Offering Process. The Committee will review the SEC's proposed rule on reforming the securities offering process, which aims to modernize outdated rules governing the process and facilitate access to information regarding public offerings.

Social Security Reform. The Committee will analyze the Administration's proposed Social Security reform and its potential impact upon investors and the capital markets, including the creation of personal savings retirement accounts.

Initial Public Offerings (IPO) Allocation. The Committee will review current practices regarding the allocation of initial public offerings and self-regulatory organizations' rules and proposals to improve this process and to increase investor access to initial public offerings as well as market efficiency and transparency.

Capital Formation. The Committee will survey regulatory impediments to capital formation and seek both regulatory and market-based incentives to increase access to capital, particularly for business development companies.

Stock Option Accounting. The Committee will continue to assess the impact upon U.S. public and private companies and the venture capital industry of the Financial Accounting Standards Board's rule mandating the expensing of stock options in public company financial statements.

Investor Restitution. The Committee will appraise the operations and efficiency of investor restitution regulations, including the Fair Fund provision of the Sarbanes-Oxley Act.

SRO Regulation. The Committee will evaluate the SEC's proposed rule regarding the fair administration, transparency, governance, and ownership at self-regulatory organizations.

SEC Oversight. The Committee will monitor the operations of the SEC, particularly the Office of Compliance Inspections and Examinations and the newly created Office of Risk Management.

Hedge Funds. The Committee will analyze the SEC's adopted rule to register hedge fund advisers and consider the implications of adviser registration, including the potential of the hedge fund business moving offshore.

Bond Pricing Transparency. The Committee will examine the efforts being made to improve transparency of the pricing of municipal and corporate bonds.

Access to Broker Information. The Committee will continue to examine efforts to improve investor access to information regarding brokers, including disciplinary actions.

Investor Education and Financial Literacy. The Committee will continue to promote efforts to encourage investor education initiatives and increase financial literacy.

Financial Markets and Terrorism. The Committee will continue its oversight of the implementation of disaster preparedness and business continuity measures by the financial services industry in the event of a terrorist attack. The Committee anticipates receiving a report addressing these matters from Federal financial regulators in 2006, pursuant to the study mandated in section 7803(e)(1) of P.L. 108-458, the Intelligence Reform and Terrorism Prevention Act of 2004.

Convergence of International Accounting Standards. The Committee will review the convergence of international accounting standards and United States accounting standards.

XBRL Accounting. The Committee will consider the SEC's concept release and proposed rule on XBRL accounting, or eXtensible Business Reporting Language, to determine whether XBRL makes the analysis and exchange of corporate information more reliable and accessible to investors.

Securities Arbitration. The Committee will examine developments in securities arbitration to determine the impact of arbitration rule changes, particularly by the NASD, and how the NASD and other industry forums are coping with a significant increase in investor claims.

SIPC. The Committee will review the operations of the Securities Investor Protection Corporation and proposals to improve its effectiveness

GOVERNMENT SPONSORED ENTERPRISES

Regulatory Reform. The Committee will continue to pursue efforts to improve the regulatory structure of Fannie Mae, Freddie Mac, and the twelve Federal Home Loan Banks (FHLBs), collectively known as government sponsored enterprises (GSEs). Following accounting irregularities and management reorganizations at Fannie Mae and Freddie Mac, as well as financial troubles at several of the FHLBs, the Committee has sought to strengthen the regulatory oversight of the GSEs. The Committee will consider proposals to consolidate GSE supervision under an independent regulator that will have enforcement and supervisory powers. Currently, the GSEs are monitored by several entities. The Office of Federal Housing Enterprise Oversight, an independent office within the Department of Housing and Urban Development (HUD), regulates the safety and soundness of Fannie Mae and Freddie Mac. HUD regulates Fannie Mae and Freddie Mac for mission compliance by setting affordable housing goals, approving new business activities, and conducting fair lending reviews. Similarly, the FHLBs are regulated by the Federal Housing Finance Board, an independent agency within the executive branch. Its purpose is to ensure that the FHLBs operate in a financially safe and sound manner and carry out their affordable housing and community investment mission programs. The Committee will consider creating a new regulator that will have powers similar to those of other Federal financial regulators, including the ability to set risk-based and minimum capital levels, to approve new programs, and to place a GSE into receivership.

GSEs and Financial Disclosure. The restatements by Fannie Mae and Freddie Mac have called into question the integrity of their accounting procedures and financial reporting. The Committee will examine transparency and market discipline for the Government Sponsored Enterprises, including both the status of the voluntary registration by Fannie Mae and Freddie Mac under the Securities Exchange Act of 1934. Additionally, the Committee will consider disclosure of the guarantee fees charged by the GSEs, as well as the levels of these fees related to the risks assumed by the GSEs.

Federal Home Loan Bank System. The Committee will monitor various regulatory initiatives undertaken by the Federal Housing Finance Board, including proposals to require the FHLBs to register with the

Securities and Exchange Commission, as well as allowing the FHLBs to securitize mortgages. The Committee will also look to improve the corporate governance of the various FHLBs by examining the approval process and terms of the Boards of Directors.

Executive Compensation. The Committee will examine the compensation agreements of current and previous executives of the GSEs and consider additional action needed to prevent excessive compensation in the future and to ensure investor restitution.

Housing Mission. The Department of Housing and Urban Development (HUD) recently approved increases in the percentage of business that the GSEs must dedicate to affordable housing. Citing data that indicates the GSEs are not leading the market in affordable housing activity, HUD raised the goals that the GSEs are required to meet. The Committee has closely examined many of the GSE's affordable housing transactions and found that some loans were double counted in order to achieve the goals. The Committee will continue to monitor closely the affordable housing goals in order to ensure that the GSEs are meeting their mission and that HUD is properly enforcing these goals. Additionally, the Committee will consider proposals to maintain and strengthen the affordable housing mission of the GSE's.

Mortgage Fraud. The Committee has closely monitored the issue of mortgage fraud and its impact on home purchasers and on Ginnie Mae. The Committee will continue to monitor this issue and will encourage the GSEs to assist with the efforts to prevent and report cases of mortgage fraud.

HOUSING

Federal Housing Administration (FHA). The Committee will conduct hearings on the FHA program and administrative structure, loan commitment authority, actuarial soundness, and credit subsidies. The Housing Subcommittee requested GAO studies concerning: (1) the performance of FHA and other loans that involve down payments; (2) the loan commitment authorities of FHA and Rural Housing Service; (3) TOTAL Scorecard; and (4) credit subsidy reestimates and actuarial soundness of the Mutual Mortgage Insurance Fund (MMIF). The Committee is concerned about a $7 billion reestimate during FY 2004. The Credit Reform Act requires FHA to estimate the original credit subsidy or benefit of its books of business. As the loans age, FHA is required to correct estimates regarding the type of subsidy or benefits expected. In FY 2004, FHA corrected its earlier estimates to state

that an additional $7 billion is necessary to cover expected FHA insurance claims. The Committee will investigate, among other things, whether the re-estimate is a barometer of future Mutual Mortgage Insurance Fund problems or whether it is an anomaly based on the high refinance activity for FY 2004.

Government National Mortgage Association (GNMA). The Committee will conduct a comprehensive review of GNMA to determine whether its mission and/or authority meets contemporary housing needs that promote affordable housing. The Committee requested a GAO review of GNMA as it relates to the agency's loss of market share.

Rural Housing Service's (RHS) Mission. The Committee will examine the Rural Housing Service and in particular the agency's mission and whether it has served the intended population in providing necessary housing loans or guarantees. The GAO report entitled "Rural Housing: Changing the Definition of Rural Could Improve Eligibility Determinations" [GAO-05-110], issued on December 3, 2004 would be a major focus of this hearing. Additionally, the Committee would also review GAO studies concerning (1) RHS's Section 521 Rental Assistance Program and, (2) the loan commitment authority of RHS. In addition, the Committee will conduct a hearing on the state of the Section 515 rental housing stock, including a review of the November 2004 report commissioned by the Rural Housing Service, entitled "Rural Rental Housing Comprehensive Property Assessment and Portfolio Analysis.

Home Mortgage Disclosure Act (HMDA). The Committee will review new issues involving the Home Mortgage Disclosure Act (HMDA). For the first time, the Federal Reserve will release information by September 2005, related to new loan pricing data that shows whether, and how much, the price of credit varies by borrower's race, sex, age, or geographic region. In a joint hearing, the Subcommittees on Financial Institutions and Housing and Community Opportunity would review this new data to understand how it impacts mortgage markets and its utility in curbing predatory or discriminatory mortgage lending.

FY 2006/2007 Budget/Review of Housing and Urban Development, Rural Housing Service, National Reinvestment Corporation and the National Flood Insurance Program. The Committee will conduct hearings to consider the Administration's proposals for FY 2006 and 2007. The Committee will review and hear testimony from the Administration on those budgets under the jurisdiction of the Housing Subcommittee. Testimony is expected from the Department of Hous-

ing and Urban Development, Rural Housing Service, National Reinvestment Corporation and the National Flood Insurance Program.

Section 8 Housing Choice Voucher Program. The Committee will conduct additional hearings on the Housing Choice Voucher Program. During the past two fiscal years, changes to the voucher program were implemented through the appropriations process. Moreover, the Administration offered two proposals that either block granted voucher funds to states or to the relevant local public housing authority. This Committee will review the impact of the changes made to the voucher program and investigate the current needs of the administrators of the voucher program as well as the voucher recipients.

Timely HAP Payments. The Committee will review the GAO's findings, when available, regarding the timeliness of Housing Assistance Payments (HAP) for project-based Section 8 properties.

Mortgage Finance Reform/Real Estate Settlement Procedures Act. The Committee will conduct additional hearings on the Real Estate Settlement Procedures Act (RESPA). The Committee held hearings in the 108th Congress reviewing the Department of Housing and Urban Development's (HUD) proposed rule. While the proposed rule was withdrawn by the Administration, the Committee will review new proposals, if necessary, and consider ways to simplify and streamline the mortgage closing process.

Housing Counseling. The Committee will review current housing counseling programs and whether improvements could be made to enhance consumer education as well as prevent abusive lending practices. This review will encompass Federal, State, private and nonprofit efforts to use homeownership counseling as a tool to prevent defaults and foreclosures in the mortgage markets.

Public Housing. The Committee will review the public housing programs in light of the post-1998 landmark public housing reform legislation. Public Law 105-276. In particular, the Committee notes that the 1998 legislation provided flexibility to the public housing authorities in managing public housing developments and programs while at the same time targeting housing to low income families. This hearing would review whether the law has been fully implemented and determine what future directions the Committee should pursue to equip public housing authorities and other administrative entities with the necessary tools to provide affordable housing. This review would also include HUD's Negotiated Rulemaking on project-based accounting and management for public housing, the Moving to Work program, agency short-and long-range planning, and, community service requirements, among other things.

Colonias. The Committee will review all the programs under the jurisdiction of the Subcommittee on Housing and Community Opportunity to assess the private and public sector response to housing and community development in the Colonias. The Colonias are generally an identifiable communities in the U.S.-Mexico border regions (150 miles of the U.S.-Mexico border excluding Metropolitan Statistical Areas with populations exceeding one million) of Arizona, California, New Mexico, and Texas that are determined to be colonias on the basis of objective criteria, including lack of a potable water supply, inadequate sewage systems, and a shortage of decent, safe, and sanitary housing.

National Flood Insurance Program. The Committee will review the National Flood Insurance Program and in particular the implementation of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108-264). The Committee will continue to monitor the National Flood Insurance Program's policy sales, premium use, and claims handling practices.

Community Development Block Grant. The Committee will follow-up on a July 29, 2003 hearing in Columbus, Ohio where concerns were raised about the funding formula created in 1974. Moreover, HUD conducted a study of the program and, in particular, the allocation of CDBG funds. The Committee will review the mission and objective of CDBG funding and whether the Housing and Community Development Act of 1974 should be adjusted to meet contemporary affordable housing and community development needs. The Committee will also review any budget proposals, if offered, to make significant funding cuts to CDBG block grants or to transfer the jurisdiction of the program, with a view to ensuring that the purposes of the program are not compromised.

HUD Mission, Management Reform and Staffing. The Committee will review the overall mission, organization, human resource and technology of the Department of Housing and Urban Development to determine whether the Department is meeting and addressing contemporary housing issues. Over the past four years, the Administration has conducted a comprehensive review of the management and staff structure of the Department. Weaknesses, however, continue in some of HUD's programs, coupled with a significant number of Federal workers scheduled to retire in the next 5-10 years.

HOPE VI/Mainstreet Program. The Committee will review the HOPE VI program as a follow-up to its post-2003 legislation providing program authorization through 2006. [Public Law 108-186.] In addition to the program's authorization extension, Congress also included

a provision to allow 5 percent of HOPE VI funds to assist smaller communities with main street revitalization or redevelopment projects. The Committee will review the administration of the program and the status of on-going HOPE VI projects, the economic impact of these programs to the community and neighborhoods and the status of the new provisions that are designed to assist smaller communities through a main street revitalization or redevelopment project.

Minorities and Homeownership. The Committee will conduct hearings to review homeownership rates, particularly for underserved markets, e.g. minorities, inner-city neighborhoods, and women. While the Committee intends to review the traditional methods for increasing homeownership, the Committee will also explore new ways in which the minority community can achieve homeownership, particularly through local mortgage bankers and brokers, or expanding mortgage lines of credit or warehouse credit that will result in providing comparable market level service and products to underserved communities.

Homelessness. The Committee will continue to conduct hearings on the issue of homelessness, including a review of data provided by HUD's new HMIS nationwide homeless count, a review of HUD programs which provide housing and services to the homeless, and a review of the adequacy of those programs and funding levels in addressing the problem of homelessness.

Housing Preservation. The Committee will continue to hold hearings on the issue of preservation of federally assisted housing, including the challenge of maintaining housing affordability for those federally assisted properties scheduled to experience mortgage maturities in the next decade. The Committee may conduct a hearing, or series of hearings, on the transition of the Mark to Market program from the Office of Multi-family Housing and Restructuring to the new Office of Affordable Housing Preservation (OAHP) and on efforts by the OAHP to provide assistance to affordable housing areas in the oversight and preservation of affordable housing programs." The Committee may conduct a hearing, or series of hearings, on HUD's property disposition program, and on the extent to which HUD has worked with local housing authorities and non-profit organizations to preserve the affordability of HUD's inventory of multi-family housing following foreclosure by the borrower.

Housing Production. The Committee may conduct a hearing or series of hearings on the extent to which the existing housing stock meets the demand for affordable housing by low-income families, seniors, and disabled persons; a review of existing housing programs

which are used in the construction or substantial rehabilitation of affordable housing units; and strategies for developing additional affordable housing units.

Native American Housing Programs. The Committee may hold hearings on HUD's programs which create affordable housing opportunities for Native Americans.

Fair Housing. The Committee may conduct hearings on the issue of fair housing enforcement, adequacy of resources and staffing levels, and the National Fair Housing Training Academy.

INSURANCE

Terrorism Risk Insurance Act. The Committee will continue to monitor the terrorism insurance marketplace and conduct oversight of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297), or "TRIA," which is scheduled to expire on December 31, 2005. TRIA's implementation by the Treasury Department, State insurance departments, and insurance underwriters, agents, and brokers will be reviewed to ensure that the goals of the legislation continue to be met. The Committee will review the Treasury report required by TRIA and due to be delivered in the first half of 2005. The Committee will also consider whether to move legislation regarding short and long-term proposals for ensuring the continued availability of terrorism insurance coverage for consumers as TRIA nears expiration and the need to expand TRIA to cover group life insurance.

Military Personnel Financial Protection. The Committee will continue its oversight of insurance companies and producers selling life insurance on Federal military installations. The Committee will consider proposals to improve the conduct of financial product sales on bases, restrict and prohibit unscrupulous sales tactics, clarify State jurisdiction over insurance activities on military installations, and register and disseminate information on companies and agents that have been banned or restricted from military installations for improper activities on military bases.

Regulatory Modernization. The Committee will continue its discussion on initiatives to modernize and improve insurance regulation. The Committee will review various ideas for reform, including the Federal promotion of State uniformity, State-by-State improvements, coordination of State regulation through the National Association of Insurance Commissioners (NAIC), and other reforms for improving the efficiency and effectiveness of State insurance regulation.

Insurance Solvency Regulation. The Committee will continue its examination of the NAIC's accreditation program that judges the adequacy of State insurance financial regulation. The Committee will focus on the steps the NAIC has taken to update the program since its inception in the early 1990's and will analyze other areas for improving the financial regulation of insurers.

Market Conduct Regulation. The Committee will review the need to modernize market conduct supervision to increase efficiency to better serve consumers. The Committee will focus on the efforts of State insurance regulators to improve market conduct oversight, and on various reform proposals to increase the coordination, quality, and uniformity of State market conduct regulation.

Producer Licensing Reform. The Committee will continue its review of the States' progress in passing and implementing uniform or reciprocal insurance producer licensing reform and what further measures may be necessary to promote uniformity as appropriate in producer licensing. The Committee will monitor the continuing external developments involving the relationships between insurance carriers and insurance brokers.

Insurance Product Approval. The Committee will continue its review of the need to modernize the State product approval process to achieve uniformity, efficiency, and timeliness in the regulatory review of insurance rates and forms. This review will include an evaluation of the NAIC interstate compact proposal as well as the NAIC improvements to State-based systems initiative for property and casualty products. The Committee will pay particular attention to State legislative efforts designed to adopt these proposals, and may consider various legislative reform proposals.

Insurance Fraud. The Committee will continue its examination of the efforts by the States, the NAIC, and other entities, to locate and fight insurance fraud. The Committee will focus on proposals to coordinate State and Federal anti-fraud efforts and establish a coordinated network of computer systems to share appropriate anti-fraud information.

Insurance Consumer Protections. The Committee will examine the regulatory systems established by the States to protect consumers' insurance interests. The Committee will also monitor the practice of recording consumer inquiries as part of consumer claim records.

Preemption of State Insurance Law. The Committee will monitor efforts by Federal agencies to preempt State laws governing insurance activities, and will also monitor State insurance laws to ensure that

they do not significantly interfere with federally authorized powers of financial institutions.

Price Controls, Underwriting Criteria, and Availability. The Committee will continue its review of insurance availability in the States, including the impact of State rate regulation on long-term availability and competitive options for insurance coverage. The Committee will review the results of the study required under section 215 of the FACT Act on the impact on consumers of the growing use of credit-based insurance scores. The Committee will also examine the application of State and Federal antitrust law to insurers and insurance activities.

Insurance Marketing. The Committee will examine a number of consumer protection issues concerning the marketing of insurance products, potentially including misleading sales and marketing representations, the churning of life insurance, coercion and pressure tactics, product bundling, and premium charges for credit insurance and mortgage insurance. The Committee may examine the manner in which insurance brokers are compensated for the sale of insurance products and recent State investigations of such compensation practices. The Committee will specifically focus on industry marketing practices targeting military personnel.

Insurer Licensing. The Committee will continue to examine the need to develop uniform and coordinated standards for company licensing. The Committee will discuss proposals for allowing single point and coordinated electronic license application filing systems, as well as proposals for establishing licensing uniformity and coordination.

Surplus Lines. The Committee will continue its review of the surplus lines marketplace. The Committee will contemplate various reform proposals, including the creation of a uniform system of allocation and remittance of surplus lines premium taxes and the creation of a uniform filing system.

Reinsurance. The Committee will continue its review of the state of the reinsurance marketplace. It is anticipated that the Committee will discuss various proposals to encourage greater uniformity and transparency for filing financial statements, uniform solvency regulation, and deference to home state regulators.

Viaticals. The Committee will continue to monitor the evolution of the viaticals industry. The Committee will consider potential reforms, including implementation of uniform and reciprocal standards and coordination of State and Federal securities regulators to decrease potential fraud.

Receivership. The Committee will continue to monitor the State system of receivership. The Committee will review proposed reforms to develop uniform and coordinated receivership laws, provide greater transparency and efficiency in administration, improve the administration of receiverships within the state system, and to protect the interests of the insureds, claimants, creditors, and the public.

Financial Surveillance. The Committee will continue its focus on improving financial surveillance to enhance insurance solvency regulations, including by reviewing proposals to establish a more coordinated and uniform system of financial surveillance.

Risk Retention Act. The Committee will conduct a review of alternative risk transfer arrangements to determine their effectiveness in offering insureds alternatives to traditional property and casualty insurance products. The Committee will focus particularly on the Risk Retention Act of 1981 and its 1986 amendments. The Committee will review the regulatory structure created by the Risk Retention Act in order to identify any potential problems resulting from the Act's partial preemption of State insurance law, and assess the benefits of the Act to consider its potential expansion.

Insurance Litigation Reform. The Committee will monitor issues surrounding professional liability insurance to determine whether further efficiencies and reforms are necessary. The Committee will also review issues surrounding reform of insurance settlements, including the adequacy and reasonableness of fees and compensation awarded.

Natural Disaster Insurance. The Committee will review the availability and affordability of natural disaster insurance for homeowners, and will consider proposals for improving insurers' access to capital in the reinsurance, banking, and securities markets to ensure adequate capacity and solvency of the industry to meet consumer needs. The Committee will pay particular attention to the potential benefits of long-term reserving, natural disaster securitization, catastrophic reinsurance, and industry pooling mechanisms. In addition, the Committee will specifically examine the impact of recent hurricanes on the Florida insurance marketplace, including the ongoing availability and affordability of homeowners insurance for consumers. The Committee will also examine programs in other States and foreign countries for providing catastrophic insurance.

Workers' Compensation Insurance. The Committee will monitor the current state of workers' compensation insurance to determine the reasonableness of the level of compensation and the types of claims and charges being made, and to consider whether further efficiencies or anti-fraud mechanisms can be developed.

Catalogue of Regulated Insurance Products and Federal Insurance Programs. The Committee will examine the types of financial products with insurance-related features that are regulated to various degrees by the States, as well as the different regulatory approaches used by the States. The Committee will also continue its ongoing review of the scope of the Federal Government's involvement and exposure in insuring risk, the extent to which the Federal government is displacing private insurance, and the degree to which Federal insurance programs are not being conducted efficiently or effectively.

Seniors' Retirement Needs. The Committee will monitor the insurance needs particular to those contemplating or currently in retirement, including the use of annuities, long-term care insurance, insurance pension programs, 401(k)s, as well as nursing care insurance and other old age insurance programs. The Committee's focus will include newly marketed hybrid insurance instruments that incorporate features of securities and banking products. The Committee will examine whether seniors' assets are being adequately protected and whether Federal and State financial regulators are ensuring that seniors' products are being properly regulated without any gaps in functional oversight.

Insurance Industry Critical Infrastructure Protection. The Committee will continue to examine the ability of the insurance industry, State insurance regulators, and the NAIC to protect against potential disruptions of the insurance sector from physical or cyber attacks by terrorists, as well as natural disasters.

INTERNATIONAL FINANCE

Annual Report and Testimony by the Secretary of the Treasury on International Monetary Fund Reform and the State of the International Financial System. The Committee will review and assess the annual report to Congress from the Secretary of the Treasury on the International Monetary Fund (IMF) and the state of the international financial system. Pursuant to section 613 of Public Law 105-277, the Committee will hear annual testimony from the Secretary of the Treasury on: (1) progress made in reforming the IMF; (2) the status of efforts to reform the international financial system; (3) compliance by borrower countries with the terms and conditions of IMF assistance; and (4) the status of implementation of anti-money laundering and counterterrorism financing standards by the IMF, the multilateral

development banks, and other multilateral financial policymaking bodies.

U.S. –E.U. Financial Sector Issues. The Committee will continue to monitor efforts by the European Union to build a unified financial services market, especially in light of the E.U.'s recent expansion to include a total of 25 Member States. These efforts include revisions to corporate governance standards, adoption of International Accounting Standards, efforts to update trading, clearance & settlement, and derivatives trading structures, oversight of financial conglomerates, transatlantic assessments of equivalency in regulatory oversight, and the evolution of relative responsibilities between Home and Host regulatory authorities. These reforms, upon implementation, will have a significant impact on American firms, consumers, investors. The Committee is committed to working with the U.S. and European regulators to ensure fair access to Europe's financial markets and to supporting increased exchanges of views across the Atlantic regarding matters of mutual interest.

U.S. Contributions to the International Financial Institutions (IFIs). The Committee will consider reauthorization of the International Development Association (IDA), the concessional lending window of the International Bank for Reconstruction and Development. Special attention will be given to efforts to improve transparency of the IFIs, efforts to implement anti-corruption measures at the IFIs, and the role of grants and loans in promoting economic development. The Committee will review U.S. participation in, and the effectiveness of U.S. policy toward, the IMF, the World Bank Group, and the regional Multilateral Development Banks (MDBs). The Committee will also continue to monitor the role that remittances by individuals in developed countries to family members in developing countries can have in fostering economic growth and entrepreneurship and the implications these flows holds for development and security policy, given that remittance flows substantially exceed the flows of official sector development assistance. The Committee will continue to monitor the role of the World Bank as non-voting board member and trustee of the Global Fund to Fight AIDS, Tuberculosis and Malaria in addition to assessing the status of the World Bank's programs to reduce HIV/AIDS in developing countries. Assessments of the effectiveness of the IFIs in promoting development in individual countries will be undertaken as needed. The Committee will also monitor the process of appointing a new President of the World Bank upon the retirement of the current President from that position in the spring of 2005.

Trade in Financial Services. The Chairman and the Ranking Member of the Committee continue to serve on the Congressional Oversight Group on Trade, pursuant to the Trade Promotion Authority Act (Public Law 107-210), which is due for reauthorization in 2005. In this capacity, the Committee will remain active in the oversight of trade negotiations and will consult regularly with the United States Trade Representative on matters within the jurisdiction of the Committee, with particular emphasis on the financial services and investment provisions of bilateral free trade agreements in addition to the negotiations within the World Trade Organization that apply to financial services. The Committee will monitor negotiations for increased trade liberalization in financial services and will consult with U.S. counterparts to those negotiations.

International Debt Relief. The committee will monitor and conduct necessary oversight activities regarding the implementation of legislation passed in the 106th Congress to authorize U.S. funding for the Enhanced Heavily Indebted Poor Country (HIPC) Initiative. The committee will assess progress made by the IMF and World Bank in granting multilateral debt relief to qualified HIPC countries. The Committee will also monitor the development and adoption of poverty reduction strategies by the HIPC countries, will assess compliance with other conditions on U.S. funding specified in the authorizing legislation, and assess efforts to address potential shortfalls in financing the HIPC Trust Fund. The Committee will continue to assess the effectiveness of the current HIPC initiative as well as the need for reforms in light of other development efforts through the Millennium Challenge Corporation and the Millennium Development Goals.

Millennium Challenge Corporation (MCC). The Committee will continue to monitor the participation of the Secretary of the Treasury as a member of the board of the MCC. The MCC is designed to help developing nations improve their economies and standards of living by allocating bilateral development assistance based on specific criteria designed to measure progress in recipient countries' ability to allocate resources in support of good governance, investment in health and education, and economic policies that foster economic freedom. The Committee will monitor and assess the impact of the MCC on the MDBs and debt relief efforts.

Counter-terrorism Financing Policy. Section 7701 of the National Intelligence Reform Act of 2004 (Public Law 108-458) notes the significant progress made by the Treasury Department in promoting the adoption and implementation of counter-terrorism standards around the world through the Financial Action Task Force (FATF), the IMF,

and the MDBs. The Committee will continue to monitor the role of the Treasury Department in promoting tighter counter-terrorism standards in these organizations as well as the evolution of the standards themselves as promulgated by FATF.

Export-Import Bank of the United States. The Committee will continue to monitor implementation of the Export-Import Bank Reauthorization Act of 2002 (Public Law 107-189) and the Bank's competitiveness as compared to foreign export credit agencies. Particular emphasis will be placed on the new mandates in that law regarding expansion of transactions with small businesses and the administration of the "Tied Aid" facility. The Committee will also review any cases where the President invokes Executive power to block Ex-Im financing due to foreign policy considerations. During the second session, the Committee will consider the reauthorization of the Ex-Im Bank.

Oil for Food Investigation. At the end of the 108th Congress, the Committee on International Relations referred to the Financial Services Committee an investigation of the letter of credit operation managed by BNParibas for the United Nations' Oil for Food program. During the 109th Congress, the Financial Services Committee will continue this investigation to determine whether any violations of law or regulation occurred in the administration of this letters of credit operation for the United Nations. It will also seek to determine whether issues raised in the investigation provide insights into how due diligence requirements for letter of credit and/or correspondent banking counterparts may be evolving and whether legislation is needed to match the pace of change.

North American Development Bank. The Committee will monitor and conduct necessary oversight activities over U.S. involvement in the North American Development Bank (NADBank). Specifically, the Committee will review the joint reform proposal for the NADBank as agreed to by President George W. Bush and President Vicente Fox of Mexico.

DOMESTIC MONETARY POLICY AND TECHNOLOGY

The Federal Reserve Bank's Conduct of Monetary Policy. The Committee will hold hearings to receive the Chairman of the Federal Reserve Board of Governor's semi-annual reports on the conduct of monetary policy. As part of this effort, the Committee will review issues associated with monetary policy and the state of the economy,

such as developments in employment, productivity, and investment and will consider the need for updating the government's economic indicators or changing the way they are collected, disseminated or used.

Management and Reform of the Federal Reserve System. The Committee will conduct oversight of the operations of the Federal Reserve System, including the System's management structure, its role in providing financial services, its conduct of monetary policy, and its role as a regulator with particular attention to compliance with anti-money laundering and anti-terrorist financing laws and regulations. Special attention will be given to possible consolidation of operations, use of technology, control and oversight mechanisms, budget processes, pay and benefit levels, system-wide strategic planning, and security issues.

Oversight of Agency Management Practices and Outcomes. The Committee will conduct oversight of the operations of all agencies under its jurisdiction to ensure disclosure of all material assets, liabilities, and costs of operations; to review agencies' measures taken to minimize waste and inefficiency; assess the impacts of agency actions on the financial services industry; and determine if the agencies are operating at the most efficient level of resources. The Committee will require the Federal regulators to report on the state of the financial services industry in order to alert Congress to any emerging weaknesses and supervisory measures being taken to counter such weaknesses. The Committee will review, for appropriate action, expired and expiring authorizations relating to the agencies.

Management of the Nation's Money: Activities of the Bureau of the Mint and the Bureau of Engraving and Printing. The Committee will conduct oversight of the activities of these Treasury bureaus as they relate to the printing and striking of U.S. currency and coins, and of the financing and minting of circulating and commemorative coins, and of Congressional gold medals. The Committee will review the efficiency and productivity of these bureaus' manufacturing operations, as well as the appropriate size of workforces and use of facilities. The Committee will monitor the Numismatic Public Enterprise Fund and consider the need for making technical changes and removing obsolete language from its governing statute. The Committee will conduct oversight of issues relating to the circulation patterns of coins and currency, with an eye towards maximizing their availability and usefulness while minimizing the cost to taxpayers and business. In particular the Committee will focus on issues relating to the new one-

dollar coin, including circulation patterns, and will continue to seek a true unit cost of production for the dollar and other coins.

Payments System Innovations. The Committee will review government and private sector efforts to achieve greater innovations and efficiencies in the payments system. The Committee will pay particular attention to efficiencies that could be created for business through enhancements of the types and amounts of information that accompanies electronic payments. The Committee will continue to assess the implications of new innovations in electronic money and electronic payment systems. Among the issues the Committee may examine are soundness, security, privacy, access to new electronic payment methods, eligibility criteria for issuing new payment methods, competing government regulation, threats posed to critical infrastructures such as the payments system, and new-technology methods of authenticating transactions and minimizing fraud.

Remittances. The Committee will monitor industry and government progress towards developing a robust, secure, transparent, and inexpensive method by which immigrants may send modest amounts of money to family members in their native countries.

Counterfeiting. The Committee will continue its review of efforts to detect and combat the counterfeiting of U.S. coins and currency in the United States and abroad. Particular attention will be paid to anti-counterfeiting successes by the United States Secret Service and to ways those efforts can be made even more effective. The Committee will examine U.S. anti-counterfeiting law with an eye towards modernizing it, and will examine the integrity of other countries' currencies, including counterfeiting of those currencies, to monitor any threats posed to the U.S. or world economies.

Technology and Compliance Monitoring at the Financial Crimes Enforcement Network. The Committee will monitor the establishment and maintenance at the Financial Crimes Enforcement Network (FinCEN) of the BSA Direct program to allow secure Internet filing of forms by and notification of institutions as required in anti-money laundering and anti-terrorist financing legislation, as well as FinCEN's development of a proprietary e-filing, data warehousing and data-interpretation technology. The Committee also will monitor FinCEN's efforts at establishing a robust Office of Compliance to monitor, enhance and encourage compliance with anti-money laundering and anti-terrorist financing legislation and regulations. Special attention will be given to FinCEN's efforts to attract and maintain top-qualified personnel.

Critical Infrastructure Protection and Cyber-security. The Committee will monitor private-sector and government-wide efforts to protect critical financial infrastructure, both physical structures and the infrastructure that support them — such as power, transportation systems — as well as telecommunications and computer systems that enable the functioning of our financial institutions and of the markets. The Committee will monitor interagency coordination on protection issues as well as threat assessment.

Economic Security. The Committee will explore the need for Federal economic and financial regulators to prepare for and provide a coordinated response to economic events that could threaten the Nation's economic security.

Development of Economic Opportunities. The Committee will review economic development programs under the Committee's jurisdiction, including programs administered by the Appalachian Regional Commission, the Economic Development Administration, and the Delta Regional Authority. Reauthorization will be considered when appropriate.

Diversity in the Financial Services Industry. The Committee will continue to explore the financial services industry's efforts to attract and maintain a diverse workforce, and its efforts to enhance access to capital for minority- and women-owned firms.

Modernization of the Defense Production Act. The Committee will review the Defense Production Act and an ongoing inter-agency study of the 50-year-old legislation with an eye toward eliminating obsolete language and undertaking any reforms necessary to keep the legislation available as a useful tool to protect national security in the 21st Century.

Committee on Government Reform
Oversight Plan
109th Congress
Honorable Tom Davis
Chairman

Rule X, Clause 2(d) of the Rules of the House requires each committee of the House to adopt and submit a two-year oversight plan to the Committees on Government Reform and House Administration by February 15 of the first session of Congress.

The following is the oversight plan for the Committee on Government Reform for the 109th Congress. It details areas in which the committee and subcommittees expect to conduct oversight during the 109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

Activities for the 109th Congress
Full Committee

National Guard and Reserve Oversight

The Committee will continue to monitor Title 10 and Title 32 readiness issues of the National Guard, including manpower, equipment, and training. The Committee's oversight will focus on new Army Modularity Initiative and Air Force Future Total Force Transformation and their effects on National Guard missions abroad and at home. The Committee will continue examination of the Department of Defense (DOD) and military service administrative processes and regulations involving the care of injured Guard and Reserve, including monitoring the execution of the Army's Community Based Health Care Initiative. Future work will include investigating the long term effects of military service on Guard and Reservist life. The Committee will continue to monitor the administration and integration of military pay systems at DOD including Forward Compatible Pay and Defense Integrated Military Human Resources System. General oversight will continue on the resourcing and readiness of all Reserve Components.

Homeland Defense and Military Assistance to Civilian Authorities for Homeland Security

The Committee will continue to monitor the role of the National Guard in homeland defense, homeland security, and military assistance to civilian authorities. Additionally, the Committee will monitor the execution of Title 32, Chapter 9 and examine other emerging statutory and regulatory changes needed to promote protection of the homeland, as well as the interaction between federal and state entities on the use of the National Guard. The Committee will examine the interaction between the Department of Defense and the Department of Homeland Security in defining their common roles and responsibilities in homeland security and homeland defense. The

Committee will examine joint training and exercises between National Guard, Active Duty, State, and civilian entities in preparation for a terrorist event.

United States Postal Service

In April 2001, the Government Accountability Office placed the Postal Service's transformation efforts and its long-term prospects on its list of high-risk areas. The Postal Service remains on that list. In addition to pursuing critically-needed legislative reform, the Committee will continue to monitor the Postal Service's internal efforts to reform its management and control costs. Specifically, the Committee will monitor the Postal Service's implementation of its own Transformation Plan, issued in April, 2002. In addition, while many of the recommendations of the July, 2003 report of the President's Commission on the United States Postal Service were recommendations for legislative action, many were recommendations directed to the Postal Service itself. The Committee will monitor the Postal Service's implementation of these recommendations as well.

Management Reform

The Office of Management and Budget announced its intention to propose government-wide personnel and management reform this year. As part of this discussion, the Committee will continue to monitor and assess the implementation of the new human resources management systems at the Department of Defense and the Department of Homeland Security, as well as the various ongoing human resources demonstration projects. In addition, the Committee will oversee the use of management flexibilities provided last year as part of the Federal Workforce Flexibility Act of 2003.

Diploma Mills

In 2003, the Department of Homeland Security launched an investigation into allegations that one of their senior official's had used a bogus degree from a diploma mill in connection with her federal employment. In response to this event, the Committee began an investigation into the use of diploma mills in the federal civil service. The Committee's goal was to help develop a coherent, government-wide policy that will enable federal employers to more easily identify and discourage the use of these degrees. The Committee's investigation has shown that this issue is not only a problem for federal employers but for the private economy as well. During the 109th Congress, the Committee will seek to publicize the new resources being developed to help government and private employers detect the use of diploma mills.

Electronic Voting

In October 2002, Congress passed and the President signed into law the Help America Vote Act (HAVA). The goal of this legislation was to ensure that all Americans were able to accurately cast a vote for the candidate of their choice. In response to HAVA, many local governments are now purchasing new electronic voting machines.

While the existing data indicate that these machines can be more accurate than outdated punch card voting machines, experts are becoming increasingly concerned that their software has security gaps that could potentially allow unscrupulous individuals to alter the vote count, unlawfully affecting election results while leaving no paper trail or other auditable evidence. In addition, a number of incidents in recent Presidential primaries and local elections raised concerns about the performance of the machines, and the fact that their reliability could be impaired by implementation problems during elections. The Committee has initiated a GAO study to review the security and reliability of electronic voting systems and to identify best practices that can be implemented to improve the security and reliability of the electronic voting process.

Regulatory Affairs

Limiting the intrusion of government reporting requirements into the daily activity of the business community is the primary way government can create a national environment that encourages growth and development. Government interfaces with business as a customer and as a regulator. As a regulator, government ensures that business is conducted honestly and safely, and it incentivizes certain behavior judged to be in the public good. These are laudable goals -- but they have a cost. With an eye towards understanding these costs and seeking to limit them as much as possible, the Committee intends to study the effectiveness of the Paperwork Reduction Act and plans to reauthorize the legislation during the 109th Congress.

Bureau of Economic Analysis

The Committee oversees the activities of the Bureau of Economic Analysis (BEA). The BEA produces economic statistics that enable government and business decision-makers, researchers, and the American public to follow and understand the performance of the nation's economy. Most notably, the BEA produces the GDP and many of the Balance of Trade statistics. The Committee works with stakeholders and fights for adequate funding for this small, but critical, agency. The Committee also meets regularly with stakeholder groups, members of Congress, and state and local government groups to seek to understand concerns about BEA activities and resolve issues when possible.

Unfunded Mandates Reform Act

The Committee is studying the impact of unfunded federal mandates. Also the Committee is examining the Unfunded Mandates Reform Act (UMRA) and seeking to identify possible areas of improvement in the Act. Beyond that the Committee is attempting to develop a more complete picture of the effect of unfunded mandates – those covered by UMRA as well as those not covered – on state and local governments.

New Dietary Guidelines

On January 12, 2005, the Departments of Agriculture and Health and Human Services released the sixth edition of the *Dietary Guidelines for Americans*. The guidelines were released pursuant to federal law which requires a revision every five years. The Guidelines are important in shaping federal food programs and policies. The Committee will review these revisions to ensure the changes help to promote healthy living among all Americans.

Thrift Savings Plan

The Thrift Savings Plan is a 401(k)-style retirement savings plan for federal government employees or members of the uniformed services. In 2005, the Federal Retirement Thrift Investment Board plans to introduce "Lifecycle funds," which are combinations of the five existing TSP funds gradually adjusted by fund managers according to a participant's target retirement. The Committee will examine the usefulness of these new funds and continue to monitor the Board's participant services.

Homeland Security

Continuity of Operations for the Federal Government (COOP)

The Committee will continue to oversee the federal government's implementation of COOP. Last year the GAO concluded that most of the departments and agencies have not uniformly and systematically developed COOP plans and FEMA has not effectively administered its coordinating responsibility with the agencies. Because of the heightened threats of terrorism against federal government agencies, this issue will continue to be a priority of the Committee. By February 2005, the GAO is to complete a follow up study on the progress, if any, by government departments and agencies. The Committee may use this GAO report as a basis to hold another hearing on this subject.

SAFETY Act Implementation

The Homeland Security Act of 2002 included a provision, Support Antiterrorism by Fostering Effective Technologies Act (SAFETY Act), which provides incentives to private industry to deploy antiterrorism technologies by creating systems of risk management and litigation management. Timely implementation of this provision is crucial to the war on terrorism. The Committee will continue in its effort to make sure that the Department of Homeland Security works with stakeholders to manage the SAFETY Act in such a way that optimizes the legislation to the maximum extent practicable.

United States Visitor and Immigrant Status Indicator Technology (US-VISIT)

The federal government has initiated a program which will attempt to record and retain information on foreign visitors as they enter and exit our borders. This program, United States Visitor and Immigrant Status Indicator Technology (US-VISIT) was established in accordance with several Congressional mandates requiring that the

Department of Homeland Security (DHS) create an integrated, automated entry-exit system that: (1) records the arrival and departure of aliens; (2) deploys equipment at all ports of entry to allow for the verification of aliens' identities and the authentication of their travel documents through the comparison of biometric identifiers; and (3) utilizes an entry-exit system that records alien arrival and departure information from these biometrically authenticated documents. The US-VISIT program is an endeavor that will take years to mature, and DHS is using a phased approach in the implementation of the program. The Committee has worked closely with the stakeholder community to make sure this phased approach is workable for all involved. In this Congress, the Committee will attempt to oversee the land border application of US-VISIT and the exit system as it is applied to airports and seaports. The Committee intends to work with DHS and other stakeholders to make sure this carefully crafted program is implemented as quickly and efficiently as possible.

Transportation Security Administration

In the 108th Congress, the Committee conducted extensive oversight of the Transportation Security Administration (TSA). The Committee focused its oversight on airline passenger and baggage screeners, CAPPS II, and mass transit security. Chairman Davis was also the lead requester for a GAO report on air cargo security. This thorough oversight over TSA operations will continue into the 109th Congress. The Committee will also monitor TSA's new passenger pre-screening system for commercial aviation, known as Secure Flight. The Committee plans to assess whether the recommendations made by Congress, the Office of Inspector General, and GAO, to improve airline passenger and baggage screening, are properly implemented and effective.

Homeland Security Coordination

The Committee will continue to inspect and assess the coordination between the various federal, state, and local entities charged with protecting our homeland. Coordination among these groups is necessary to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities. During the 108th Congress, the Committee held three hearings examining the state of emergency preparedness and coordination, specifically in the National Capital Region (NCR). The Committee will continue this work to assess what progress has been made and what additional steps need to be taken to better position the region to address potential threats.

Legal Immigration Management Reform

The Homeland Security Act of 2002 divided the responsibilities formerly held by the old Immigration and Naturalization Service's functions of immigration enforcement and legal immigration benefits into two agencies. The U.S. Citizenship and Immigration Services (USCIS) became responsible for the legal immigration benefits side of the equation in March of 2003. Since then, numerous issues and concerns have come to the Committee's attention regarding this agency. Of particular interest, USCIS faces a significant backlog of pending cases that has a profound effect both on the immigrant

community and on the U.S. economy. USCIS has developed a Backlog Elimination Plan that calls for the elimination of all backlog by 2006. However, there are serious questions as to whether this is an attainable goal and whether the agency can keep the backlog down permanently once the initial goal is reached. The USCIS Ombudsman has made some intriguing recommendations for reform of broken processes at the agency that may help resolve the underlying issues causing inefficiency. However, there is some question as to whether these recommendations are being effectively tested and implemented agency-wide, and the Committee is interested in this as well as the merits of the recommendations themselves.

Security Clearance Reform

The Committee-authored Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 seeks to address the decades-old problems that afflict the security clearance regime of the United States. These problems include a considerable backlog of investigations, creating a shortage of cleared personnel available to government and industry, and a lack of reciprocal recognition of clearances by different government agencies. This language places certain responsibilities and goals on the Executive Branch, including naming an entity to serve as overseer of all clearance policy and implementing new standards and technology to ensure a secure and efficient investigative and adjudicative process. As the Executive Branch moves forward in implementing the requirements of the legislation, the Committee will work closely with the parties involved, in particular the new coordinator of clearance policy, to ensure that the spirit of the legislation is honored and that any problems with it are fixed.

Oversight of Federal Agency Contracting

Contracting Issues Associated With U.S. Global Military Commitments

The Committee will continue to oversee the contracting issues associated with our U.S. military as it pertains to their global missions in areas such as Bosnia, Iraq, Afghanistan, and other parts of the world. In 2003 and 2004, our military found itself deployed throughout the world in support of various geopolitical objectives. These deployments required the U.S. Government to quickly set up contingency operations for the basic living conditions of both military and civilians working in the theater of operations. These forces were faced with difficult living conditions because of their remote locations and the threat of armed military actions. Contracting for goods and services to support these needs was and continues to be a difficult undertaking. The Committee held a series of hearings related to issues concerning these difficulties and will continue to oversee the process, as the U.S. stays committed to the various mission areas throughout the world. The Committee will continue to monitor the progress of the Iraq reconstruction efforts.

Networx

The Committee has held two oversight hearings in the past year on the General Services Administration's (GSA) government-wide voice and data telecommunications

program, Networx. The focus of these hearings has been to determine whether GSA's acquisition strategy will be effective in today's telecommunications environment. The Committee intends to continue its oversight of the $20 billion Networx program through hearings in the next Congress. The Committee will keep a close eye on this program as it moves closer to the award phase.

General Services Administration Structure

The Committee will continue its oversight of the General Services Administration (GSA) and explore whether legislation is needed to restructure the agency. The Committee has held hearings on the overlapping and redundant nature of GSA's current structure for its Federal Supply Service (FSS) and Federal Technology Service (FTS). The Committee intends to hold additional hearings on GSA structural issues as they relate to the instances of contract mismanagement in FTS as revealed by the recent GSA IG reports. The Committee will consider whether legislation is a viable remedy to these and other management problems within the agency.

Oversight of Information Technology and Information Policy

Information Security

The Federal Information Security Management Act of 2002 (FISMA) provides an important comprehensive information security framework for federal agencies. The Committee will continue its aggressive oversight of FISMA implementation. Specifically, the Committee will be releasing the federal agency FISMA compliance scorecards and review FISMA implementation to determine whether there is a need to amend or clarify provisions.

E-Government

The Committee will continue oversight of the Electronic Government Act of 2002 initiatives to further the federal government's use of information technology to improve government services and operations. In particular, the Committee will review the consistent under-funding of the electronic government fund.

Information Sharing

The Intelligence Reform and Terrorism Prevention Act of 2004 enacted the most dramatic reform of our nation's intelligence capabilities in almost 50 years. The Intelligence Reform and Terrorism Prevention Act of 2004 requires the President to establish a trusted and secure information sharing environment to promote the sharing of intelligence and homeland security information in a manner consistent with national security and the protection of privacy and civil liberties. The Committee will oversee the implementation of this government-wide information-sharing environment.

Information Classification

Recent years have seen the multiplication of policies and regulations governing so-called "sensitive but unclassified" information. While there is certain information that ought to be protected but cannot be classified (such as Protected Critical Infrastructure Information, which the government does not own and may not therefore classify) the Committee is concerned that federal agencies have started relying too heavily on such categorization as a way to bypass the traditional classification and clearance structure. The Committee believes in maintaining, to the greatest extent practicable, consistent and uniform policies governing the control of government-owned, sensitive information. An overlapping or stove piped policy will only create confusion and inefficiency.

IPv6

The Committee will oversee the federal government's migration to Internet Protocol version 6 (IPv6). The current generation of IP, version 4 (IPv4), has been in use for more than 20 years and has supported the internet's growth over the last decade. There are, however, concerns about the ability of IPv4 to accommodate emerging demand, especially the anticipated demand for unique internet addresses. IPv6 has been developed to accommodate whatever level of demand emerges as well as provide other features and capabilities not available through IPv4. As a major purchaser of IPv6 products and services, federal agencies could play a significant role as early adaptors of IPv6. The Committee will oversee the federal government's migration to IPv6 in order to ensure that it is done efficiently.

Agency Use of Emerging Technologies and Standards

The Committee will oversee federal government use of emerging technologies such as Radio Frequency Identification (RFID) and Nanotechnology. In addition, the Committee will oversee federal government involvement in various standards setting organizations as well as federal government implementation of approved standards for various emerging technologies and processes.

Information Privacy

In a post 9-11 world it is imperative that government find the appropriate balance between protecting our homeland and safeguarding privacy and civil liberties. 9-11 Commissioners John Lehman and Bob Kerrey testified at a Government Reform Committee hearing about the need to balance privacy and civil liberty concerns with the growing need to obtain and share information. The Committee was involved in crafting the information sharing language in the Intelligence Reform Act of 2004 and will closely oversee implementation of the information sharing environment to ensure that privacy and civil liberties are protected. In addition, this is the committee of jurisdiction over the Freedom of Information Act (FOIA) and the Federal Advisory Committee Act (FACA) both of which stand for open government and are very important to our citizens'

confidence in government. As the gatekeeper of FOIA and FACA, this committee is closely monitoring the privacy debate.

Intellectual Property Piracy

The Committee held a hearing on intellectual property piracy that focused on U.S efforts to enforce domestic laws and encourage foreign countries to adopt and enforce regulations to protect intellectual property rights, as well as international efforts to protect U.S. intellectual property rights abroad. Since that hearing, the Administration announced the Strategy Targeting Organized Piracy (STOP) Initiative, which involves coordinated efforts by the Departments of State, Commerce, Justice, and USTR. The Committee will continue to monitor intellectual property piracy problems, both domestic and international, and examine the effectiveness of U.S. policies to combat those problems.

Department of the Interior's Tribal Recognition Process

The Bureau of Indian Affairs' process for recognizing Indian tribes has received scrutiny from the Committee. The recognition process affects the public in many ways, including tribal acquisition of land and casino expansion. The Committee will continue to evaluate the Bureau of Indian Affairs exercise of its authority to recognize tribes and the effect of those decisions on localities throughout the country. The Committee will also consider whether additional specificity in recognition criteria is warranted.

Oversight of the District of Columbia

The Committee will continue its active oversight of initiatives important to the District of Columbia (District or D.C.) and the Congress by focusing on the continued financial management and economic policies of the District government, improvement of programs funded by the federal government, and regional emergency preparedness and response activities. During the 109th Congress, the focus of the work of the Committee will be aimed at protecting the federal interest by ensuring that the District government continues to be financially healthy and to provide quality service to visitors, residents, and federal users of the District services.

Education Reform

Over the past decade, Congress has spent considerable time and resources working with the District to reform its education system. Congress has supported school choice in the District of Columbia by passing legislation creating charter schools and the D.C. Opportunity Scholarship Program and reauthorizing the D.C. College Access Act. The Committee will continue to examine current efforts to improve academic performance and promote an atmosphere for positive change and reform within the District's school system.

Emergency Preparedness

The tragic events of September 11, 2001, unfortunately confirmed the recognition of the National Capital Region as a terrorist target. As a result, the federal government and local Washington area jurisdictions have taken a number of actions to improve coordination of emergency preparedness efforts. It's a delicate balance to respond to emergencies adequately and safely and to make sure residents, businesses, and governments in the region can carry on with their normal activities. The Committee hopes to assess the progress that has been made in better positioning the region to address potential threats.

WMATA

The Washington Metropolitan Area Transit Authority (WMATA) was created in 1967 by an interstate compact that resulted from the enactment of identical legislation by Virginia, Maryland, and the District of Columbia, with the concurrence of Congress. WMATA was established to "plan, finance, construct, and operate a comprehensive mass transportation system in the National Capital Region." WMATA faces challenges caused by an aging infrastructure and growing ridership. The Committee will continue to conduct oversight over WMATA affairs.

D.C. Courts/Family Courts

Last year, the Committee held a hearing on the management and operations of the D.C. Courts. We examined specific concerns in the Family Court and the Probate Division. The Committee will follow up with a series of hearings addressing various aspects of court management and operations, including reforms in the administration of the register of Wills office, timeliness of hearing transcripts, and transparency of court information. The Committee will also continue its oversight of the management and operations of the D.C. Family Court and ensure that it is meeting the requirements set in the D.C. Family Court Act.

Child Family Services Agency/Youth Services Administration

The Committee will continue to monitor critical issues involving the Child and Family Services Agency, including the management of the agency, timely placement of children in foster homes, the recruitment and retention of foster families in D.C., social worker caseloads, and the recruitment and retention of social workers.

The D.C. juvenile justice agency was formerly known as the Youth Services Administration and has been the defendant in a class-action lawsuit that has lasted for many years. The agency organization was bifurcated in a way reminiscent of the Child and Family Services Agency (CFSA). The city has been quick to identify the necessary corrective action because of both the requirements in the court orders and its experience with the CFSA receivership. The Department of Youth Rehabilitation Services was established as a cabinet-level agency and the Mayor has recently appointed Vincent

Schiraldi to lead it. The Committee will continue its oversight of the Department's reorganization and its efforts to meet the criteria established in the court orders.

Grant Administration

Department of Health's administration of Center for Disease Control and Prevention grants has resulted in suspension of cancer screening funds for Project WISH. Other programs are also in jeopardy. Mismanagement in other departments has been reported, including the Department of Human Services' oversight of Community Services Block grants, with problems at the United Planning Organization. The Committee will continue to evaluate the District of Columbia government's efforts to comply with federal grant requirements, focusing initially on health-related programs, and other welfare programs.

Lead in the Water/Water and Sewer Authority

Since January 2004, the District of Columbia has been subjected to a barrage of reports that its drinking water supply contains excessive amounts of lead, well in excess of the Environmental Protection Agency (EPA) prescribed action level. The responses to those tests by both EPA and the Washington Water and Sewer Authority have been investigated by the Committee and analyzed to determine compliance with the Safe Drinking Water Act. The Committee will continue to monitor developments as a result of the lead in the water problem.

D.C. Voting Rights

During the 108th Congress, the Committee held a hearing on voting representation in the District. The Committee will continue to study and lead the dialogue on granting voting rights to District residents.

Flu Vaccine Supply and State and Local Health Preparedness

The Committee's investigation into the issues surrounding the influenza vaccine supply began early in the second session of the 108th Congress. The Committee held a flu pandemic hearing in February 2004 and an emergency hearing in October 2004 regarding Chiron's license suspension and the resulting flu vaccine shortage. A third hearing was held in November, following several meetings with Chiron, and U.S. and British health authorities. The Committee will continue to examine the actions taken by the Department of Health and Human Services, the Centers for Disease Control and Prevention, and the Food and Drug Administration to fully prepare for an unpredictable 2005-2006 flu season and how these federal agencies are providing guidance and coordinating with state and local health officials. The Committee will also review the need for legislation and discuss specific solutions to ensure a stable annual flu vaccine supply.

Review of FDA Oversight and Enforcement

The Committee will continue to investigate the Food and Drug Administration's (FDA) post-marketing surveillance of drugs, and whether FDA has the appropriate authority and resources to adequately monitor the safety of drugs. The Committee intends to consider the adequacy of FDA's guidance documents regarding risk management after approval of a drug by exploring what types of post-marketing commitments FDA requests of drug sponsors and what formal procedures FDA has in place for monitoring or establishing whether a post-marketing commitment is met. The Committee will also review FDA's enforcement authorities under existing law, including enforcement of provisions against false and misleading advertisements and provisions guaranteeing the use of good manufacturing practices for drugs, biologics, and vaccines.

Review of USDA's Expanded BSE Cattle Surveillance Program

Over a year has passed since the first case of Bovine Spongiform Encephalopathy (BSE, or commonly known as "mad cow disease") was discovered in the U.S. In that time, the U.S. Department of Agriculture (USDA) implemented an expanded surveillance program to detect the presence of BSE in the U.S. cattle population. The Committee held a hearing in July 2004 to examine USDA's expanded BSE surveillance program and voiced concerns regarding the written protocols of the plan and the management of its implementation. This hearing was the culmination of the Committee's seven-month investigation into USDA's response to the BSE-infected cow in Washington State and the subsequent changes made to USDA's surveillance program. The Committee will continue to evaluate how the program has been implemented and its effectiveness. With the latest discovery of BSE infected cattle in Canada, the Committee will look into recent decisions by the Department regarding specific written protocols and the importation of beef products from Canada and other countries.

21st Century Healthcare

The Committee will continue to monitor the development and implementation of an efficient, secure, and reliable health information-sharing network. The emerging public health threats of the 21st Century require the seamless flow of information at all levels of government. Our country's experiences with SARS, the flu vaccine shortage, and bioterrorism preparedness have provided opportunities to examine the efforts currently underway in the advancement of information technology in the healthcare industry. Improved information sharing will provide the tools necessary to effectively respond to a bio-emergency event – whether terrorist-related or naturally occurring. The Committee plans to examine the progress and impediments to the development and implementation of an efficient, secure, and reliable health information sharing network related to public health issues and emergency response – at the clinical care delivery, public health, and consumer health levels, as well as among governmental entities at the federal, state, and local levels. While conducting oversight, the Committee will also explore the role and status of technology in contributing to the success of these efforts.

Activities for the 109th Congress
Subcommittees

Subcommittee on National Security, Emerging Threats and International Relations

In the 109th Congress, the Subcommittee will undertake oversight inquires, reviews, General Accounting Office audits, and/or hearings in the following issue areas:

1. **National and Homeland Security**

   A. Security procedures at civilian and military nuclear facilities, including National Nuclear Security Administration (NNSA) and Nuclear Regulatory Commission policies and procedures on the use of private security contractors.

   B. Port security improvements and coordination between federal, state, county, local and private authorities in securing shipping.

   C. Implementation of homeland security strategies and implementation of the Homeland Security Act of 2002.

   D. Doctrine and role of NORTHCOM and DOD in homeland security.

   E. Implementation of 9/11 Commission recommendations on matters within the Subcommittee's jurisdiction.

   F. Use of funds appropriated for medical screening, testing and treatment of first responders and others who responded to the terrorist attack on New York on September 11, 2001.

   G. Management of pharmaceutical stockpile programs.

   H. Status of effort to enhance air cargo security.

   I. Research coordination and funding priorities for chemical and biological countermeasures (i.e. vaccines, post-exposure therapeutics), particularly the DOD Joint Vaccine Acquisition Program.

   J. Project BioShield implementation, particularly with regard to safeguards against mandatory use of experimental products by military personnel.

2. **Emerging Threats**

A. Status of U.S. compliance with requirements of the Biological and Toxic Weapons Convention and efforts to strengthen enforcement and other biological weapons counter proliferation strategies.

B. Critical infrastructure (i.e. chemical facilities, electrical plants) threat assessment and security strategies.

C. Assessment of tools, methods and protocols to detect and determine the extent of anthrax contamination.

3. International Terrorism

A. U.S. support for the World Health Organization and other international disease surveillance programs as counterterrorism sentinels.

B. Implementation of bilateral cooperative agreements with the UK and Israel on development of counterterrorism technologies.

4. Department of Defense (DOD) Programs and Spending

A. Coordination and priority setting for research, development and acquisition activities for chemical and biological defense equipment: masks, suits, detectors, decontamination equipment.

B. Extent and consistency of CBRN training.

C. Adherence to technology maturation analyses being used to develop the Joint Strike Fighter (JSF) aircraft.

D. Effectiveness of F-22 Raptor program cost containment strategies.

E. Management and effectiveness of certain DOD threat reduction programs, particularly regarding chemical and nuclear weapons in the former Soviet Union.

F. Systemic waste, abuse and control weaknesses in the Defense Reutilization Marketing Service.

G. Extent of use, standards for, and management of armed contractors by DOD and other federal agencies.

H. Efficiency and effectiveness of DOD communication satellite contracting practices.

I. Compliance with DOD security regulations for presidential support activities (PSAs).

J. Implementation and effectiveness of DOD monitoring program for occupational and environmental health hazards for troops deployed in Operation Iraqi Freedom.

K. Review of host nation security support for U.S. military installations.

L. Implications of U.S. Army transformation plans for forces required in post-conflict situations, including efforts to properly train and equip U.S. military forces.

5. Department of Veterans Affairs (VA) and Spending

A. Implementation of the Gulf War Veterans' Health Act, particularly VA exposure risk determinations, Gulf War veterans' service-connection determinations and research coordination.

B. VA initiative to test and treat veterans at risk for Hepatitis C infection.

C. Delays and inconsistencies in VA Benefits Administration reports on Gulf War veterans.

D. Scope and effectiveness of DOD and VA surveillance and monitoring of long-term cancer rates associated with Gulf War (Desert Shield/Storm) deployment.

6. Department of State and USAID Programs and Spending

A. Status of federal efforts to enhance security training and awareness of Americans abroad.

B. Implementation of State Department rightsizing initiatives.

C. Scope and effectiveness of humanitarian assistance and reconstruction efforts in post-war Iraq.

D. Scope and implications of the United Nations Oil for Food Program scandal.

E. Management of, and accountability for, funds entrusted to the Development Fund for Iraq (DFI).

F. Status of efforts to strengthen the visa revocation process.

G. Effectiveness of management systems and initial results of the Millennium Challenge Corporation (MCC).

H. Status of efforts to improve U.S. public diplomacy efforts, particularly in the Arab and Muslim world.

I. Review the effectiveness of State Department, U.S. Agency for International Development (USAID), and other U.S. government agency assistance to the Arab and Muslim world, including the Middle East Peace Initiative (MEPI).

7. Post-Conflict Iraq

A. Status and pace of multilateral, federal and private reconstruction efforts.

B. Scope and reach of democracy-building efforts in Iraq, particularly those activities undertaken by NDI funded entities and other NGOs.

C. Progress and challenges in training and equipping Iraqi forces.

Subcommittee on Criminal Justice, Drug Policy and Human Resources

This memo provides the Oversight Plan for the Subcommittee on Criminal Justice, Drug Policy, and Human Resources for the 109th Congress, pursuant to House Rule X. The Subcommittee expects to conduct authorization and oversight activity on the following matters during this Congress:

Drug Policy

- **ONDCP Reauthorization**: The Subcommittee will be required to develop legislation to reauthorize the Office of National Drug Control Policy (ONDCP) and its programs during the 109th Congress. The last authorization of the office ($523 million in FY '03) expired in September 2003. In addition to the office itself, many of its subsidiary programs will require authorization, most notably the High Intensity Drug Trafficking Areas (HIDTA) program and the National Youth Anti-Drug Media Campaign. The Subcommittee also intends to examine the process by which ONDCP prepares and certifies the federal government's drug control budget.

- **Methamphetamine Abuse Prevention:** The problem of methamphetamine trafficking and abuse is a growing issue that will have to be addressed by the 109th Congress. The Subcommittee intends to continue its study of the problem and to explore new legislative solutions, including controlling access to precursor chemicals and increasing penalties for trafficking.

- **National Drug Control Budgets for 2006**: The Subcommittee has conducted a consistent program of oversight to examine the adequacy of budget proposals for

key federal organizations with drug enforcement, education, and treatment programs, including Coast Guard, CBP border inspections, Border Patrol, AMO, and ICE investigations, DEA, OCDETF, and the Criminal Division at DOJ, and the Departments of Education, Health and Human Services and Veterans Affairs. Key questions include how the Administration plans to handle all of the law enforcement and security responsibilities assigned to its entities, and how Congress and the Administration will allocate responsibilities within DHS.

- **State Drug Legalization Initiatives**: The Subcommittee will examine the best and most appropriate approach to continue strong opposition at the federal level to drug legalization and decriminalization, and the so-called "harm reduction" movement.

- **International and Interdiction Issues**

    - Counterdrug Information and Intelligence Sharing: The shortfalls in intelligence and key information sharing described in the 9/11 Commission Report are not confined to the FBI and CIA. Information sharing failures extend to the agencies entrusted with protecting our borders and interdicting illegal drugs – several of which are now combined in the Department of Homeland Security. In fact, the 9/11 terrorists each had to clear federal customs and immigration authorities, and had brushes with local law enforcement. If everyone had all the information on these killers, they might not have been able to carry out their planned attacks. These problems can also undermine our efforts to identify and stop drug traffickers. The Subcommittee will examine what actions can be taken to prevent the "stovepiping" of drug interdiction intelligence, and to promote information sharing across the federal government.

    - Afghanistan's Opium Epidemic: The United Nations Office on Drugs and Crime (UNODC) has conducted annual opium poppy surveys in Afghanistan since 1994. The 2003 Survey shows that in 2003, Afghanistan again produced three-quarters of the world's illicit opium, resulting in income to Afghan opium farmers and traffickers on the order of $2.3 billion, a sum equivalent to half the legitimate GDP of the country. The 2004 annual U.S. Government estimate for opium poppy cultivation in Afghanistan is complete and shows that approximately 206,700 hectares of poppy were cultivated during the most recent crop season. Current cultivation levels equate to a potential production of 4,950 metric tons of opium. This represents a 239 percent increase in the poppy crop and a 73 percent increase in potential opium production over 2003 estimates. UNODC concluded that "out of this drug chest, some provincial administrators and military commanders take a considerable share...Terrorists take a cut as well... the longer this happens, the greater the threat to security within the country and on its borders. There is a

palpable risk that Afghanistan will again turn into a failed state, this time in the hands of drug cartels and narco-terrorists..." The Subcommittee will review what actions can be taken to address U.S. and coalition efforts to stop heroin cultivation. The Subcommittee will continue to investigate the continuing connection between heroin and terrorist/insurgent financing.

- Mexico and the Southwest Border: During the last Congress, the Subcommittee continued to focus on the multitude of diverse issues that affect the rampant drug smuggling activities through the Southwest Border region. According to the 2005 Joint Interagency Task Force South estimate, 86% (about 344 metric tons) of the cocaine smuggled in to the U.S. will come through the Southwest Border region. The Subcommittee will examine how we can better coordinate with Mexico, and how we can make the federal, state and local agencies more effective?

- Operation Panama Express: The 2004 National Drug Control Strategy made note of the tremendous successes of Operation Panama Express, an intelligence-driven program managed by the Departments of Justice and Homeland Security. Members of the "Operation Panama Express" team include the U.S. Attorney for the Middle District of Florida, the U.S. Coast Guard, U.S. Immigration and Customs Enforcement (ICE), Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Joint Interagency Task Force-South (JIATF-South), the Internal Revenue Service - Criminal Investigative Division, the Florida Department of Law Enforcement, and the Sheriff's Offices from Pinellas and Sarasota Counties. As a direct result of the success of this operation, the Coast Guard seized a record 240,518 pounds of cocaine, worth approximately $7.7 billion during fiscal year 2004. The previous annual record of 138,393 pounds was set back in 2001. The Subcommittee will examine what is the best and most appropriate approach to fully support Operation Panama Express, and how can it be used as a model for other areas of drug interdiction.

- Enhanced Focus on Drugs/Terrorism – The Subcommittee's previous oversight activities have made us aware of numerous pending drug cases with significant and very specific links to international terrorism. The Subcommittee will review how we can best heighten public awareness of these cases and the demonstrable links between the drug trade and terrorism.

- Department of Homeland Security and Counternarcotics Enforcement – In December, Congress passed and President Bush signed into law Chairman Souder's proposal to upgrade the original position of DHS Counternarcotics Officer to an Office of Counternarcotics Enforcement, with a dedicated staff and a Senate-confirmed Director of

Counternarcotics Enforcement. The Subcommittee intends to closely monitor the activities of the new Office, and the level of resources and support provided to it by the Department.

- Status of Colombia Programs and the Andean Counterdrug Initiative – President Uribe has significantly increased his support for drug eradication programs in Colombia, which has led to a fairly significant increase in activity and effectiveness. More and more members of Colombian foreign terrorist organizations, most of whom were involved in drug trafficking, are laying down their arms and surrendering to the Colombian government. The Subcommittee will consider what the U.S. role should be in assisting the effort by the Colombian government to demobilize these former members and reintegrate them into law-abiding society.

- **Drug Prevention and Treatment**

  - Treatment Initiatives – The President's "Access to Recovery" initiative to increase the availability and effectiveness of drug treatment is completing its first year in existence. The Subcommittee will oversee how the program has been implemented and what is likely to be the immediate impact for Americans seeking treatment. The Subcommittee will also consider whether funding for the program be increased, and should it be a model for other federal treatment and social services programs.

  - Status of Federal Prevention Programs – The federal government continues to have a largely uncoordinated and frequently unfocused group of drug prevention programs. The Subcommittee will consider how we can better coordinate them and make them more effective.

  - Drug Testing: A recent Oregon study found that students who were regularly drug tested in schools are much less likely to use illegal narcotics, and enhanced awareness of testing has been a significant initiative of ONDCP. The Subcommittee will examine how we can work to make the public aware of the importance of testing and what federal programs can be supported to facilitate testing and accountability among youth.

- **Law Enforcement**

  - Needle Exchange Enforcement: Federal and state court opinions issued in New York City and Massachusetts essentially held that participants in needle exchange programs could not be arrested for drug use. The Justice Department has not determined whether it will be aggressively appealing the federal decision. The Subcommittee will consider how can we work to continue effective law enforcement in these areas.

Justice

- **Effect of Homeland Security on Federal Law Enforcement**: Since Congressman Souder became chairman in 2001, the Subcommittee has conducted a number of hearings on the impact that the creation and reorganization of the Department of Homeland Security is having on other federal law enforcement agencies – primarily examining whether the intense focus on preventing and responding to terrorist strikes would adversely affect the resources, focus, or personnel available to more traditional law enforcement missions which did not disappear after 9/11. These issues will require ongoing attention to ensure the continued effectiveness of the overall system.

- **Border**: The Subcommittee has also carried out an exhaustive review of U.S. border agencies and policies since 2001. The Subcommittee expects to continue careful oversight of border security and law enforcement issues, particularly on the Southwest border.

- **Law Enforcement and Telecommunications**: Federal law enforcement agencies have raised concerns that many providers of new Internet-based communications technologies are operating as if the provisions of CALEA do not apply to them – in particular, the requirement that telecom companies provide quick access to law enforcement agencies that have valid, legal wiretap orders. The Subcommittee intends to monitor this situation closely and propose legislative changes if necessary to ensure our law enforcement officers can continue to investigate criminal organizations and protect the public safety.

Human Resources/Social Policy

- **Health and Social Policy Oversight**: The Subcommittee has conducted an aggressive program of oversight of the Department of Health and Human Services as it affects health and social policy, focused most prominently on bioethics (including human cloning and stem cell research), human life issues, racial health disparities, reproductive health, HIV policy, and health issues impacting illegal drug policy. These oversight activities are expected to continue at the same intensity in the 109th Congress.

Faith-Based Initiatives: The Subcommittee has oversight jurisdiction for the White House Office of Faith and Community Based Initiatives, and has worked regularly with Administration officials on development of executive branch policies to promote faith-based charities, on the status of pilot programs, and on pending legislative proposals on the issue and outreach to the faith-based social provider community. These activities are expected to intensify in the 109th Congress.

Subcommittee on Government Management, Finance, and Accountability

A major part of the Subcommittee on Government Management, Finance, and Accountability's oversight responsibility involves the performance and accountability measures of the President's Management Agenda. To meet this responsibility, the Subcommittee expects to focus on issues related to governing with accountability, a significant part of the President's Management Agenda. The Subcommittee will conduct substantive review of the effectiveness of the Government Performance and Results Act (GPRA), and an examination of GPRA's relationship to the Office of Management and Budget's initiative known as the Program Assessment Rating Tool (PART), as well as reviewing H.R. 185, which would establish a statutory requirement for program assessments.

The Subcommittee will also review the management initiatives included in the President's budget for fiscal years 2006, including the President's proposal to establish a Sunset Commission. The Sunset Commission, as proposed, would review each Federal program on a schedule established by Congress to determine whether it is producing results and should continue to be authorized by Congress.

One of the most important aspects of governing with accountability is the generation of timely, accurate, and useful financial information. Without this information, it becomes impossible to complete cost/benefit analyses or to assess the financial impact of programs relative to their budgetary outlays. In this light, financial management must be a high priority for agency management. The Subcommittee will continue to look at the changing dynamics of federal management.

The Subcommittee plans to review the multitude of financial management laws and regulations with which agencies are expected to comply. It is the Subcommittee's belief that accountability can be greatly enhanced if these laws were streamlined and consolidated into a uniform statute. The Subcommittee will examine these ideas in significant detail as part of its oversight throughout the 109th Congress.

The Subcommittee will also examine financial and performance management practices at departments and agencies within the executive branch of the federal government. This oversight will include a review of the Consolidated Financial Statements of the federal government, reviews of individual agency accounting practices, and examining agency compliance with existing federal financial laws. The Subcommittee plans to review financial management at the Departments of Defense and Homeland Security, as well as others. In addition, the Subcommittee will focus on agencies' efforts to eliminate waste, fraud and mismanagement in taxpayer-funded federal programs.

The Subcommittee plans a renewed focus on the Federal Managers Financial Integrity Act of 1982 (FMFIA), which establishes internal control requirements for federal agencies. FMFIA, combined with the recently revised OMB Circular A-123, establishes minimum control requirements to ensure accountability.

The Subcommittee plans to oversee the implementation of Public Law 107-289, the "Accountability of Tax Dollars Act of 2002". The Chief Financial Officers Act of 1990 requires the 24 largest federal agencies to annually release audited financial statements. The Bush Administration is pushing the 24 CFO Act Agencies further by requiring them to submit their audited financial statements 45 days after the end of the fiscal year. The Accountability of Tax Dollars Act extends the requirement to submit audited financial statements to all federal agencies, regardless of size (the law does give OMB the authority to exempt small federal agencies if the risks associated with the agency's operations is negligible). Financial accountability is something that should be expected of all federal agencies rather than just the largest federal agencies. The Subcommittee intends to promote this worthy goal.

The Subcommittee intends to work with the Administration on the implementation of Public Law 107-300, the "Improper Payments Reduction Act of 2002." The law requires the 24 CFO Act agencies to conduct a risk analysis of their financial practices to determine whether they administer any programs that are unduly susceptible to waste, fraud or mismanagement. When programs are determined to be susceptible, the law requires the agency to submit an estimate of the extent of the improper payment. GAO estimated improper payments reported by federal agencies to be approximately $35 billion in FY2004, but the actual amount is likely billions of dollars higher. This legislation will give the public a much better sense of the extent of funds that are being improperly administered by federal agencies.

The Subcommittee will oversee the government's implementation of the Chief Financial Officers Act; the Debt Collection Improvement Act; the Government Performance and Results Act; the Inspector General Act; and other significant legislative initiatives that fall within the Subcommittee's jurisdiction.

Subcommittee on Regulatory Affairs

In the recent years it has become increasingly obvious that the commercial community is increasingly sensitive to the effects of excessive regulation. The United States has learned that to be competitive in the global marketplace it must consider the cost of any new rule or reporting requirement. The cost of such excessiveness is now measured in American jobs. It is the goal of this Subcommittee to use every tool available to protect and increase American competiveness.

The Subcommittee on Regulatory Affairs plans to use its oversight efforts to identify areas where the U.S. Government places an unduly heavy regulatory and reporting burden on the American citizen and business. Where possible, the Subcommittee will advocate for a reasonable burden and reduction of the reporting burden where feasible. To do this, the Subcommittee will highlight the efforts currently underway in the Administration.

The Subcommittee will also reach out to the American public at large and seek to demonstrate the human cost of runaway regulations and reporting requirements. The Subcommittee will also perform close oversight over the development of major rules to insure that they comply with Congressional and Presidential mandates to use sound, peer-reviewed science. The Subcommittee will also work to ensure that agencies use the most recent and trustworthy data in enforcing their regulations.

As outlined in 2004 in the Oversight Plan for the Subcommittee on Government Reform, the Subcommittee will continue its oversight role of the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) by ensuring agency compliance with the Paperwork Reduction Act. The Internal Revenue Service (IRS) accounts for over 80 percent of the government-wide paperwork burden, and the Subcommittee will continue to work with relevant Committees to encourage OIRA to work to reduce IRS paperwork.

The Subcommittee will continue to examine OIRA's record in evaluating and reporting on the costs and benefits of federal regulatory programs. Since the regulatory accounting law required OMB to include aggregate estimates by agency and by agency program, the Subcommittee will further its efforts for OIRA to systematically seek agency input.

In the new global market, buyers and sellers are more price sensitive and more willing to make multiple changes to improve their competitive advantage. Small businesses are especially vulnerable to every increase in the cost of doing business in America. Consequently, the burdens the U.S. Government places on these companies needs to be carefully evaluated in light of the cost of American jobs and livelihood. The current rulemaking system in this country is an archaic and ineffective process. Regulations should be generated in an environment in which all parties are fairly heard. Industry, as it were, is not the enemy. For that matter, issue oriented advocacy groups also serve a vital purpose as well. Finally, the academic community is not a monolith; it should be obvious that often very good science will arrive at diverse and even opposite opinions. All parties belong at the table and all should be heard. The Subcommittee will look at cases where some parties do not feel their point of view is properly considered. When appropriate, the Subcommittee will exercise its oversight authority to examine particular rules to uncover how the decisions surrounding those rules came about.

Finally, the Subcommittee will work closely with the full Committee to explore any need for changes in the PRA and will develop recommendations on those changes in preparation for reauthorizing the Act.

Subcommittee on Federalism and the Census

This is the oversight plan of the Subcommittee on Federalism and the Census. It includes the areas in which the Subcommittee expects to conduct oversight during the

109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

Census Bureau

The Subcommittee oversees the activities of the Census Bureau. This includes ordering and reviewing GAO reports, working with stakeholders, and fighting for adequate funding. The Subcommittee also meets regularly with stakeholder groups, members of Congress, and state and local government groups to seek to understand concerns about Census activities and resolve issues when possible.

In the 109th Congress, the Subcommittee will focus on ensuring the future success of the American Community Survey (ACS). The Subcommittee will also publicize the need for increased cooperation between state and local governments and the Census Bureau to complete an updated Master Address File. The Subcommittee will look at the 2004 Census test results, in particular, the potential for using electronic devices to replace paper in 2010. The Subcommittee is also interested in making sure the ACS is leveraged to it maximum impact by assessing whether it has the capacity to replace other surveys. The Census Bureau launched the Quarterly Services Survey (QSS), which measures the services sector of the U.S. economy. The Subcommittee intends to examine the process of creating this new economic indicator and ask whether other new indicators are needed.

Federal Grants Management

The U.S. Government supports various state and local projects through a myriad of federal grant programs. The Subcommittee will look into how the federal government administers these programs and how state and local governments use the funds. The Subcommittee will explore how these federal grants can be optimized so that the needs of these state and local governments are better met. We will look into identifying program inefficiencies and redundancies and then make recommendations on how we revamp these programs.

Subcommittee on Energy and Resources

During the 109th Congress, the Subcommittee plans a robust schedule of hearings on the two principal areas within its jurisdiction: energy and resources. With energy a primary driver of our economy, the Subcommittee intends to closely examine national energy policy. In light of the increased cost of energy resources, including gas, oil, coal, minerals, electricity, and the ever increasing demand by other nations competing for those energy resources, the Subcommittee will look at the effects on the U.S. and world economy including the U.S. balance of trade and the stability of the dollar. The Subcommittee will examine U.S. policies relating to the development, exploration, conservation, production, and consumption of electricity, oil and natural gas, hydroelectric power, nuclear power, and all aspects of renewable energy.

The Subcommittee also intends to critically examine projections of future crude oil supplies and how significant changes in world consumption requirements, such as increasing Chinese consumption requirements, will affect different regions around the country, including California, and the national economy. As a part of this oversight, the Subcommittee will monitor the impact of potential supply interruptions from OPEC and other international suppliers on the U.S. and international economy. A thorough review of our domestic fuel policies, refinery capacity and the proliferation of boutique fuels will be included in the Subcommittee's work.

The Subcommittee will exercise its oversight responsibilities pertaining to the activities of the Federal Energy Regulatory Commission (FERC). The electric industry and market has undergone dramatic changes over the last decade. With states and regions restructuring the electric industry and the increased development of regional transmission organizations around the country, the Subcommittee will focus its efforts on reviewing the development and expansion of efficient markets. The generation, distribution and transmission of electricity are important components to an efficient market and will be included in the Subcommittee's work. In the aftermath of the 2000-2001 energy crisis in the West, the electricity markets in California and the West continue to impact energy policy. Thus, the Subcommittee will continue to focus on these issues. The Subcommittee will review the overall development of renewable and alternative energy technologies and assess policy implications which could accelerate the development of these technologies and accelerate their entry into the market place for the consumer, thereby reducing the U.S. dependence on foreign sources of energy.

The Subcommittee will exercise its oversight responsibilities pertaining to the Department of Interior, the Department of Agriculture and the Environmental Protection Agency (EPA). The Subcommittee will initiate oversight on natural resource issues, including but not limited to, water and air quality, access to public lands, federal lands issues including land management and multiple uses, and how they affect Indian tribal nation matters. As part of its oversight responsibility on natural resources and environmental issues, the Subcommittee intends to review EPA's actions affecting environmental and natural resource issues, including but not limited to wetlands, and EPA actions and policies affecting energy development and production, including its oxygenate mandate, hydrogen power, and alternative energy supplies generally.

Subcommittee on the Federal Workforce and Agency Organization

This is the oversight plan of the Subcommittee on the Federal Workforce and Agency Organization. It includes the areas in which the Subcommittee expects to conduct oversight during the 109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

FEDERAL LAW ENFORCEMENT PAY AND BENEFITS REFORM

Several pieces of legislation were introduced in the 108th Congress to address compensation and benefits for federal law enforcement officers – an area that most agree is in serious need of reform. Realizing the complex nature and import of these issues, former-Chairwoman Jo Ann Davis and Senator George Voinovich introduced companion pieces of legislation requiring the Office of Personnel Management (OPM) to study the issue of law enforcement compensation. That legislation was enacted as Public Law 108-196 at the end of 2003. By July 2004, OPM issued its report recognizing that "the demands on federal law enforcement agencies and their personnel are global, changing, and increasing; however, the systems of pay and benefits do not reflect this reality and remain fragmented and inflexible." OPM, in its report, took the position that Congress should enact legislation authorizing OPM to issue regulations that would eliminate unwarranted disparities in these areas while providing appropriate pay and benefits for employees in law enforcement occupations. The Subcommittee expects to continue developing a comprehensive federal law enforcement pay and benefits reform bill.

IMPROVING THE HIRING PROCESS IN THE FEDERAL GOVERNMENT

The federal government takes on average 4-8 months to hire employees, from the time a job vacancy announcement is publicly posted until an offer is made to a candidate. Although data from the private sector is difficult to confirm, it is estimated that private firms take an average of 2-6 weeks to conduct a similar process. In the 108th Congress, the Subcommittee held two oversight hearings to examine the reasons for the delays in the federal process and uncovered a number of deep-seated problems, including: unclear vacancy announcements, excessive layers of approval, little use of statutory hiring flexibilities, and poor guidance from the Office of Personnel Management (OPM). OPM is working to reform hiring at select agencies through its "Extreme Hiring Makeover" project. The Subcommittee intends to prepare a report on the federal hiring process and will continue to engage in oversight of this area and explore legislative remedies.

PAY FOR PERFORMANCE

With the passage of the Homeland Security Act in 2002 creating a new personnel system for the new Department of Homeland Security (DHS), the passage of the National Security Personnel System for the Department of Defense (DoD) in 2003, the establishment of a new governmentwide performance-based pay system for members of the Senior Executive Service (SES) in 2004, and the growing number of agencies wishing to adopt similar pay flexibilities, time is ripe to engage in aggressive oversight of the implementation of the new personnel systems at DoD, DHS and for the members of the SES. The Subcommittee also expects to establish a governmentwide performance-based compensation framework for all federal personnel systems. In fact, the Office of Management and Budget (OMB) announced on January 26, 2005, that the Administration will propose revamping personnel rules governmentwide sometime in 2005 and such proposal will be reflected in the President's fiscal 2006 budget proposal. OMB expects the proposal to resemble the new personnel systems being developed at DoD and DHS.

THRIFT SAVINGS PLAN (PREPARING FOR RETIREMENT)

The Thrift Savings Plan (TSP) is an integral part of the retirement benefits package offered to federal employees under the Federal Employees Retirement System (FERS). Similar to the 401(k) offered by private sector companies, federal employees may contribute tax-deferred money into any of five funds managed by the Federal Retirement Thrift Investment Board (FRTIB). At the end of the 108th Congress, the Subcommittee began to investigate the possibility of adding a sixth fund to the TSP, a real estate investment trust (REIT). In the 109th Congress, the Subcommittee expects to continue investigating the possibility of adding a new fund to the Plan. The Federal Retirement Thrift Investment Board also expects to have two new investment funds for federal employees in place by early 2005, the "lifestyle" and "life cycle" funds. These investment funds are not new, but rather compilations of existing funds. Moreover, the Subcommittee expects to consider whether the TSP can serve as a useful model for proposals to privatize Social Security for federal and private sector employees.

INTELLIGENCE REFORM

With the passage of the *National Security Intelligence Reform Act of 2004*, the intelligence community will face numerous management challenges in the 109th Congress. The Act created a new position, the Director of National Intelligence, to oversee the National Intelligence Program, which is comprised of more than ten agencies scattered throughout the federal government. Integration of these previously uncoordinated agencies under the Office of the Director will prove to be a management challenge on the order of the integration of the Department of Homeland Security. Subcommittee staff expects to closely monitor and oversee these implementation issues, as well as other personnel and reorganization matters.

TELECOMMUTING

There are many benefits to telecommuting, including improvements in employee morale and effectiveness; reductions in transportation costs, including car insurance, maintenance, and wear; retention of skilled employees and reduction in turnover due in part to increased job satisfaction; accommodation of employees with short- or long-term health problems or family responsibilities, such as those associated with elder care and latch-key children; cost savings to the federal government in regard to office space, sick leave absences, and energy conservation; better use of employees' peak productivity periods within the limits of established laws; reduction in automobile-created air pollution and traffic congestion; potential for increased productivity; and improved work atmosphere due to fewer co-worker non-business interruptions. In addition, Congress and the Office of Personnel Management have made telecommuting an integral part of emergency planning for continuity of operations should the federal government be shut down due to terrorism or a catastrophic event. In July 2004, the full Government Reform Committee conducted a hearing to investigate why telecommuting has remained under-funded despite the passage of legislation requiring all eligible federal workers be allowed to telecommute by April 2004. Members of Congress have threatened punitive action, including cutting agency budgets, unless this problem is remedied. In the 109th Congress, the Subcommittee will

keep vigorous attention on the funding of telecommuting by agencies, as all agencies should be fully in compliance. The Subcommittee will continue to engage in oversight of telecommuting issues and explore legislative remedies.

OVERSIGHT OF NEW PERSONNEL MANAGEMENT SYSTEMS AT THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY

During the 109th Congress, the Subcommittee fully expects to engage in aggressive oversight of the Department of Defense (DoD) and the Department of Homeland Security (DHS) in their implementation of new personnel management systems. Final regulations for the new DHS Human Resources Management System were posted at the Federal Register on January 27, 2005. In addition, OPM and DoD are consulting with each other prior to the publication of final regulations for DoD's new personnel management system, the National Security Personnel System. The Subcommittee expects to closely track the progress of the implementation efforts and apply any lessons learned to proposals that would extend personnel flexibilities governmentwide.

MONITORING AGENCY USE OF FEDERAL WORKFORCE FLEXIBILITIES

In the 108th Congress, the President signed into law the Federal Workforce Flexibility Act, P.L. 108-411, aimed to modernize and update personnel flexibilities and authorities available to agencies of the federal government. The Subcommittee will engage in oversight of the effectiveness and agency use of these new management tools: 1) Recruitment, Retention and Relocation Bonuses. Federal agencies now have enhanced flexibility, within their budgets, to pay bonuses of up to 100% of pay (over a 4- year period) to help agencies recruit, retain and relocate employees in the civil service on a targeted basis. 2) Agency Training. Federal agencies are now required to link agency training programs with their performance plans and strategic goals, establish a comprehensive management succession program, and provide special training to help managers deal with employees whose performance is unacceptable. 3) Annual Leave. To help recruit qualified executives, members of the Senior Executive Service hired from the private sector will now receive the same vacation benefits as those hired internally, and other newly-hired federal employees with qualifying non-federal experience will receive credit for that experience in determining the amount of their vacation time. 4) Compensatory Time for Travel. In situations where federal employees must travel outside normal working hours, they will receive compensatory time off for their travel time.

STUDENT LOAN REPAYMENT

The Subcommittee expects to continue to engage in oversight of the student loan repayment program. Recruitment of talent to the federal government has remained a high priority as an unusually large portion of federal employees nears retirement eligibility. To replenish the workforce with younger workers, Congress has equipped agencies to recruit with the ability to repay student loan debt, reportedly the most sought after benefit for recent college graduates. In the 108th Congress, the Subcommittee ushered into law the

Federal Employee Student Loan Assistance Act, which increased the amount that agencies can repay. Agencies can now repay $10,000 (previously $6,000) per year and $60,000 (previously $40,000) in the lifetime of an employee. Most agencies, though, have been reluctant to make significant use of this flexibility in either 2002 or 2003. Additionally in the 108th Congress, Chairman Tom Davis introduced H.R. 1056, the "Generating Opportunity by Forgiving Educational Debt for Service Act of 2003," which would allow agencies to repay student loan debt on a tax-free basis. In the 109th Congress, the Subcommittee is likely to pursue this important flexibility once again.

EARLY OPTIONAL RETIREMENT AND BUY OUTS

Agencies can, with the approval of the Office of Personnel Management (OPM), offer an early voluntary retirement option to employees during a reduction-in-force (RIF) due to a major reorganization, workload change, or other applicable reasons. Early optional retirement authority assists an agency undergoing a major reorganization, or a major transfer of function to complete such a change with a minimal disruption to its work force. When OPM determines that an agency is undergoing such a change, an eligible employee may apply to retire on an immediate annuity under the early optional retirement provisions. These provisions allow an eligible employee to retire at age 50 after 20 years of service, or at any age with 25 years of service. In addition, an agency undergoing a major reorganization, or a major transfer of function can offer a separation incentive payment to encourage employees to separate during a RIF. The lump-sum amount an agency pays to an employee after his or her voluntary separation is equivalent to the lesser of severance pay an employee would receive, $25,000, or an amount determined by the agency head, and is paid from funds the agency would use for the employee's salary. The Subcommittee expects to review the use of these authorities to ensure that they are being used effectively.

PURSUING ANOTHER ROUND OF FEDERAL WORKFORCE FLEXIBILITIES

The Subcommittee will explore ideas for developing another round of federal workforce flexibilities and will work with the Office of Personnel Management to introduce non-controversial technical amendments to correct statutory discrepancies that have been introduced into Title 5 through legislation or judicial interpretation.

CHIEF HUMAN CAPITAL OFFICERS/SUCCESSION PLANNING

The Chief Human Capital Officers Act of 2002 (CHCO), enacted as part of the Homeland Security Act of 2002, requires the heads of Cabinet level departments and nine major agencies to appoint or designate a Chief Human Capital Officer to advise and assist the head of the agency in carrying out responsibilities for selecting, developing, training and managing a high-quality workforce. The CHCO Act also establishes a CHCO Council to advise and coordinate the activities of the agencies of its members on such matters as modernization of HR systems, improved quality of HR information, and legislation affecting HR operations and organizations. There are five Council Subcommittees which include: Subcommittee on the Hiring Process; Subcommittee on Emergency Preparedness;

Subcommittee on Performance Management; Subcommittee on Leadership Development and Succession Planning; and Subcommittee on Employee Conduct and Poor Performers. In September, 2004, the CHCO Council issued its Annual Report to Congress outlining its accomplishments for fiscal year 2004, including Council activity and meetings held, interaction with Congress, and CHCO Subcommittee activity. The Subcommittee expects to continue to monitor the progress and effectiveness of the CHCO Council and the CHCO Subcommittees, particularly in the areas of the hiring process, poor performers, performance management, and succession planning.

POOR PERFORMERS

The federal government's general inability to deal effectively with poor performers in the workplace is well known. Employee surveys have shown that the federal workforce is dismayed over the continued presence of poor performers in federal government positions. The Subcommittee expects to examine the best manner in which to approach this issue with the goal of building a case for specific legislative action. GAO is currently working on a report for the Subcommittee, which is intended to make specific recommendations based on an examination of the issue.

FEDERAL EMPLOYEE APPEALS/EMPLOYEE RIGHTS

The current appeals process for federal employees involves several agencies, including: Merit Systems Protection Board; Equal Employment Opportunity Commission; the Office of Personnel Management; the Office of Special Counsel; and the Federal Courts. In addition, agencies may have internal grievance systems for employee complaints, governed by collective bargaining agreements, and disputes between agencies and labor unions are adjudicated by the Federal Labor Relations Authority. The Subcommittee expects to fully examine the effectiveness, efficiency and necessity of the aforementioned agencies and systems and study ways to improve and streamline such procedures. Additionally, the Subcommittee expects to monitor the flexibilities given to the Department of Homeland Security and the Department of Defense for developing new appeals processes.

STREAMLINING THE PRESIDENTIAL APPOINTMENT PROCESS

In an effort to allow a President to put his Administration in place in an expeditious fashion, provisions of the Intelligence Reform bill focus on expediting the Presidential appointments process with special emphasis on streamlining the financial disclosure process for Executive branch nominees and employees. The existing financial disclosure requirements are cumbersome and seek more information than may be necessary to determine whether conflicts exist for Executive branch employees. The Subcommittee expects to conduct oversight of the new law, as well as explore the need to streamline and simplify the financial disclosure process for senior officials of ALL three branches of the federal government.

EMPLOYEE SURVEYS

Pursuant to The National Defense Authorization Act for Fiscal Year 2004 (H.R. 1588/P.L. 108-136), the Office of Personnel Management (OPM) is now required to administer an annual survey of federal employees in all agencies to assess: leadership and management practice that contribute to agency performance; employee satisfaction with leadership policies and practices; their work environment; rewards and recognition; opportunities for professional development and growth; and opportunities to contribute to agency mission. The goal behind the employee surveys is to not only help create useful metrics to measure and improve the morale and effectiveness of the civil service workforce, but to also improve transparency and accountability within the government. Additionally, data from these surveys will provide agencies, Congress, and the public with valuable insight into the personnel issues that drive agency performance. OPM is required to issue regulations to prescribe survey questions that should appear on all agency surveys under these provisions, however, those regulations have not been released and are still pending at OPM. OPM has not announced a possible release date. The Subcommittee plans to monitor OPM's progress in administering the survey and thoroughly examine the survey results with a goal of improving the management and structure of the federal workforce.

IMPROVING THE FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM

The Federal Employees Health Benefits Program (FEHBP) became effective in 1960. It is the largest employer-sponsored group health insurance program in the world, covering over 9 million federal employees, retirees, former employees, family members, and former spouses. The Office of Personnel Management (OPM) administers the FEHBP. The Subcommittee expects to continue oversight over all FEHBP issues generally, with an emphasis on the use of Health Savings Accounts, flexible spending accounts, the Federal Long Term Care Insurance Program and the implementation of the new dental and vision benefit offerings for federal employees.

The Subcommittee is also expected to review and consider areas in which the FEHBP can help drive improvements in the quality of healthcare for its members. Such as: 1) Electronic Medical Records. The use of electronic medical records could reduce errors and improve the quality of care. Such records would also reduce paperwork and misdiagnosis. 2) Electronic Prescribing. The use of electronic prescribing would reduce prescription errors, ensure medication safety and save approximately $28 billion per year. 3) Pay for Performance. Pay for performance plans in the health industry incorporate a financial reward system for providers that demonstrate good and safe care. Such plans could also provide incentive to reduce errors and waste and have great potential for improving patient care and cost savings. 4) OPM's *HealthierFeds* campaign and Health literacy. The Subcommittee will explore the possibility of offering incentives and rewards for those who lead healthy lifestyles and make healthy choices, i.e., non-smokers v. smokers. 5) Comprehensive Care for Depression. Depression often accompanies other diseases, such as diabetes and heart disease, and not only increases the cost of treatment but has an impact on the ultimate outcome. The Subcommittee will examine whether the FEHBP should include comprehensive mental health treatment. 6) Coordinated Care for

Chronic Diseases. The prevalence of chronic disease, especially in the elderly, coupled with the growing number of retirees, calls for coordinated care of chronic diseases.

GAO HUMAN CAPITAL FLEXIBILITIES

In the 108th Congress, the Subcommittee ushered into public law the *GAO Human Capital Reform Act of 2004.* This legislation was designed to help the Government Accountability Office (GAO), Congress' investigative arm, better design its performance management system as well as reshape its workforce through various important management flexibilities. The GAO has been a leader in human capital reforms internally and has promoted widespread reform throughout the federal government in such areas as: pay-for-performance; succession planning; workforce reshaping and hiring. GAO has been widely viewed as a model of human capital management, to serve as a benchmark of achievement for other federal agencies. In the 109th Congress, the Subcommittee expects to conduct oversight of GAO's use of its new flexibilities. Additionally, the Subcommittee may work with GAO to seek other management flexibilities to further modernize their human resources management system.

FEDERAL WILDLAND FIREFIGHTERS

The forest health conditions too often make our forests and rangelands vulnerable to catastrophic fires, which threaten communities, the natural resources on forest and rangelands and the brave wildland firefighters who risk their lives twenty-four hours a day battling intense and difficult fires. The Subcommittee expects to examine the need for reforming the way federal wildland firefighters are paid.

AGENCY ORGANIZATION

This aspect of the Subcommittee's jurisdiction includes oversight of the general organizational proficiency of all federal agencies. The Subcommittee spent considerable time investigating the organizational structure of many federal agencies and found widespread inefficiency and disorder. One area of concentration for the Subcommittee's oversight was the federal food inspection system. This system is comprised of 10 federal agencies that enforce more than 35 food safety laws, some of which were passed 100 years ago before significant scientific advances in food safety techniques were developed. Such nonsensical fragmented responsibilities, as having USDA inspecting pepperoni pizzas and the FDA inspecting cheese pizzas, leads to gaps, inconsistencies, ineffective government oversight and an unacceptable level of protection of the public. The Subcommittee's objective in this area has been to focus public attention on the need for organizational improvement in these and other agencies as a foundation for improving government services, as well as highlight the need to re-institute Presidential fast-track authority. The President in his fiscal year 2006 budget, has proposed the creation of a Results Commission. The Results Commission would review plans to consolidate or streamline programs that cross departmental or congressional jurisdictional lines. Congress would consider the Commission's recommendations under an expedited process. The

Subcommittee will continue to engage in oversight of this area and explore legislative remedies.

FAST-TRACK REORGANIZATION AUTHORITY

Fast-track authority was first given to the President in 1932 to develop a plan to reorganize the Executive branch, which would then be voted up or down in its entirety by the Congress. In the 108th Congress, both the full Government Reform Committee and the Subcommittee held hearings to discuss the possibility of reinstating this authority for the President for the first time since it expired in 1981. In the 109th Congress, fast-track authority legislation will likely be a high priority for the Government Reform Committee, having full support from Chairman Tom Davis, as well as solid support from Majority Leader Tom DeLay. The Subcommittee will continue to engage in oversight of this area and explore legislative remedies.

Congress of the United States
Washington, DC 20515

February 15, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform

The Honorable Robert W. Ney
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairmen:

Pursuant to clause 2(d)(1) of Rule X of the Rules of the House of Representatives I am submitting the Committee on Homeland Security's Oversight Plan for the 109th Congress. The Oversight Plan was adopted by the Committee on Homeland Security in open session on Wednesday, February 9, 2005, without amendment, by voice vote, a quorum being present.

Sincerely,

CHRISTOPHER COX
Chairman
Committee on Homeland Security

cc: The Honorable Bennie G. Thompson, Ranking Member

PRINTED ON RECYCLED PAPER

COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

109TH CONGRESS

REPRESENTATIVE CHRISTOPHER COX, CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committees on Government Reform and House Administration not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Homeland Security for the 109th Congress. It includes the areas in which the Committee expects to conduct oversight during the 109th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

PREVENTION OF NUCLEAR AND BIOLOGICAL TERRORISM

BIODEFENSE

In the 109th Congress, the Committee will examine the continuing efforts of the Department of Homeland Security (DHS) to establish a biological terrorism threat assessment capability, and the relationship of such threat assessments to countermeasure research and development activities. In addition, the Committee will conduct oversight of the Department's activities as outlined in Homeland Security Presidential Directive (HSPD) 10 ("Biodefense for the 21st Century"). Specific areas of consideration will include the BioWatch Program, Project BioShield, and the National Biodefense Analysis and Countermeasures Center (NBACC), including its National Bioforensic Analysis Center. The Committee will examine the short and long-term effectiveness of these programs, as well as the overall coordination of the Federal government's biodefense initiatives, to include defenses against agro-terrorism and the safety of nation's food supply. The Committee also will conduct oversight of the Plum Island Animal Disease Center in the 109th Congress, particularly its integration into NBACC's biodefense enterprise and the Department's wider biodefense plans, and its support to the Department's "One Face at the Border" initiative.

NUCLEAR TERRORISM/NUCLEAR SMUGGLING

In the 109th Congress, the Committee will conduct oversight of Department of Homeland Security (DHS) programs focused on assessing threats related to nuclear terrorism, including the development of threat certification, characterization, and source attribution techniques. The Committee will review the integration of such threat assessments with the development of detection capabilities and countermeasures, and the new nuclear forensic program being developed by the Department. The Committee will review the efforts of the Department's Science & Technology Directorate (S&T) to establish and operate a radiological countermeasures test bed (CMTB) to protect critical elements of our transportation system, and other efforts by the Department and other agencies of the Federal government to develop and deploy sensors to detect nuclear weapons that may be deployed against the United States. The Committee will monitor how performance results of specific detection technologies are evaluated and communicated to end users.

In addition, during the 109th Congress, the Committee will examine the continuing efforts of the Department to refine risk-based methods for identifying and screening high-risk cargo entering the United States, and the development of non-intrusive inspection technologies and capabilities for detecting and interdicting commerce in and transit of nuclear and biological weapons, components, and precursors. The Committee will review the domestic and international deployment and operation of radiation portal monitors at air, land, and seaports, and alternative approaches to tracking and monitoring cargo in transit.

R&D INVESTMENT AND COORDINATION

In the 109th Congress, the Committee will review the Department of Homeland Security's efforts to strategically invest in those areas of basic research and development (R&D) that will enhance the long-term prevention mission of the Department, particularly with respect to biological and nuclear terrorism. The Committee also will examine the Department's efforts to carry out its statutory responsibilities for coordinating government-wide R&D in these areas, and the various roles and responsibilities of the Departments of Homeland Security, Defense and Health and Human Services.

COUNTER-PROLIFERATION ACTIVITIES

In the 109th Congress, the Committee will review the efforts of the Department of Homeland Security relating to counter-proliferation of nuclear and biological weapons, materials, and precursors and the detection and assessment of chemical and radiological threats, including the coordination of such activities within the Department and with the related efforts of other Federal agencies.

ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

PORT AND MARITIME SECURITY

In the 109th Congress, the Committee will examine various aspects of port security, including the security of port facilities; the screening of vessels, passengers, cargo, and crew for potential terrorists or instrumentalities of terrorism; the development of international security standards for shipping and containers; the development of secure identification cards for maritime employees; and the balance between ensuring security and the rapid movement of commerce. As part of this oversight, the Committee plans to review the efficiency and effectiveness of the Department's supply chain security programs, such as the Container Security Initiative (CSI), the Customs-Trade Partnership Against Terrorism (C-TPAT), and Operation Safe Commerce (OSC); the implementation of the Maritime and Transportation Safety Act of 2002; and the relevant provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

In the 109th Congress, the Committee will monitor the Coast Guard's efforts to enhance maritime domain awareness. The Committee intends to examine existing programs that contribute to achieving this enhanced awareness, as well as other ways to improve the overall Department of Homeland Security effort to understand and deal with threats in the maritime environment. As part of this effort, the Committee will review the Coast Guard's efforts to refine the Deepwater Program to more effectively account for the agency's prominent homeland security-related missions and functions.

TERRORIST TRAVEL

In the 109th Congress, the Committee intends to conduct oversight of the implementation of the *Terrorist Travel and Effective Screening* subtitle of the Intelligence Reform and Terrorism Prevention Act

of 2004 (the Act). In particular, the Committee will review Federal government efforts to ensure the deployment and implementation of technology and training to assist border and consular officials in identifying, intercepting, and disrupting terrorists attempting to travel into and within the United States, through improved detection of fraudulent documents and terrorist travel techniques, patterns, and indicators. As part of this oversight, the Committee will review the training provided by the Federal Law Enforcement Training Center in these areas, and the relevant activities of the Department of Homeland Security's Forensic Document Laboratory.

BORDER SECURITY TECHNOLOGY

The Intelligence Reform and Terrorism Prevention Act of 2004 established an advanced technology pilot program along the northern border and mandated a comprehensive surveillance plan for the southwest border. Both plans emphasize the use of technology – particularly sensors, video, and unmanned aerial vehicles (or remotely piloted aircraft) – to enhance border security. In the 109th Congress, the Committee will monitor the Department of Homeland Security's efforts to implement these programs, and review other technologies that may be utilized to enhance the security of U.S. borders in a cost-effective manner. The Committee also will examine the relationship between the activities of the Department's Border and Transportation Security Directorate and the Science & Technology Directorate in this regard.

BORDER SCREENING SYSTEMS

The US-VISIT Program – United States Visitor and Immigrant Status Indicator Technology – is a complex, multi-year project designed to manage the pre-entry, entry, and exit of foreign nationals who travel to the United States. During the 109th Congress, the Committee will examine the progress of the US-VISIT program and future implementation deadlines; the relationship of the State Department in visa applications and its progress in equipping consular offices with machines to capture biometrics; the integration, security, and reliability of criminal, immigration, and terrorist databases used by the program; the potential benefits and challenges of various biometric technologies; the impact of the program on cross-border travel at ports of entry; the ability of the Department of Homeland Security (DHS) to use overstay reports generated by the program for enforcement purposes; and the integration of the US-VISIT program with other expedited inspection programs into a single system for speeding qualified travelers, as recommended by the 9/11 Commission. Within this context, the Committee also will assess DHS progress with respect to the integration and effectiveness of transportation and border security screening systems for passengers and cargo transported within the United States and across our borders. The Committee also will examine the existing state of infrastructure at our nation's ports of entry and assess improvements that may be required to enhance implementation of new border security programs.

DETENTION AND REMOVAL OF TERRORISTS

In the 109th Congress, the Committee will review the efforts of the Department of Homeland Security to detain, monitor, and remove aliens subject to deportation, particularly those from countries of terrorist concern and who were apprehended at U.S. borders and ports of entry. The Committee specifically will focus on how the Department prioritizes available bed space to ensure that high-risk aliens are not released into the United States pending deportation proceedings, as well as the Department's policies and practices with respect to the actual detention of aliens in such facilities.

NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 109th Congress, the Committee will examine the Department of Homeland Security's (DHS) progress in developing a risk-based National Strategy for Transportation Security, as required by

section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004. In particular, the Committee will examine the Department's efforts to develop sensible, cost-effective strategies for dealing with terrorist threats in these complex and varied environments, including with respect the transportation of hazardous materials (HAZMAT). The Committee also will review the potential efficacy and cost of current and proposed practices to protect the mass transit industry's passengers and infrastructure from terrorist attack, including hardening of facilities, the use of biological, chemical and radiological sensors, passenger screening, and other methods to prevent or mitigate a terrorist attack. Oversight in this area will include the appropriate distribution and use of DHS transportation security grants.

PASSENGER AND BAGGAGE SCREENING

During the 109th Congress, the Committee expects to review the Transportation Security Administration's (TSA) progress in developing and deploying advanced passenger, baggage screening technologies, including the cost-effectiveness and accuracy of such technologies and their impact on passenger and baggage throughput at airport checkpoints. The Committee also will review TSA's efforts to establish sensible and appropriate passenger search policies and practices, and to develop a new passenger pre-screening program to improve the use of no-fly and selectee lists, including the development of related privacy protections and passenger redress processes, and coordination with U.S. Customs and Border Protection on the screening of international air travelers. As part of this oversight, the Committee will examine TSA's current and anticipated staffing needs and current plans to permit airports to "opt-out" of the use of Federal screeners and to authorize the use of private screeners subject to Federal supervision and oversight.

OTHER AVIATION SECURITY MATTERS

In the 109th Congress, the Committee will examine the risks and consequences of different types of terrorist attacks on or utilizing aircraft, and the development of appropriate and cost-effective security measures, to include supply-chain security programs such as "Known Shipper" and related efforts, to reduce or mitigate such risks. As part of this oversight, the Committee expects to review efforts by the Transportation Security Administration (TSA) relating to air cargo security, general aviation aircraft, and countering Man Portable Air Defense Systems (MANPADS). The Committee also will review airport perimeter and access control procedures, as well as related technology (including the Transportation Worker Identification Credential and the Secure Identification Display Area credential), to assess the effectiveness of TSA requirements for limiting access to the secure areas of commercial and general aviation airports. In addition, the Committee will conduct oversight relating to the flight planning and training practices of the Federal Air Marshals Service, and the effectiveness of the Federal Flight Deck Officer Program in protecting commercial aircraft from hostile takeover.

AIRSPACE SECURITY

During the 109th Congress, the Committee will review efforts of the Department of Homeland Security's Office of Air and Marine Operations (AMO) to carry out its responsibilities to interdict any airspace incursions into the restricted zone of the National Capital Region (NCR), as well as its responsibilities at the Air and Marine Operations Center (AMOC) located in Riverside CA with respect to detecting air assets crossing U.S. borders. The Committee's oversight in this area also will include the roles and responsibilities of each of the Federal agencies involved (including Department of Defense assets such as the U.S. Northern Command, the North American Aerospace Defense Command, and the Air National Guard) in and responsible for interdiction, identification, and investigation of aircraft that violate airspace restrictions within the United States.

CRITICAL INFRASTRUCTURE PROTECTION

Under Homeland Security Presidential Directive 7 (HSPD-7), the Department of Homeland Security (DHS) is responsible for integrating sector-specific strategies into a National Strategy for Critical Infrastructure Protection, and for coordinating Federal efforts across all such infrastructure sectors. During the 109th Congress, Committee oversight will focus on the implementation of this National Strategy for Critical Infrastructure Protection, including the Department's national coordination responsibilities and its sector-specific critical infrastructure protection responsibilities under applicable laws and Presidential directives. The Committee also will oversee efforts by the Department to compile, maintain, and prioritize a National Asset Database, including the coordination of such efforts with State and local officials and the private sector. The Committee also will examine the coordination of efforts between the Department of Homeland Security, the Department of Defense, and States with respect to the deployment of National Guard units to assist with critical infrastructure protection activities.

In addition, the Committee will review the Department's progress in identifying, prioritizing, recommending, and, as applicable, implementing protective measures to reduce vulnerabilities for critical infrastructure and key resources, including its administration of programs to promote private sector sharing of critical infrastructure threat and vulnerability-related information, and its administration of systems and programs to provide timely warnings of potential risks to critical infrastructure. The Committee also will evaluate the Protective Security Division's efforts to expand the site visit and buffer zone protection programs for critical assets.

CYBERSECURITY

In creating the Department of Homeland Security (DHS), Congress brought together for the first time under a single organization numerous elements of the Federal government devoted to cybersecurity and protecting the critical information infrastructure. In the 109th Congress, the Committee will examine the Department's continuing efforts to develop a comprehensive program to fully implement the National Strategy to Secure Cyberspace. The Committee will focus on enhancing accountability and leadership to improve integration of the cybersecurity mission within the Department, and coordination of cybersecurity best practices, risk assessments and warnings across all levels of government and the private sector. The Committee also will review DHS' cyber-related remediation activities, including plans for recovery in the event of a coordinated terrorist attack, and the Department's efforts to coordinate with the private sector to develop innovative mechanisms for information sharing on cybersecurity threats, vulnerabilities and solutions. Finally, the Committee will examine the Department's efforts to support research and development and educational activities to improve cybersecurity products and services that keep pace with changes in risk and with advances in technology.

INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

DHS' OFFICE OF INFORMATION ANALYSIS

During the 109th Congress, the Committee will review efforts to build the intelligence, analytical, and assessment capabilities of the Department of Homeland Security (DHS) Office of Information Analysis (IA), and to ensure its full participation in the Intelligence Community in furtherance of its homeland security mission. The Committee will examine whether IA is receiving all relevant intelligence and law enforcement information from other Federal agencies on a timely basis; whether the Secretary of Homeland Security is appropriately involved in the prioritization of the Federal government's intelligence

collection requirements for homeland security purposes; and the Department's role in managing, distributing, and otherwise using terrorist threat information in furtherance of its homeland security mission. The Committee also will monitor the Department's efforts to fill its numerous personnel vacancies in IA, develop analysts with appropriate skills, and establish training programs and enhanced career tracks for DHS analysts. As part of this oversight, the Committee will examine issues relating to personnel hiring flexibility, competition from other Federal employers, and the efficiency and length of the security clearance process.

In addition, during the 109th Congress, the Committee will explore IA's interaction with the new National Counterterrorism Center (NCTC), and how the NCTC's development affects IA's ability to carry out its statutory mandates to assess terrorist threats against the United States and to coordinate the dissemination of such threat information among Federal, State and local governments and the private sector.

DHS' INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

In the 109th Congress, the Committee will examine the Department of Homeland Security's information collection efforts to ensure that they contribute materially to the Department's overall homeland security/counterterrorism mission. In particular, the Committee will oversee the efforts of the Department's Information Analysis and Infrastructure Protection Directorate to coordinate and integrate the activities of the various intelligence and analytic units and offices throughout the Department, and to ensure that national-level terrorist threat intelligence is being disseminated to the operational entities in the Department that need it to carry out their homeland security missions. As part of this oversight, the Committee will examine the effectiveness with which the Department's intelligence and threat assessments are utilized in carrying out Department-wide initiatives to understand and assess critical infrastructure vulnerabilities and to conduct national risk assessments. This oversight also will include a review of the Department's plans to make better use of Open Source Information, as recommended in the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004.

INFORMATION SHARING

The Homeland Security Act of 2002, and a subsequent Memorandum of Understanding on Information Sharing entered into by the Attorney General, Director of Central Intelligence, and Secretary of Homeland Security, mandated routine sharing of homeland security-related information between and among Federal, State and local officials, in order to assess the nature and scope of terrorist threats to the United States and to evaluate and act on that information in light of U.S. vulnerabilities. During the 109th Congress, the Committee will examine ways to further improve information sharing among Federal, State and local governments, law enforcement entities, first responders, and emergency management personnel. As part of this effort, the Committee will examine the deployment and operations of the Homeland Security Information Network (HSIN), including the integration of HSIN with other information sharing systems such as RISS.Net (the Regional Information Sharing System Network) and the FBI's LEO (Law Enforcement Online). The Committee also will examine the development and implementation of the information sharing environment mandated under the Intelligence Reform and Terrorism Prevention Act of 2004, and whether the Department is meeting the terrorism threat-related information requirements of State, local, and private sector officials in a timely and responsive manner. In addition, the Committee will examine the issue of unclassified information designations by DHS and other Federal agencies, such as "Sensitive Security Information," and any impact such designations may have on the ability of the Department or other Federal agencies to share information among Federal, state, local, and private sector partners.

THREAT COMMUNICATIONS AND ADVISORIES

Under the Homeland Security Act of 2002, and the subsequent Memorandum of Understanding on Information Sharing described above, the Department of Homeland Security is given primary responsibility for the issuance and coordination of Federal threat advisories and recommended protective actions with respect to potential acts of terrorism within the United States. In the 109th Congress, the Committee intends to review the Department's policies and procedures with respect to issuing threat and warning advisories, including the Homeland Security Advisory System, to ensure that they convey information in a timely and relevant manner to Federal, State, and local government officials and other entities. The Committee also will review the level of coordination between the Department and the Federal Bureau of Investigation (FBI) with respect to issuing terrorism threat advisories and warnings, as well as the role of the Northern Command's Domestic Warning Center with respect to tracking potential threats to the United States.

INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED SMUGGLING

During the 109th Congress, the Committee will examine the operations and progress of the Terrorist Screening Center, the Human Smuggling and Trafficking Center, and other cooperative efforts to prevent and interdict terrorist travel, including the Department of Homeland Security's interaction with and participation in such entities and efforts. In addition, the Committee will review the Department's intelligence-driven efforts to prevent and interdict terrorist travel and the smuggling of illicit terrorism-related materials, including the expansion of its ability to analyze terrorist techniques, patterns, indicators, and trends, and to share such information in a timely manner to enable front-line Department personnel to identify, intercept, and disrupt terrorists attempting to travel into and within the United States.

THE HOMELAND SECURITY OPERATIONS CENTER

The Department of Homeland Security's Homeland Security Operations Center (HSOC) serves as the national nerve center for information sharing and domestic incident management, by increasing the vertical coordination between Federal, State, and local government and private sector partners. In the 109th Congress, the Committee will oversee the Department's efforts to collect and fuse information in the HSOC in order to maintain domestic situational awareness, and to carry out its role as the primary national-level center during domestic incidents and special events.

BORDER AND TRANSPORTATION COUNTER-TERRORISM INFORMATION SHARING

The multiple operational components of the Border and Transportation Security Directorate of the Department of Homeland Security collect and/or utilize intelligence and other analytical tools daily to target certain suspicious persons and cargo, and for effective resource allocation. In addition, the United States Coast Guard, which is part of the Department of Homeland Security, maintains a robust intelligence capability in order to screen vessels and interdict persons attempting to unlawfully enter the United States. In the 109th Congress, the Committee plans to examine the extent to which these Departmental programs and components are sharing and receiving all appropriate information with and from each other, particularly with respect to field components, and how such information is being utilized to improve operations and resource allocation.

EMERGENCY PREPAREDNESS, SCIENCE, AND TECHNOLOGY

COORDINATION OF FEDERAL PREPAREDNESS EFFORTS

The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security to ensure effective coordination of the Department's efforts to prevent, prepare for, respond to, and recover from acts of terrorism and other major emergencies. In the 109th Congress, the Committee will oversee the Department's progress in ensuring such coordination among the divisions of the Department, including the Emergency Preparedness and Response Directorate and the Office for State and Local Government Coordination and Preparedness. The Committee also will examine the efficacy of the Department's current organizational structure as it relates to preparedness issues. In addition, the Committee will examine the role of the U.S. Secret Service in planning, coordinating, and carrying out security measures at National Special Security Events.

FEDERAL HOMELAND SECURITY ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

In the 109th Congress, the Committee will examine the Department of Homeland Security's allocation and administration of grants to State and local governments for terrorism preparedness efforts. In particular, the Committee will review the coordination and, where appropriate, consolidation of such grant programs within the Department and across the Federal government; the bottlenecks in the funding pipeline; the distribution and spending of such grants at the State and local levels; and the efficacy of Federal homeland security assistance generally.

NATIONAL RESPONSE PLAN/INCIDENT MANAGEMENT

The National Response Plan (NRP) provides the structure and mechanisms for the coordination of Federal emergency support to State, territorial, local, and tribal governments, and for implementing direct Federal authority. In the 109th Congress, the Committee will oversee the Department of Homeland Security's implementation of the recently-issued final National Response Plan, including the Department's role in coordinating the response obligations of all applicable Federal departments and agencies (including the Department of Defense's weapons of mass destruction civil support teams), and the NRP's effects on State and local governments, first responders, and the private sector. As part of this oversight, the Committee will also review current preparedness and response plans of Federal, State, and local officials in the event of a terrorist attack involving hazardous materials transportation.

In addition, during the 109th Congress, the Committee will oversee the Department's implementation of the National Incident Management System (NIMS), including the efforts of the NIMS Integration Center to provide strategic direction and coordination of NIMS at the Federal level. The Committee will review the Department's plans for providing guidance and training to assist Federal, State, and local governments in adopting NIMS, for utilizing NIMS to improve incident-related coordination of multiple agencies and jurisdictions, and for integrating NIMS with the National Response Plan.

NATIONAL PREPAREDNESS GOAL

Under Homeland Security Presidential Directive 8 (HSPD-8), the Department of Homeland Security is required to develop in 2005 a National Preparedness Goal, to guide effective, efficient, and timely delivery of Federal assistance to ensure that first responders are prepared to respond to acts of terrorism and other major emergencies. In the 109th Congress, the Committee will monitor the

Department's progress in establishing the National Preparedness Goal, including the development of readiness priorities on the basis of risk and metrics to measure improvements in the Nation's ability to prevent, prepare for, and respond to terrorist attacks.

FIRST RESPONDER TRAINING

During the 109th Congress, the Committee will review several issues relating to the efficacy of Federal terrorism preparedness training, including redundancy or duplication in Federal training programs offered by multiple Federal agencies, incorporation of such training into first responder certification processes, and the level of coordination between Federal, State, and local training programs. The Committee intends to review the Department of Homeland Security's current training programs and monitor its development of a comprehensive, national training program for first responders. The Committee will review the extent of State and local government utilization and awareness of these programs, the compatibility of the Department's programs with existing training requirements and certifications for first responders, and whether the Department is effectively utilizing existing training infrastructures at the State and local levels to make such Federal training more widely available and accessible.

EXERCISES AND SIMULATIONS

The Homeland Security Act of 2002 directs the Office for Domestic Preparedness (ODP) within the Department of Homeland Security (DHS) to coordinate all terrorism preparedness exercises at the Federal level and to conduct such exercises in collaboration with State and local governments, the private sector, and first responders. In addition, in Homeland Security Presidential Directive 8, the President directed DHS to create a national program and multi-year planning system to conduct terrorism preparedness-related exercises. During the 109th Congress, the Committee will review DHS' progress in establishing a National Exercise Program, and will evaluate the extent to which this program enhances our Nation's preparedness. The Committee also will review the execution of TOPOFF III, a national terrorism exercise to be conducted in early 2005.

INTEROPERABLE COMMUNICATIONS

In the 109th Congress, the Committee plans to oversee the Department of Homeland Security's implementation of the new public safety interoperable communications provisions contained in the Intelligence Reform and Terrorism Prevention Act of 2004. Specifically, the Committee will oversee the newly-established Office for Interoperability and Compatibility and monitor how it enhances coordination and planning, provides technical assistance, and disseminates best practices for interoperable communications systems for first responders. The Committee also will oversee the Department's implementation of new authority to provide multi-year funding commitments to grant recipients for interoperable communications purposes, and its efforts to provide technical guidance to assist urban and other high-risk areas in rapidly establishing interoperable communications systems. In addition, the Committee will continue to monitor the progress of Project SAFECOM, with particular emphasis on its role in coordinating the communications capabilities of Federal agencies, establishing communications standards, and providing grant guidance, technical assistance, and training.

EMERGENCY WARNINGS

In the 109th Congress, the Committee will monitor the implementation and progress of two terrorism emergency warning communication pilot programs authorized under the Intelligence Reform and Terrorism Prevention Act of 2004 – one relating to telephonic warnings, and the other involving the utilization of the AMBER Alert web portal. The Committee also will examine the Federal government's

efforts to provide prompt and useful alerts and warning information to those persons at risk; to ensure interoperability among different warning systems; to provide for security and uniform standards and protocols for the use of warning systems; and to develop meaningful metrics to assess the effectiveness of such systems.

S&T DIRECTORATE MANAGEMENT AND COORDINATION

In the 109th Congress, the Committee will conduct oversight of the management of the Department of Homeland Security's Science & Technology Directorate, particularly the Directorate's coordination of homeland security-related research and development (R&D) within the Department and the adequacy of mission support provided by the Directorate to operational elements of the Department. The Committee also will examine the Directorate's partnership with key Federal departments, including the Departments of Energy, Defense, and Health and Human Resources. In particular, the Committee will review how well the Directorate is utilizing the National Laboratories of the Department of Energy, and the effectiveness of recent changes made regarding National Laboratory participation in Directorate activities. The Committee also will examine the framework under which the Directorate enters into bi-national R&D efforts and develops relationships with other private and academic entities.

TECHNOLOGY CLEARING HOUSE AND TECHNOLOGY TRANSFER

In the 109th Congress, the Committee will review the efforts of the Science & Technology Directorate within the Department of Homeland Security to establish, as required by Section 313 of the Homeland Security Act of 2002, a centralized "clearing house" for information related to technologies that would further the mission of the Department and its end users. The Committee will examine ways to improve the Directorate's current efforts in this area, and to better leverage the technology solutions and technical capabilities of the private sector in meeting our Nation's homeland security challenges. As part of this oversight, the Committee will review the activities of the Department relating to evaluation, testing, and certification of private sector homeland security technologies. The Committee also will evaluate progress with respect to the timely and efficient transfer and commercialization of existing technologies (including modification of military technologies) for use by Federal, state, and local governments and first responders to prevent, prepare for, or respond to terrorist attacks.

S&T FELLOWSHIP PROGRAM AND CENTERS FOR EXCELLENCE

During the 109th Congress, the Committee will review the Department of Homeland Security's (DHS) efforts to attract the Nation's most talented scientists and build partnerships with the academic community through its Homeland Security Centers of Excellence and its Scholars and Fellows program. The Committee will review how the Department determines to which issue areas Centers are dedicated, and will evaluate how well the Centers fulfill their assignments and enhance the Department's mission. The Committee also will examine how Fellowship funds are allotted and the effect of the program on the recruitment of new scientific talent to DHS.

THE HOMELAND SECURITY INSTITUTE

The Homeland Security Institute (the Institute), created under the Homeland Security Act of 2002 and sponsored by the Department of Homeland Security (DHS), is a Federally-funded research and development center (FFRDC) that produces strategic analysis for the science and technology (S&T) mission of DHS. In the 109th Congress, the Committee will examine the utilization and tasking of the Institute by the Department's S&T Directorate, and the Institute's efforts to provide strategic direction and build the scientific capabilities necessary to support the DHS S&T mission.

MANAGEMENT, INTEGRATION, AND OVERSIGHT

STRATEGIC PLANNING AND EXECUTION

During the 109th Congress, the Committee will assess the progress of the Department of Homeland Security in meeting the major management and integration challenges facing the Department, particularly with respect to strategic planning, the development of a Future Year Homeland Security Program, and the establishment of performance-based metrics to measure progress towards critical homeland security goals.

INTEGRATION AND COORDINATION OF BORDER AND TRANSPORTATION SECURITY FUNCTIONS

The Homeland Security Act of 2002 transferred 22 separate agencies into the Department of Homeland Security (DHS), several of which carry out critical activities relating to securing U.S. borders against the entry of terrorists and instrumentalities of terrorism – including the U.S. Coast Guard, the Transportation Security Administration, the former U.S. Customs Service, the former Immigration and Naturalization Service, and the Animal and Plant Health Inspection Service. During the 109th Congress, the Committee will conduct oversight of the effectiveness of DHS efforts to integrate and coordinate the air, land, and maritime security activities of these numerous legacy entities, both nationally and internationally and particularly with respect to management and budgeting, sufficiency of resources, operational deployment of assets, asset modernization plans, maintenance and repair capabilities, interoperability of communication systems, and screening of cargo, vessels, crews, and passengers. The Committee also will conduct oversight of the "One Face at the Border" initiative, which merged the primary border inspection activities relating to customs, immigration, and animal and plant diseases into a single program. As part of this oversight, the Committee will examine the effectiveness of this merger, and in particular, whether the combined training program for such inspectors provides them with the ability to effectively evaluate terrorist threats, identify terrorist indicators, screen cargo and individuals, enforce customs and immigration laws and rules, and appropriately inspect food and agricultural imports.

ACQUISITION AUTHORITIES AND CONTRACTS MANAGEMENT

During the 109th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to improve the integration and coordination of the procurement functions of its major legacy components, and to ensure that effective management controls are put in place to prevent contract waste, fraud and abuse. The Committee will review the authorities and activities of the Chief Procurement Officer to ensure the effective management of this key function. The Committee also will review the Department's implementation of Section 831(a) of the Homeland Security Act of 2002, which grants the Secretary authority with respect to research and development projects to use more flexible contracting mechanisms in an effort to attract "nontraditional government contractors" for needed homeland security technologies, as well as Section 833, which gives the Secretary authority to use special "streamlined" acquisition authority in certain circumstances.

FINANCIAL MANAGEMENT

During the 109th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address financial management challenges, including with respect to internal controls and the integration of numerous legacy financial management systems. As part of this effort, the Committee will review DHS efforts to implement a financial enterprise solution to consolidate and integrate its financial accounting and reporting systems, known as the Electronically Managing Enterprise Resources for Government Effectiveness and Efficiency project (Emerge2).

HUMAN CAPITAL MANAGEMENT

In February 2004, the Department of Homeland Security proposed new regulations for human resource management, in accordance with Section 841 of the Homeland Security Act of 2002, to create a more flexible and competitive personnel system for Department employees. During the 109th Congress, the Committee will monitor the Department's efforts to finalize these regulations and begin implementation of the new system, particularly with respect to the training of Department managers and employees.

INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

During the 109th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address information technology (IT) challenges, particularly with respect to standardizing and integrating legacy agency systems, environments, and management approaches in a way that enhances new, critical homeland security missions. The Committee will review the authorities and activities of the Chief Information Officer to ensure the effective management of this key function. The Committee also will monitor the Department's progress in IT architectural planning, investment management, policy development, operations, and related personnel management.

PRIVACY AND CIVIL LIBERTIES PROTECTION

Section 222 of the Homeland Security Act of 2002 (the Act) created a Privacy Officer for the Department of Homeland Security (DHS), in order to ensure that DHS' information gathering and analysis functions, across its many directorates and offices, adhere to established standards for protection of personal privacy. Section 705 of the Act also established an Officer for Civil Rights and Civil Liberties to review and assess information alleging abuses of civil rights or civil liberties by employees and officials of the Department, and the recently enacted Intelligence Reform and Prevention Act of 2004 required the Department's Inspector General to designate a senior staff member to handle similar issues and work with the Officer for Civil Rights and Civil Liberties on such matters. During the 109th Congress, the Committee will monitor the Department's efforts under such laws to strike an appropriate balance between the needs of the Federal government to collect, use, and distribute information relating to potential terrorist attacks against the United States with the privacy expectations and civil rights of U.S. citizens.

SAFETY ACT IMPLEMENTATION

The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) was included as Subtitle G of the Homeland Security Act of 2002, and gave the Secretary of the Department of Homeland Security (DHS) the authority to designate, upon application, certain anti-terrorism technologies as qualified to participate in the Federal liability management program set forth therein. In the 109th Congress, the Committee will review DHS' promulgation and implementation of regulations under such authority, as well as the efforts of the DHS SAFETY Act Office to coordinate such designation with operational components of the Department and with other Federal, State, and local government agencies.

ROBERT W. NEY, OHIO,
CHAIRMAN

VERNON J. EHLERS, MICHIGAN
JOHN L. MICA, FLORIDA
JOHN LINDER, GEORGIA
JOHN T. DOOLITTLE, CALIFORNIA
THOMAS M. REYNOLDS, NEW YORK

Congress of the United States
House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

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PAUL VINOVICH,
STAFF DIRECTOR
GEORGE SHEVLIN,
MINORITY STAFF DIRECTOR

February 11, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

On Wednesday, February 9, 2005, the Committee on House Administration adopted in open session and with a quorum present, its oversight plan for the 109th Congress.

A copy of the plan is enclosed and I am transmitting it to you and the Committee on Government Reform, as required by Rule X, clause 2 of the Rules of the House of Representatives.

Sincerely,

Bob Ney
Chairman

ROBERT W. NEY, OHIO,
CHAIRMAN

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Committee on House Administration

109th Congress Oversight Plan

Member Services

- Oversee Members' allowance amounts, including structure and regulations
- Provide guidance and outreach to congressional offices to ensure compliance with Committee regulations.
- Review and propose regulatory changes to the *Members' Congressional Handbook,* a set of regulations governing the expenditure of Members' Representational Allowances
- Review and propose changes to the *Guide to Outfitting and Maintaining an Office of the U.S. House of Representatives,* a set of regulations governing the acquisition, transfer, and disposal of furnishings, equipment, software, and related services.
- Review the formulas that establish the Members' Representational Allowances.
- Oversee the processing of vouchers and direct payments, including those for payroll.
- Formulate and execute orientation program for newly elected Members of the US House after each congressional election.

Committee Funding and Oversight

- Review Monthly Reports on committee activities and expenditures.
- Review *Committees' Congressional Handbook* regulations governing expenditure of committee funds and update regulations as needed
- Review Primary and any Secondary Expense Resolutions and approve authorization of committee-funding levels in committee and by House Resolution.
- Review Committees' Franking expenditures.

Congressional Accountability Act of 1995

- Monitor application of the Congressional Accountability Act of 1995 (PL 104-1), (CAA).
- Review regulations adopted by the Office of Compliance.
- Evaluate resources available to the Office of Compliance and House Employing Offices to facilitate implementation of the Act.
- Conduct General Oversight of the Office of Compliance.
- Monitor ongoing judicial proceedings to determine the impact on the CAA.

Franking Commission

- Oversee the Members' frank by providing guidance, advice, and counsel through consultation or advisory opinion on the frankability of congressional mail
- Review proposals to reform mass mailing practices of Members, and regulations governing such mailings, and monitor current prohibition on mass mailings 90 days before a primary or general election.
- Review previously implemented rules to increase disclosure and improve the accounting of franked mail costs.
- Consider revisions of pre-election franking complaint procedures.
- Revise and reprint *Regulations on the Use of the Congressional Frank and Rules on Practice in Proceedings Before the House Commission on Congressional Mailing Standards.*
- Review the formula to determine the number of postal delivery stops in a congressional district which is a component of the Members' Representational Allowance.

Government Printing Office

- Consider legislation to reform government printing by eliminating redundancies, increasing efficiency, and enhancing public access to government publications.
- Gather information on the restructuring of government printing and the dissemination of government information to the public, especially in electronic form.
- Track the implementation of remedial actions taken to address audit issues.
- Oversee operations of the Government Printing Office.
- Review the printing needs of the House and the related use of the printing and binding fund.
- Examine options to improve operation and structure of the GPO Inspector General's office.
- Oversee Superintendent of Documents' Sales and Depository Library Programs.
- Consider legislation that would allow for the long-term leasing of the GPO's current building and for the constriction of a new permanent GPO facility.

House Officers and House Operations

- Analyze management improvement proposals and other initiatives submitted by the House Officers, the Inspector General, the Capitol Police Board, and the Architect of the Capitol.
- Coordinate with the Subcommittee on Legislative Appropriations on matters impacting operations of the House and joint entities.
- Provide policy guidance to the House Officers, Inspector General and the Joint entities as appropriate.
- Oversee compliance with the House Employee Classification Act, 2 U.S.C. 291, *et seq.*
- Assure coordination among officers and joint entities on administrative and technology matters.
- Continue review of "congressional continuity" issues, including organizing sessions of Congress at alternate locations and technological support for Member communications and chamber operations.

- Provide policy guidance and conduct oversight of security and safety issues and congressional entities charged with such roles.

Chief Administrative Officer

- Review procedures for processing contracts with the House that exceed the threshold of $250,000.
- Continue to review the current financial management system and implementation of the Financial System Replacement project.
- Review the structure of House Information Resources and determine organizational direction of technology services in the House.
- Review and oversee information technology services provided, maintained or hosted by House Information Resources.
- Review new technology initiatives to better serve Members, Committees, and the House.
- Continue review of functions and administrative operations assigned to the Chief Administrative Officer.
- Review semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review the operations of the House gift shop and future methods of proposed management.
- Continue review of restaurant operations, House furniture policy, inventory and selection, and alternatives to the current House mail delivery process in order to strengthen the services and tools available to Members and staff.

Clerk of the House

- Review the administration of the audio transmission on the House floor.
- Review and approve contracts and requests for proposals for the Clerk that exceed the $250,000 spending threshold.
- Oversee the document management system.
- Review progress towards defining a standard for the electronic exchange of legislative information among Congress and legislative branch agencies.
- Coordinate on matters under the jurisdiction of the House Fine Arts Board.
- Continue review of functions and administrative operations assigned to the Clerk.
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.

Sergeant at Arms

- Review security operations in the House, including the House chamber, the galleries, the Capitol, House Office Buildings, and Capitol Grounds.
- Review semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review impact of electronic access to controlled spaces.
- Continue review of functions and administrative operations assigned to the Sergeant at Arms.

- Review the security operation of the House's parking facilities, its regulations and allocation of parking spaces.
- Review the policies and procedures for visitor access to the Capitol.

U.S. Capitol Police

- Generally oversee operations of the agency.
- Consider authorization legislation as necessary.
- Review need for additional USCP facilities and equipment.
- Review analysis of uniformed officer post/duty assignments to determine and authorize force levels to meet the agency's security requirements, especially with the advent of the Capitol Visitors' Center and responsibility for U.S. Botanic Garden.
- Monitor attrition rates and recruitment efforts in light of recent and proposed recruitment and retention incentives.
- Review USCP training program for new recruits, and in-service training.
- Review and approve all department reorganizations, creation of new positions, appointments, terminations, and certain promotions.
- Authorize and oversee the installation and maintenance of new security systems and devices proposed by the USCP Board
- Review regulations of the USCP Board for use of law enforcement authority by the Capitol Police

Inspector General

- Review proposed audit plan and audit reports.
- Review comprehensive financial and operational audits of the House: investigate any irregularities uncovered; and monitor the required improvements.
- Monitor progress of House audits.
- Continue review of functions and administrative operations assigned to the Inspector General.
- Direct Inspector General to conduct management advisories to improve implementation and operation of key House functions.

Oversight of Legislative Branch Entities

Information and Technology Coordination

- Oversee, in conjunction with the Senate, forums for the sharing of technology plans and capabilities among the legislative branch agencies.
- Oversee, in conjunction with the Senate, the Legislative Branch Telecommunications group.
- Oversee continuing improvements to the Legislative Information System.
- Oversee work of the Legislative Branch Financial Managers' Council.

Library of Congress

- Oversee the remedial measures taken by the Library in response to audit issues.
- Conduct a review of the progress that the Library has made in providing public access to government information, especially in electronic form.
- Continue oversight of Library and Congressional Research Service operations.
- Oversee construction of the Culpeper Film Preservation Facility.
- Examine options to improve the operation and structure of the Library Inspector General.
- Review implementation of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481), the Veterans' Oral History Project Act (Public Law 106-380), the National Recording Preservation Act of 2000 (Public Law No: 106-474), and the History of the House Awareness and Preservation Act (Public Law 106-99).
- Consider legislation that will assist the Library in its efforts to develop a workforce that will have the skills necessary to meet the challenges of a 21st century library.
- Examine options to restructure security at the Library of Congress and monitor the detail of Capitol Police to the LOC Police agency.

Smithsonian Institution

- Review the Smithsonian Inspector General's reports on the status of the Smithsonian.
- Oversee general museum and research facility operations of the Smithsonian Institution.
- Review and oversee Smithsonian Institution budget authorization.
- Consider legislation related to the Smithsonian Institution.
- Provide for the appointment of Citizen Regents to the Smithsonian Institution's Board of Regents.
- Review proposals for authorization of new Smithsonian facilities.
- Review operations of the National Zoo.

Architect of the Capitol

- Review the operations of the office of the Architect.
- Review the electronic and procured services provided by the Architect.
- Oversee construction and operational planning for the Capitol Visitor's Center project, in conjunction with the Senate and the Capitol Preservation Commission.

Technology Use by the House

- Continue oversight of House Information Resources and other technology functions of the House to ensure timely, accurate electronic information dissemination.
- Oversee implementation of House Rule XI 2(e)(4) requiring committee documentation to be made available electronically, to the maximum extent feasible.
- Review computer security measures.
- Oversee implementation of Committee hearing room upgrade program.

- Oversee and continue to implement an enterprise House Disaster Recovery Program for house offices, committees and member offices.
- Oversee and coordinate the House strategic technology plan.
- Conduct and conclude House technology assessment.

Federal Election Law

- Review operations of the Federal Election Commission (FEC) and evaluate possible changes to improve efficiency, improve enforcement of the Federal Election Campaign Act, improve procedures for the disclosure of contributions and expenditures, and consider authorization issues and make recommendations on the FEC's budget.
- Review state and federal activities in connection with the National Voter Registration Act. Examine reforms that could improve voter registration procedures, particularly with regard to strengthening protections against fraud.
- Examine evidence of fraud and misconduct in federal elections and evaluate measures to improve the integrity of the electoral process.
- Examine evidence of possible corruption and evasion of election laws in campaign fundraising.
- Review federal election financing laws and consider legislative changes as necessary.
- Examine the administration of federal elections, and propose improvements to relevant laws that will strengthen the federal election process and improve election administration and the integrity of federal elections.
- Study FEC implementation of the Bipartisan Campaign Reform Act of 2002 (BCRA) regulations and impact of any federal court decisions concerning the new law.
- Examine the role and influence of "527" organizations in federal elections, and consider proposals to modify federal law that regulates such groups.
- Examine the implementation of the Help America Vote Act (HAVA), including the actions of the Election Assistance Commission, implementation of minimum standards by the states, and compliance with HAVA.
- Examine the impact of HAVA on Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and consider proposals to improve voting methods for those serving and living abroad.

Continuity of Congress

- Review issues relating to the continuity of the House in the aftermath of a catastrophic event, including legislation and oversight relating to the conduct of special elections to fill vacancies in the House, and addressing the incapacity of Members of Congress.

Oversight of Voluntary Separation Incentive Programs in Legislative-Branch Agencies

- Initial review of voluntary separation incentive payment ("buy-out") programs submitted to the Committee by Legislative-branch agencies under the Committee's approval, pursuant to Sec. 210 of the Legislative Branch Appropriations Act, 2005.
- Ongoing review and oversight of such "buy-out" programs approved and implemented by agencies under the Committee's jurisdiction

New Member Orientation

- Plan, implement, and oversee the New Member Orientation Program for newly-elected Members of Congress.
- Oversee the planning and implementation of the Congressional Research Service New Member Issues Seminar in Williamsburg for New Members of Congress.

Adopted by the Committee
February 9, 2005

COMMITTEE ON INTERNATIONAL RELATIONS

OVERSIGHT PLAN

Rule X, clause 2 (d) of the Rules of the House of Representatives requires that each standing Committee adopt an oversight plan for the two-year period of the Congress and submit the plan to the Committees on Government Reform and House Administration not later than February 15 of the first session of the Congress. Rule XI, clause 1 (d) requires that the Committee report, at the end of each Congress, on the recommendations made with respect to its oversight plan and any recommendations made or actions taken thereon.

This is the oversight plan of the Committee on International Relations for the 109th Congress. It includes the areas in which the Committee hopes to conduct oversight during this Congress. As the Committee's priorities change, the oversight work of the Committee may change. The fact that an issue is listed here does not mean that the Committee will necessarily hold a formal meeting devoted solely to that issue. The Committee, in the course of its oversight work, may also rely on briefings by business and non-governmental organizations and by U.S. government officials, officials of foreign governments, as well as on member and staff travel, and investigations. It is the intention of the Committee that, wherever practicable, oversight activities will be planned on a bipartisan basis. The Committee will consult with other Committees having jurisdiction over the same or related laws, programs, or agencies as are within its jurisdiction, including its special oversight jurisdiction; and it will use such mechanisms as joint briefings and coordination of staff work and travel to meet the requirements of Rule X(2)(d)(1)(A). As required by Rule X(2)(d)(1), in the course of its oversight work, it will remain continually alert for the existence of Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals, and it will review Federal programs with a view to insuring against duplication of such programs.

1) General

a) Meetings with foreign political leaders: The Committee's ongoing program of informal and formal meetings with foreign political leaders gives it the opportunity to explore the effectiveness of United States foreign policy with those who are keenly interested

b) Meetings with Administration officials: The Committee's formal and informal meetings with Administration officials allow Members and staff to explore the effectiveness of the Administration's implementation of foreign policy

c) Meetings with key stakeholders and constituencies: The Committee's formal and informal meetings with key stakeholders on foreign policy allow for an opportunity to explore the effectiveness of foreign policy with those who are keenly interested

2) International Security/UN/Peacekeeping/General

a) Oversight of arms transfer procedures and legislation, including implementation of previous laws and modifications made to the Arms Export Control Act regarding arms transfers, review policy regarding unmanned aerial vehicles, review the Taiwan Relations Act to ensure effective implementation, review efforts to negotiate multilateral "Code of Conduct" regarding conventional arms transfers, and review newly-enacted law establishing a government-to-government arms sales end-use monitoring program

b) Export Controls—Review National Security Policy Directive 19 regarding defense trade reform, oversight of related to a reauthorization of the Export Administration Act, review of the Administration's efforts to promote the Defense Trade and Security Initiative (DTSI) and other efforts to promote defense cooperation and integration among friendly countries, review of policies regarding exports of supercomputers, and review of munitions control list including exports of commercial communication satellites

c) Peacekeeping oversight, including Administration policy implementing existing Presidential Decision Directives on peacekeeping; supporting new peacekeeping operations and terminating existing missions; UN peacekeeping reform; Global Peace Operations Initiative; command and control issues; and special attention to the status of the international peacekeeping effort in Kosovo, Bosnia, Africa (particularly Sudan, Liberia, Cote d'Ivoire, Burundi, Darfur, Sierra Leone, Democratic Republic of the Congo, Eritrea-Ethiopia), Afghanistan, East Timor, and the Middle East

d) "Rogue Regimes"—Review of the problems of security threats from so-called "rogue regimes" that have or could gain the power to create or use weapons of mass destruction

e) Review of National/International Missile Defense and its relationship to U.S. relations with allies, Russia, China and others; its impact on long-term U.S. security and nonproliferation goals; and other related issues

f) National Missile Defense—Review of foreign policy aspects including implications of modifying radars in the United Kingdom and Denmark

g) Nonproliferation and disarmament topics:

i) Nunn-Lugar program—Review implementation of program aimed at dismantlement and destruction of nuclear, chemical, and biological weapons in the former Soviet Union, including waiver issues and expanding geographic scope of the program

ii) Compliance with existing arms control agreements including the Conventional Forces in Europe (CFE) Treaty and START treaties and review of agreements to which the U.S. is not party, including the Comprehensive Test Ban (CTBT) Treaty and the Land Mine Ban Treaty

iii) Review of nonproliferation sanctions and technology control regimes including feasibility of establishing new international missile control and other regimes and investigating the scope of global black market activities and networks in the sale of nuclear, chemical, biological and missile materials and equipment, as well as reviewing U.S. efforts to combat and terminate these activities and networks

iv) Review of Iran's nuclear/proliferation issue; balancing efforts to change the behavior of the regime; slowing down/disabling the Iranian nuclear program; keep/gain Europe's assistance, including its cooperation in any future sanctions regime

v) North Korea's development of weapons of mass destruction and their means of delivery; review the situation between the Pyongyang Regime and the Bush Administration in reaching a resolution of the nuclear issue via the Six Party Talks

vi) Re-evaluate the Non-Proliferation Treaty's "Atoms for Peace" bargain

vii) Status of Fissile Material Production Ban

viii) Pakistan—Review of nonproliferation cooperation

ix) Assess U.S. policy in reducing the role of China in the proliferation of WMDs and missiles

x) Review implications of the A.Q. Khan Nuclear Network—Require CIA/ DIA briefings and reports on the matter

xi) Evaluate the merits and requirements of US support for IAEA Director General ElBaradei's January 7, 2005 proposed 5-year moratorium on the construction of any additional enrichment or reprocessing capacity

xii) Review of programs regarding the disposition and elimination of excess weapons-grade plutonium stores worldwide

xiii) The status of the land mine treaty ban and U.S. efforts to develop alternative land mine technologies

h) Security Assistance—Review overall effectiveness and implementation of security assistance programs including Foreign Military Financing (FMF), Economic Support Fund (ESF), International Military Education and Training (IMET), International Narcotics and Law Enforcement (INL), draw-downs, Excess Defense Article transfers, antiterrorism, and nonproliferation and export control assistance (specific programs requiring additional oversight include security assistance for new NATO member states and Middle East states)

i) Realignment of U.S. military forces—Review foreign policy implications of the Defense Department's proposed troop realignment plan

j) Olympics security issues—Review the United States' Government's plans to offer security assistance through equipment, training and intelligence-sharing to Italy and China for upcoming Olympic Games

k) Implementation of UN reform/arrearages legislation and progress of additional international organization reform efforts:

i) Continue Oil-for-Food review and determine implications

ii) Assess issues to including; reform of fiscal management, procurement, ethics, accountability and transparency issue, hiring of Americans to work in the UN system, budgeting issues, institutionalization of work on the reform agenda within the United States Mission to the United Nations, etc.

iii) Review the work of the United Nations Department of Peacekeeping Operations

iv) Review Law of the Sea Convention

v) Review status of developments relating to UN Security Council Resolution 1540 and the U.S. Proliferation Security Initiative, including a discussion of related legal issues

vi) Oversight of implementation of the Intelligence Reform Act provisions regarding efforts to support the Democracy Caucus at the United Nations

vii) Review of U.S. strategy to combat United Nations' practice of continuous actions against Israel

l) International crime:

i) Growing links between organized crime, illicit drugs, and global terrorism

ii) Impact of U.S. foreign assistance on advancing the rule of law and anticorruption activities on U.S. ability to combat international crime

iii) International criminal organizations in Africa, oversight of existing International Law Enforcement Academies (ILA) for Africa and the creation of ILEA for Latin America

iv) Impact of international trafficking of humans, arms, and narcotics; document fraud; and money laundering

v) International trafficking of children: sexual exploitation, labor, camel jockeying, and child soldiers

vi) International intellectual property piracy issues—How piracy is being used to support international crime and terrorism, and its impact on the American economy

vii) International economic espionage and how it hurts American business and interests

viii) Extraterritorial prosecutions of U.S. law violations

m) Oversight of agency implementation of the Government Performance and Results Act

n) Narcotics

i) The continuing heroin crisis in the United States and the Administration's plans for dealing with it

ii) Source nation strategies, with special attention to Afghanistan, Colombia, Bolivia and Peru

iii) Eradication efforts and their effectiveness; alternative development

iv) The "certification process" and the annual drug certification determinations for the major drug producing and transit nations around the globe

v) Aggressive oversight of the war on drugs in the Western Hemisphere and of the Administration's implementation of Plan Colombia; Plan Colombia II—Assess the progress of the five-year plan and provide oversight; prepare and mark up an authorization bill for Plan Colombia II assistance

vi) Efforts to avoid disruption of U.S. counternarcotics aerial interdiction operations

o) International terrorism/espionage

i) Review the evolution and current organization of al-Qaeda, examining the current status of al-Qaeda, its efforts to obtain WMDs, its changing organizational structure as it becomes a more decentralized organization, its relationship and cooperation with other radical Islamic terrorist organizations, the extent to which it is inspiring new terrorist groups around the world, and its current recruitment effort

ii) Review U.S. government and allied efforts to capture or kill al-Qaeda's leaders

iii) Explore the existing U.S. Government strategy to deal with terrorists and the degree to which such efforts are based on systematic analysis; review various alternatives to win the long-term struggle against the ideologies of those who use terrorism

iv) Oversight of the State Department's Antiterrorism Assistance program, terrorism financing efforts, coordination of diplomatic initiatives with foreign governments in the global war on terrorism; oversight of Office of Foreign Assets Control, FBI, etc., as they continue to work the international aspects of terrorism

v) The emerging threat of fundamentalist terrorism in Latin America and Africa

vi) Explore the activities of the Southeast Asian terrorist group, Jemah Islamiyah

vii) Review Libya's place on the list of State Sponsors of Terrorism

viii) Assess reports that the government of President Hugo Chavez is aiding international terrorist organizations based in Colombia

ix) The AMIA (Buenos Aires Jewish Community Building) bombing

x) Effectiveness of the U.S. technological response to terrorism

xi) Border security programs, to include overseas visa lookout system in light of the new provisions of law relative to the exclusion of aliens who are members of foreign terrorist organizations

xii) Security of U.S. Government facilities abroad

xiii) Expenditure of post-security funds, to include a review of personnel increases and asset management to minimize cost of property acquisition

xiv) Review of the Federal Government's efforts at coordinating international counterterrorism programs through the State Department

p) Effectiveness and expansion of multilateral technology transfer/export controls, including international code of conduct for arms sales

q) Review International Criminal Court and ongoing prosecutions; review of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone, justice efforts for Darfur genocide

r) Cooperation with INTERPOL

3) State Department and related agencies operations

a) Hearing with the Secretary of State on the FY2006 budget and authorization issues, including GPRA issues, supplemental spending plans, public diplomacy and reorganization plans, etc.

b) Review trust fund organizations; East/West Center, Asia Foundation, Eisenhower Foundation, and others

c) Overseas property management: management of the foreign buildings; expenditures of supplemental funds; progress on asset management (property disposal and acquisitions)

d) Management of the foreign affairs agencies' workforce—Implementation and development of staffing models, including review of the future of the Foreign Service; personnel practices, and management of overseas presence; assignment process; utilization of the Civil Service; size of the Senior Foreign Service and Senior Executive Service

e) American Institute in Taiwan (general oversight)

f) International Border Commissions

g) State Authorization 06-07 Initiatives—Further review of public diplomacy to include consideration of a central news/information function to provide posts with current web-based information on breaking issues; consular staffing; diplomatic security reforms

h) Review of the separation of the international broadcasting function and the organizational structure of the Broadcasting Board of Governors, language service modernization plans, quality control issues of VOA and RFE/RL and the Broadcasting Board of Governors' responsibility to assure broadcasts are of the highest quality

i) Review of practices and procedures for receiving exchange and other visitors, especially foreign parliamentarians and other prominent officials

j) Review of public diplomacy programs and issues arising from the consolidation of programs formerly conducted by the United States Information Agency; ability of the Department to measure the results of its efforts in this area and to plan and sequence its activities so as to most strongly support United States foreign policy

k) Review of the implementation of the Intercountry Adoption Act

l) Review of the Office of Children's Services with emphasis on services related to abducted and adopted children

m) Review of implementation of "rightsizing" of U.S. overseas posts

n) Review of the U.S. use of private military contractors for security and related functions

o) Review of the operations of the Office of Foreign Missions

p) Review Diplomatic Security Bureau (DS)—Overall activities, but focus on visa and passport fraud investigations; effectiveness of substantial staffing increases for DS during the past 3 years

q) Consular processes—Including concerns of the academic, student, and business communities as well as national security concerns

Monitor Case-Zablocki Act modifications and compliance

Reform of the Executive Branch reporting requirements

Enemy detainees

Oversight and review of the Office of the Coordinator for Reconstruction & Stabilization

4) Foreign Assistance

a) U.S. public diplomacy efforts, branding and labeling U.S. assistance—Are we getting credit for our good works

b) Victims of terrorism compensation—Review current practices and suggestions to address perceived inequities

c) Oversight of U.S. global efforts against HIV/AIDS, including U.S. support for the Global Fund to Fight AIDS, Tuberculosis & Malaria

d) Review status of the Millennium Challenge Account

e) Impact of corruption on development; anti-corruption in the developing world

f) Review cost, management, donor coordination and impact of U.S. foreign assistance programs—Special emphasis will be given to major aid programs in:

   i) Iraq

   ii) Afghanistan

   iii) Bosnia refugee return

   iv) Eastern Europe

   v) New Independent States of the former Soviet Union

   vi) Other drug-producing countries, with emphasis on Plan Colombia and the Andean region

   vii) Haiti

   viii) Africa

   ix) Activities that are research and promotional in character relating to international cooperation on environmental and other scientific issues

   x) Review of implementation of the Northern European Initiative and the Northern Europe Cross-Border Cooperation Act, especially environmental issues related to decommissioned Russian nuclear submarines

   xi) Egypt (continue review of cash transfer and commodity import program)

   xii) North Korea

   xiii) Oversight and review of the implementation of foreign assistance to countries affected by Indian Ocean tsunamis

g) Review size, purpose and effectiveness of FY2006 and FY2007 International Affairs Function 150 budgets—Special emphasis will be given to expected Administration initiatives, such as:

i) Budget oversight/review of FY06 request/FY05 Supplemental(expected to include $600 million for Embassy Baghdad)

ii) Increases for HIV/AIDS and the Millennium Challenge Account initiative

iii) Increases in the Economic Support Fund program

h) Conduct special review of programs with noted problems focusing on activities highlighted in USAID Inspector General and GAO reports—Special emphasis will be given to USAID:

i) Missions and Operations

ii) Microenterprise Programs

iii) New Management System

iv) Strategic Objectives

v) Enterprise Fund Management

vi) The "R4" ("Review of Resources, Requirements, and Results") process

vii) Oversight of "monetization" programs

viii) Review of program evaluation policies

i) Special attention will be given to the effectiveness of programs that have consumed large amounts of Congressional attention in recent years, including:

i) U.S. participation in and contributions to international population planning activities and related programs and policies

ii) U.S. participation in and contributions to international child survival activities and related programs and policies

iii) Review of refugee and migration assistance programs and administrative expenses of the bureau charged with carrying out the purposes of the Migration and Refugee Assistance Act of 1962 and emergency response capability

j) Tour of worldwide progress of democracy; review efficiency and effectiveness of U.S. Government-funded democracy programs

k) Review of anticorruption foreign assistance programs and other programs designed to reduce corruption in foreign countries

l) Peace Corps—Mark up Peace Corps Reauthorization Act and conduct oversight of plans for expansion, security and safety concerns, and the better utilization of Returned Peace Corps Volunteers

m) Oversight and review of the implementation of USAID's Fragile States Strategy

5) Europe

a) Periodic reviews of the region with the Assistant Secretary of State for European Affairs

b) Review U.S.-EU relations (political, security, trade and financial issues; European integration; cooperation in the campaign against global terrorism; cooperation and viewpoints regarding Iran's nuclear program and other nonproliferation matters; transparency in European rulemaking and legislating) on the occasion of the 10th anniversary of the signing of the "New Transatlantic Agenda"; EU enlargement; European Security and Defense Policy and its implications for the United States; economic relations; and counterterrorism cooperation; EU Arms Embargo on China

c) Review of NATO including transformation, potential enlargement process, intelligence/threat assessment, NATO-EU relations; oversight of new NATO headquarters building in Brussels and headquarters operations

d) Review of U.S. policy toward Russia and monitoring implementation of the Russian Democracy Act:

   i) Political and economic reforms

   ii) Progress in the rule-of-law

   iii) Status of Russian military and reform progress

   iv) Russian foreign policy objectives

e) Developments in, and U.S. policy toward, Serbia and Montenegro

f) Review of Kosovo's developments in advance of UN Mission review to be held in mid-2005 and developments and assessment after the UN Mission review

g) Black Sea Strategy—An overview of the political and economic situation among nations encircling the Black Sea, including the conflicts in Georgia and Moldova

h) Developments in the Northern European Region including U.S. interests, policy and events in the Baltic states and the surrounding region

i) Overview of U.S. relations with specific regions or countries in Europe including: Eastern Europe, France, Germany and Turkey

j) Review of peace processes in Northern Ireland; Cyprus

k) Challenges in the South Caucasus

l) Oversight of the declining SEED Act assistance and Freedom Support Act funding for nations in Central and Eastern Europe who have not yet reach a level of democratic maturity

m) Review of U.S. policy toward Ukraine

n) Review of U.S. policy toward Belarus and monitoring implementation of the Belarus Democracy Act

6) Middle East and Central Asia

a) Periodic reviews of the region with the Assistant Secretaries of State for Near Eastern Affairs, European and Eurasian Affairs, and South Asian Affairs

b) Oversight of 9/11 bill implementation and legislation

i) Engaging the struggle of ideas and promoting reform to prevent terrorism (including oversight of the Middle East Partnership Initiative and the Broader Middle East and North Africa initiative)

ii) Terrorist sanctuaries (including Central Asia and (jointly) Middle East-based influence in the Western Hemisphere)

iii) Broadcasting

c) Iraq elections and aftermath—Assess reconstruction and the U.S. policies toward and role in Iraq; construction of new Embassy in Iraq

d) Review the U.S. policies toward and role in Afghanistan with reference to its upcoming parliamentary elections

e) Palestinian elections and aftermath—Review implications for peace negotiations; assess U.S. policy and reform efforts in the region and progress on the "Roadmap"

f) Review of the Middle East peace process and related assistance, including the need for a program authorizing enterprise funds, regional people-to-people programs, and a possible "Marshall Plan for the Middle East"; review of assistance to the Palestinians, including assistance to and operations of the United Nations Relief and Works Agency

g) Paul Simon Water Act—Review options to authorize multi-year funding for cooperative water projects in the Jordan River Basin

h) Review progress on Israel-Vatican negotiations

i) Syria—Comprehensive review of status of Syrian Accountability and Lebanese Sovereignty Restoration Act implementation

j) Differences between the U.S. and Europe in the Middle East

k) Review of the UBS Case (Iran and Cuba)—Assessing the lessons learned

l) The Future of Gaza after Israel's disengagement

m) Egypt—Review of GAO reports on cash transfer and the arms program

n) Status of Economic Reform in the Middle East—Review of implications for U.S. trade benefits and a future MEFTA

o) Monitor implementation of the Afghanistan Freedom Support Act Amendments of 2004

p) Rise of Islamist extremism in Central Asia

q) U.S. counterterrorism and counterproliferation policy in Central Asia

r) Extending reform mandate to Central Asia

s) Review and monitor of delivery and implementation of democracy promotion and assistance to the countries of Central Asia

7) Asia and the Pacific

a) Periodic reviews of the region with the Assistant Secretaries of State for East Asian and Pacific Affairs and for South Asian Affairs

b) Overview of U.S. interests and foreign policy in the Asia-Pacific region: bilateral alliances; ASEAN and other regional organizations; USAID programs; public diplomacy; international terrorism and counterterrorism cooperation; democracy promotion and human rights; military-to-military relations; U.S. trade policy,

including proposed free trade agreements; "great power" relations in the region; health (HIV/AIDS) and environmental concerns; and efforts to better coordinate antitrafficking in human persons policies

c) U.S. Policy in East Asia and the Pacific—Oversight hearing with the new Assistant Secretary for EAP

d) U.S. Policy in South Asia—Oversight hearing with the new Assistant Secretary for South Asia

e) Tsunami relief and reconstruction—In coordination with Full Committee, review Tsunami relief/reconstruction efforts in Southeast and South Asia

f) North Korean strategic challenge—Oversight focused on diplomatic and alternative policy options for eliminating North Korea's nuclear weapons programs and capabilities, as well as efforts to curb proliferation and other illicit activities by the North Korean government

g) Managing Sino-American relations in the 21st Century—Oversight hearing examining broad trends in economic, political, and security relations between the U.S. and PRC

h) China and the EU Arms Embargo—Oversight focused on the prospective ending of the current EU arms "embargo" toward China and its likely impact on U.S. national security interests in the Asia-Pacific

i) U.S. Security Policy in Asia and the Pacific—Oversight (possibly joint) hearing on counterterrorism, strategic trends in Asia, and U.S. security policy with new PACOM Commander

j) Maintaining Stability in the Taiwan Strait—Review of cross-Strait relations, strategic posture, and relevant U.S. policy, including sales of defensive weapons under the Taiwan Relations Act

k) Implementation of the North Korean Human Rights Act—Oversight hearing on implementation of the U.S. Public Law 108-333 and the continued plight of North Korean refugees and migrants

l) U.S. interests in Indonesia—Oversight hearing on issues including tsunami recovery, military-to-military relations, human rights, democratization, economic reform, decentralization, and U.S. public diplomacy

m) U.S.-ROK Alliance Management—Oversight hearing focused on the future of the U.S.-ROK alliance, the implication of U.S. force relocation for bilateral relations, and U.S. public diplomacy efforts, particularly toward the younger generation in Korea

n) The situation in Burma—Oversight hearing (possibly joint) relating to prospective annual legislative renewal of U.S. sanctions against Burma under the Burmese Freedom and Democracy Act of 2003

o) Marshall Islands Changed Circumstances Petition—Oversight hearing reviewing results of the U.S. Government review of "changed circumstances" petition by the Republic of the Marshall Islands for additional compensation for U.S. nuclear testing in the atolls during the 1950s

p) Unrest in Vietnam's Central Highlands—Oversight hearing focusing on what is arguably the most sensitive issue in U.S.-Vietnamese relations

q) U.S. Policy toward Pakistan—Oversight focusing on U.S. interests in and policy toward this front-line state in the global war on terrorism. As appropriate, also review progress in the Indo-Pakistani composite dialogue

r) Energy Security in Asia and the Pacific—Oversight hearing focusing on Asia's growing energy requirements and the implications of such on geopolitics and grand strategy in the region and beyond

s) U.S. Economic and Trade Policy toward the PRC—Oversight hearing focusing on commercial relations with China and prospects for better balance in bilateral trade relations

t) Insurgencies and sectarian violence in South Asia—Oversight focusing on the Maoist insurgency in Nepal and prospects for peace in Sri Lanka. As appropriate, also review political and societal violence elsewhere in the region

u) Cultural and public diplomacy toward Asia and the Pacific—Oversight hearing focusing on the adequacy of U.S. cultural and public diplomacy in Asia

v) Visa policy and U.S. interests in Asia and the Pacific—Oversight hearing examining whether the U.S. has adequately balanced U.S. security interests post 9/11 with foregone academic, commercial and tourist opportunities as a result of current restrictions

w) Economic and Social Trends in the PRC—Oversight hearing examining internal stability and reform, and the implications for regional stability and U.S. investment in China

x) India as a rising power—Oversight focusing on India's deepening economic, political and strategic engagement in the Asia-Pacific and beyond

y) Review implementation of the Tibetan Policy Act of 2002 (Public Law 107-228, Sections 611-621)

8) Western Hemisphere

a) Periodic reviews of the region with the Assistant Secretary for Western Hemisphere Affairs

b) In General—U.S. efforts in support of democratic institutions, political stability and economic growth in the region

c) U.S. counternarcotics and counterterrorism support in Colombia and other Western Hemisphere countries

d) Growing influence of China in the Western Hemisphere—Overview of China's investing heavily in Latin America, including port facilities adjacent to the Panama Canal

e) Latin America & Caribbean AID authorization bill and general oversight of U.S. foreign assistance to the region

f) U.S.-Canada Border Security—Assess U.S. Canada border security cooperation

g) Continued engagement with Venezuela/Boston Group—Review U.S. Policy toward Venezuela

h) U.S. support for victims of Communist Government repression in Cuba and overall U.S.-Cuba policy

i) Nicaragua—Review of the state of judicial reform in Nicaragua

j) Brazil—Assess U.S. relations with Brazil as an emerging regional power

k) U.S. policy regarding the expropriation of property from U.S. citizens by governments in the Western Hemisphere

l) Review progress toward completing Free Trade Agreement for the Americas (FTAA), Dominican Republic/Central America Free Trade Agreement (DR/CAFTA), and Free Trade Agreements with Colombia, Ecuador, Peru and Panama and their impact on business and labor in signatory countries

m) Investigate methods to support institutional strengthening of the Organization of American States (OAS) and its Inter-America Democratic Charter

n) Evaluate feasibility and implications of facilitating targeting remittances from persons in the U.S. to their home countries for development purposes

o) Public health issues in the Western Hemisphere

p) Assessment of Western Hemisphere's cooperation on the war on terrorism

q) Status of potential migration accord with the government of the United Mexican States

r) GAO assessment of progress to achieve strengthened democratic institutions and judicial reform in Western Hemisphere countries

s) Review of diplomatic strategy toward the nations of the Caribbean and oversight of Third Border Initiative

t) Review status of indigenous populations and Afro-descended communities, in Canada, Latin America and the Caribbean

u) Elections—Oversight of policy in the run-up to the many presidential and legislative elections in 2006, particularly in Peru and Haiti

v) GAO assessment of reconstruction in the Caribbean after the hurricanes of 2004 and proposals for disaster mitigation

w) Guatemala—Oversight of Guatemala's efforts to address outstanding provisions of Peace Accords and create a Commission of Inquiry into Illegal Groups and Clandestine Security Apparatus (CICACS), or similar commission

x) GAO assessment of public diplomacy efforts in Latin America and the Caribbean

y) Evaluate impact of escalating crime rates, particularly as driven by gang violence, on countries in the region

9) Africa

a) Periodic review of sub-Saharan Africa with the Assistant Secretary of State for African Affairs and of North Africa with the Assistant Secretary of State for Near Eastern Affairs

b) Libya—Review of U.S. policy toward Libya including the path toward cautious re-engagement, Libya's status on the State Sponsors of Terrorism list, progress in addressing and compensating victims of previous terrorist aggression, and ongoing governance and human rights concerns

c) Sudan—Continued investigation into the situation in Darfur following declarations of genocide by the Congress and the Administration and oversight of U.S. relief efforts in the region; assessment of the implementation of the final peace agreement between the Government of Sudan (GoS) and the Sudan

People's Liberation Movement (SPLM); and oversight of U.S. assistance to support peace in Southern Sudan and implementation of the Comprehensive Peace in Sudan Act of 2004 (P.L. 108-497)

d) Zimbabwe—Review of U.S. policy toward Zimbabwe, including oversight of U.S. efforts to support civil society and promote political and economic reform and implementation of the Zimbabwe Democracy and Economic Recovery Act (P.L. 107-99)

e) Democratic Republic of Congo (DRC)—Oversight of U.S. support for democratic transition in the DRC and UN peacekeeping operations in the region

f) Liberia—Oversight of U.S. support for democratic transition in Liberia and UN peacekeeping operations in the region

g) Nigeria—Review of U.S. policy toward Nigeria, including efforts to promote economic and democratic reform, combat corruption, support civil society, address human rights concerns and foster regional security

h) Somalia—Review of U.S. policy toward Somalia, including efforts to foster peace and promote regional stability in a collapsed state

i) Northern Uganda—Oversight of U.S. efforts to promote a just and sustainable peace in Northern Uganda

j) Periodic review of developments in African hotspots, including but not limited to Guinea, Sierra Leone, Liberia, Cote d'Ivoire, Nigeria, the Great Lakes (Democratic Republic of Congo, Uganda, Rwanda and Burundi), Sudan, Somalia, Ethiopia, Eritrea, and Zimbabwe

k) Assessment of Africa's cooperation in the war on terrorism, with particular focus on U.S. efforts to provide counterterrorism training, equipment, and support for "front-line states," including the East Africa Counter-Terrorism Initiative (EACTI) and the Trans-Sahel Counter Terrorism Initiative (TACTI)

l) Oversight of the African Contingency Operations Training and Assistance (ACOTA), Operation Focus Relief (OFR), the Global Peace Operations Initiative, and other U.S. efforts to provide training, equipment, and support for regional peacekeeping efforts in Africa

m) Evaluation of U.S. relations with African regional and sub-regional organizations, including but not limited to the African Union (AU), NEPAD, ECOWAS, COMESA, and SADC

n) Assessment of U.S. trade and investment in Africa, including oversight of the African Growth and Opportunity Act and review of non-tariff trade barriers and

their connection to trade, corruption, and development, and evaluation of the success of USAID efforts in these areas

o) Assessment of the impact of multilateral and bilateral debt on African economies, and the role of the International Monetary Fund (IMF), the World Bank (WB), and other International Financial Institutions (IFIs) in Africa

p) Review of China's growing engagement in Africa

q) Oversight of United States efforts to promote transparency and accountability in Africa, including the Chad-Cameroon Pipeline Project and/or the Clean Diamond Act (P.L. 108-19)

r) Review of ongoing democratization efforts in Africa, including the growth of institutions promoting freedom of the press, pluralism, and the participation of civil society

s) Oversight of Middle East Partnership Initiative (MEPI) programs in North Africa

t) Oversight of the Congo Basin Forest Partnership Act of 2003 and other USAID-backed conservation programs in Africa

u) Oversight of the Administration's efforts to combat infectious diseases in Africa, particularly HIV/AIDS, including U.S. support for the Global Fund to Fight AIDS, Tuberculosis & Malaria and PEPFAR

v) Oversight of the U.S.-backed Special Court for Sierra Leone, including efforts to extradite former Liberia President Charles Taylor from Nigeria and implementation of Section of 589 of the Consolidated Appropriations Act, 2004 (P.L. 108-199), regarding War Crimes in Africa

w) Oversight of U.S. efforts to address corruption and organized crime in Africa, including the International Law Enforcement Academy in Botswana

x) Assessment of slavery in Africa

y) Review of growing religious tensions on the Continent

z) Assessment of gaps in official presence in Africa

10) Human Rights

a) Review of the State Department's annual "Country Reports on Human Rights Practices"

b) Assessing trafficking in persons threat to Tsunami victims—Exploring the trafficking in persons situation in Tsunami-devastated areas, including prevention and protection efforts by local governments and USG involvement and support

c) Review of U.S. policy to promote democracy and create country strategies to promote democracy and human rights, including review of the State Department's annual "Supporting Human Rights and Democracy" Report

d) Status of Cuba after the crackdown 2 years ago; democracy movement, jailed dissidents, and the impact of the resumption of official contact with the European Union and European countries

e) International trafficking in persons—Review of the implementation of the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003

f) Review of State Department's annual "Trafficking in Persons" Report

g) International refugee protection and resettlement—Assess U.S. Refugee policy

h) Religious persecution—Oversight of implementation of the International Religious Freedom Act of 1998

i) Combating the rise of anti-Semitism in Europe (possible joint hearing)

j) Torture Victims Relief Act of 1998—Oversight of implementation

k) PRM Worldwide Refugee Status 2005—Oversight on USG refugee initiatives, status and goals, and humanitarian assistance efforts and challenges

l) Review U.S. efforts to assist in meeting the psycho-social needs of post-terrorist attack victims on School No. 1 in Beslan, North Ossetia

m) Review and assess U.S. strategy regarding Burma's continuing human rights violations

n) Humanitarian crisis plaguing Uganda's children

o) Oversight of the newly-authorized Human Smuggling and Trafficking Center

p) Implementation of the Universal Declaration of Human Rights and other internationally recognized human rights

q) Review of People's Republic of China (political and religious repression, forced abortion and sterilization, forced labor, situation of Tibetan and Uighur minorities, North Korean refugees)

r) Central Africa (human rights and refugee issues in the Democratic Republic of Congo, Rwanda, Congo, and surrounding countries)

s) Vietnam (religious and political persecution, access to U.S. resettlement programs, and related issues)

11) Economic Policy, Trade, and the Environment

a) Assess loss of American jobs to the growing capabilities and exports from China

b) Assess loss of American jobs due to outsourcing, non-immigrant visa policies and implementation of Free Trade Agreements

c) International intellectual property issues

d) International energy policy issues

e) Enterprise Funds

f) Overview of global trade situation and implementation of International Monetary Fund terms and conditions

g) Trade distorting actions by foreign governments (bribery, economic espionage, manipulation of customs rules, import licensing, skewing health and safety standards, etc.); Mutual Recognition Agreements ("MRAs"); and efforts by other foreign governments to implement the OECD Anti-Bribery Convention

h) OPIC/TDA/EXIM Oversight; Commerce Department trade promotion and enforcement activities

i) Overview of the Export Administration Act (EAA) and the views of the Administration on legislation reauthorizing and modernizing its provisions

j) Implementation of sanctions against Iran and other regimes by State and Treasury

k) Global environmental trends: International instability and national security

l) The U.S. Government position on global warming/Kyoto Protocol

m) How environmental cooperation can enhance bilateral relations and U.S. interests abroad

n) Impact on U.S. business due to the lack of foreign export credit agency environmental standards

o) Role of regional trade agreements in promoting a new global trade round and global economic growth; and progress toward a new global trade round foreign government adoption of standards adverse to U.S. interests

p) International cooperation for access to the international space station

12) Miscellaneous

a) Presidential War Powers Act and the Bush doctrine of preemption

b) Codify U.S. foreign policy law

Congress of the United States
House of Representatives
Washington, DC 20515

January 31, 2005

Honorable Tom Davis
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Honorable Robert W. Ney
Chairman
Committee on House Administration
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairmen Davis and Ney:

Pursuant to Rule X, clause 2(d)(1) of the Rules of the House of Representatives, I am hereby submitting the Oversight Plan of the Committee on the Judiciary for the 109th Congress. The Plan was adopted by the Committee on January 26, in a meeting that was open to the public, and with a quorum present.

Sincerely,

F. JAMES SENSENBRENNER, JR.
Chairman

Attachment

cc: Honorable Henry Waxman
Honorable Juanita Millender-McDonald

PRINTED ON RECYCLED PAPER

Committee on the Judiciary 1/27/2005

109th Oversight Report

FULL COMMITTEE

I. Legal and Liability Reform. The Committee will continue to examine the economic and societal effects of lawsuits/liability exposure and the need to reform the current tort system.

II. CAN-SPAM Act. The Committee will continue to monitor the efforts of the Department of Justice, Federal Trade Commission, and State Attorneys General to implement and enforce anti-spam legislation passed in the 108th Congress.

III. Computer Crimes and Cybersecurity. The Committee will monitor efforts by the Department of Justice and other agencies to combat computer crimes and enhance the nation's cybersecurity.

IV. Access to Technology. The Committee will examine the "digital divide," the division between those with and those without access to new technologies.

V. Internet Gambling Study Commission. The Committee will examine the feasibility of establishing a commission to (1) study federal, state, and local laws governing online wagering, and (2) issue guidelines for regulating Internet gambling.

VI. Antitrust.

A. Telecommunications Industry. The Committee will continue to review the implementation of the Telecommunications Act of 1996, including efforts to speed the delivery of broadband services to all Americans and the impact of expected FCC actions on competition in the broadband and Internet telephony markets. The Committee will examine whether the Telecommunications Act has fulfilled the competitive promise envisioned when it was enacted into law. The Committee will also examine whether the regulatory regime created by the Telecommunications Act sufficiently deters anticompetitive misconduct in the wake of the Supreme Court decision in *Verizon v. Law Offices of Curtis Trinko* (2004).

B. International Antitrust Divergence. The Committee will examine the development of divergent international antitrust standards and the effect such divergence may have on American firms that operate internationally.

C. Modernization of the Antitrust Laws. The Committee will monitor the work of the Antitrust Modernization Commission established by the 21st Century Department of Justice Authorization Act (Public Law 107-296). The Committee

will also continue to consider modernization of the antitrust laws in light of the new economy, especially with respect to the intersection of antitrust law and intellectual property law as well as the application of antitrust law in the international realm. The Committee will also consider whether the antitrust laws need any technical corrections or updates.

D. Agriculture Industry. The Committee will continue to consider antitrust issues in the agriculture industry including the role of agricultural associations and concentration in agricultural industries.

E. Hart-Scott-Rodino Act Reforms. The Committee will review the implementation of changes to the merger review process under the Hart-Scott-Rodino Act. The Committee will also consider whether filing fees under the Hart-Scott-Rodino Act will provide adequate funding for the antitrust enforcement agencies if mergers decrease or whether the agencies ought to be funded out of general revenues.

F. Transportation Industries. The Committee will continue to consider antitrust issues in various transportation industries including airline competition, the ocean shipping exemption, and the antitrust authority of the Surface Transportation Board.

G. General Oversight of the Antitrust Enforcement Agencies. The Committee will continue its tradition of holding a general oversight hearing on the antitrust enforcement agencies during each Congress.

H. Media Consolidation. The Committee will examine the role of the Justice Department in media consolidation.

I. Standard Setting Exemption. The Committee will monitor the implementation of the Standards Development Organization Advancement Act of 2004 (Public Law 108-237) to ensure that standard setting organizations advance important public policy goals. The Committee will also examine the sufficiency of enhanced civil and criminal penalties for violations of the antitrust laws contained in this statute. Finally, the Committee will examine whether the enhanced leniency provisions for individuals who cooperate with the Department of Justice in antitrust investigations created by this legislation are promoting the purposes for which they were enacted.

J. Health Care Antitrust. The Committee will examine whether allowing health care providers to collectively bargain with insurance providers will result in improved health care practices.

K. Trade Agreements. The Committee will examine the impact of trade agreements on antitrust, immigration, and intellectual property laws and on the limitations such agreements may place on Congress's ability to legislate in these areas.

VII. Department of Justice Reauthorization. The Committee will aggressively concentrate on an overall review of the Department of Justice with the engagement by the Subcommittees with the Department components that are specifically under their jurisdiction.

VIII. Torture. The Committee will examine the status of the use of torture by the Federal Government.

IX. Non-traditional Methods of Detention. The Committee will examine non-traditional methods of detention used by the Federal Government.

X. Whistleblowers. The Committee will examine whistleblower protections in the Federal Government.

XI. Immigration and Border Issues.

A. Visa Procedure and Visa Waiver Program Security. The Committee will continue to examine compliance by the Bureau of Consular Affairs of the State Department with regard to strengthening the security of visa issuance security procedures with minimum impact on trade and travel. Enforcement by the Department of Homeland Security of the requirements for acceptance under and continued participation within the Visa Waiver Program (VWP) will also be examined.

B. Electronic Passports and Visas. Active oversight of the Department of Homeland Security's preparation to inspect the biometric passports and visas required in 2005 will be continued in the 109th Congress. The Committee will survey VWP countries with regard to their preparation to meet the October, 2005 deadline to issue passports with biometric identifiers to their citizens.

C. International Cooperation on Criminal Justice and Immigration Control. The Committee will continue oversight of the Departments of Justice, Homeland Security, and State with regard to meeting the terms of international agreements to facilitate law enforcement; customs and counter terrorist investigations, prosecutions, and providing assistance to foreign countries that actively assist the United States in combating terrorism; and the international traffic in illegal substances and in persons. The Committee will also selectively examine compliance and reciprocity in such agreements from foreign countries, the United Nations, and the European Union.

D. Border Security Agreements with Mexico and Canada. The Committee will continue to examine compliance by Mexico and Canada with regard to the respective border security agreements with the United States, and the efforts by our government to insure continued compliance.

E. Immigration Law Employer Enforcement. The Committee will examine compliance with the immigration laws by the Internal Revenue Service, the Social Security Administration, and the Department of Homeland Security to ascertain whether sufficient enforcement actions take place with regard to employers who knowingly employ illegal aliens, employers who violate the human, civil, and working conditions rights of aliens, and employers who encourage or actively participate in trafficking in persons for the purpose of avoiding compliance with federal laws.

XII. Management Performance and Budgeting Oversight. The Committee will continue to conduct oversight of the departments and agencies under the jurisdiction of the Committee, with emphasis on compliance with the Results Act. This will include issues noted in GAO's High Risk List, GAO's Major Management Challenges and Program Risks, and management problems identified by the respective Inspectors General. The Committee will direct particular attention to the Department of Justice's Office of Justice Programs.

XIII. Coordination of Efforts to Combat Terrorism The Committee will continue to examine the management efforts to coordinate the counter-terror initiatives of federal law enforcement agencies to avoid waste and duplication. This will include the promulgation of regulations and instructions to federal law enforcement and border security agencies to detect, investigate, and prevent terrorist attacks without undue intrusions on privacy and civil liberties. It will also include oversight of the preparation and publication of agency documents addressing terrorism, such as the State Department's "Patterns of Terrorism" annual report.

XIV. Election Reform. The Committee will continue examining implementation of the Help America Vote Act. The Committee will also monitor provisions such as the computerized statewide voter registration list requirements, requirements for voters who register by mail, and the Election Assistance Commission's certification and testing of voting systems.

XV. Modernization and Improved Interoperability of Law Enforcement and Border Security Systems. The Committee will continue oversight of the efforts to improve exchange of data among federal law enforcement agencies, border security agencies, intelligence and the State Department. The Committee will direct particular attention to opportunities for reducing duplicative systems development efforts and avoiding financial losses through failed systems projects.

XVI. Confidential Informants. The Committee will continue to conduct oversight over the relationship between Federal Bureau of Investigation agents and confidential informants. In addition, the Committee will conduct oversight of the Department of Justice's standards and practices for classifying material.

SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW

I. Administrative Process and Procedure. The Subcommittee has jurisdiction over legislation affecting the rulemaking and adjudicatory procedures of federal agencies. Oversight of the administrative process and procedure will continue to be an important aspect of the Subcommittee's oversight agenda during the next Congress.

II. Comprehensive Overview of Administrative Law, Process, and Procedure. In the 108th Congress, the Subcommittee successfully obtained the reauthorization of the Administrative Conference of the United States (ACUS), a nonpartisan think tank that made many valuable recommendations that improved administrative aspects of regulatory law and practice. In addition to seeking to have the Conference appropriated funds in the 109th Congress, the Subcommittee anticipates conducting a comprehensive study of and report on the state of administrative law, process, and procedure in our nation. The purpose of the study would be to identify priority items for ACUS' initial consideration and matters that may require more immediate legislative attention. General areas of study are anticipated to include: (1) public participation in the rulemaking process; (2) Congressional review of rules; (3) Presidential review of agency rulemaking; (4) judicial review of rulemaking; (5) the agency adjudicatory process; (6) the utility of regulatory analysis and accountability requirements; and (7) the role of science in the regulatory process.

III. Administrative Taxation. Congress has plenary power to impose and raise taxes. Agency rules that impose or raise taxes or have the effect of imposing or raising taxes may conflict with this Congressional authority. During the 109th Congress, the Subcommittee expects to continue to review agency rules or adjudicatory findings that may have the effect of imposing or raising taxes.

IV. Congressional Review Act. The Congressional Review Act provides a legislative mechanism for Congress to invalidate proposed agency rules. As in prior Congresses, the Subcommittee will continue to serve as a resource for congressional staff about the Act as well as the procedural requirements that underlie its effective implementation. The Subcommittee may conduct oversight hearings as deemed necessary.

V. Judicial Review of Regulatory Flexibility Act. In 1996, the Small Business Regulatory Enforcement Fairness Act (SBREFA) amended the Regulatory Flexibility Act to grant judicial review to small businesses affected by an agency's failure to perform a Regulatory Impact Analysis of proposed rules. The Subcommittee will continue its

oversight of the judicial review provisions of SBREFA and may conduct an oversight hearing on the administrative and constitutional aspects of the nondelegation doctrine during the 109th Congress.

VI. Agencies as Policymakers. The Subcommittee expects to continue to research the extent to which agencies compete for policymaking primacy with the legislative branch. Agency practices that the Subcommittee may consider include: implementation of policies that Congress has considered and declined to effectuate; use of consent decrees to achieve policy goals that lack any legislative basis; efforts to impose rules or regulations under consideration by Congress; use of agency resources to influence the legislative process; efforts by agencies to ignore or circumvent statutory requirements imposed by Congress; and federal rulemakings that affect emerging telecommunications technology.

VII. Agencies.

A. Legal Services Corporation. The Subcommittee anticipates continued oversight into the performance and progress of the Legal Services Corporation (LSC) and its activities.

B. Other Agencies. In addition to LSC, the Subcommittee has authorization responsibility for, and anticipates continuing oversight over, the following Department of Justice agencies: the Executive Office for United States Attorneys; the Civil Division; the Environment and Natural Resources Division; the Executive Office for United States Trustees; and the Office of the Solicitor General.

VIII. Interstate Compacts. The Constitution requires that the Congress approve compacts or agreements between two or more states in order to assure these will not adversely impact federal interests or those of other states. The Subcommittee has approved several compacts during the last four Congresses that were enacted into law and it expects to engage in oversight to determine whether the process whereby states seek Congressional approval is being observed. This effort may include travel to various states as, for example, it did during consideration of the Red River Boundary compact (H.J. Res. 72) during the 106th Congress when staff met in Austin, Texas, with representatives of Texas, Oklahoma and several Indian tribes and nations.

IX. Bankruptcy. The Subcommittee has jurisdiction of the Bankruptcy Code (11 U.S.C. 101 *et seq.*) and related provisions codified in titles 18 and 28 of the United States Code. In addition, the Subcommittee has jurisdiction over bankruptcy judgeships. During the last four Congresses, the Subcommittee has held numerous hearings on comprehensive bankruptcy reform legislation as well as other issues relevant to bankruptcy law and practice. Matters that may be considered by the Subcommittee in the 109th Congress include the treatment of mass torts in bankruptcy and whether the Bankruptcy Code

unduly restricts the ability of governmental agencies to issue and rescind licenses issued to debtors.

X. Privacy. The Subcommittee will continue its oversight of the privacy ramifications of agency actions, including rulemaking, inter-agency administration, and regulatory enforcement. In particular, the Subcommittee will review the activities of the Privacy Officer at the Department of Homeland Security and monitor the work of the soon-to-be-created Privacy and Civil Liberties Oversight Board in the Executive Office of the President.

XI. Special Counsel Regulations. The Subcommittee will examine the use of the Department of Justice regulation requiring the appointment of outside special counsels.

XII. Specific Statutory Oversight.

A. Federal Debt Collection Act. The Subcommittee has jurisdiction over federal debt collection and anticipates oversight in this area of responsibility, including the operation of the Federal Debt Collection Act of 1990 and other aspects of federal debt collection efforts.

B. Contract Disputes Act. The Subcommittee has jurisdiction over the Contract Disputes Act (41 U.S.C. 601 *et seq.*) enacted into law in 1978 in response to recommendations made by a federal commission on procurement. The Subcommittee anticipates oversight of the operation of the Act to determine how well it has achieved its purpose and to evaluate the performance of the Board of Contract Appeals.

C. Negotiated Rulemaking Act. The Subcommittee has jurisdiction over the Negotiated Rulemaking Act (5 U.S.C. 581 *et seq.*) and anticipates conducting hearings to determine how effectively the statute is being implemented and the degree of its utilization by agencies.

D. Administrative Dispute Resolution Act. The Subcommittee has jurisdiction over the Administrative Dispute Resolution Act (5 U.S.C. 571 *et seq.*) and anticipates oversight hearings to determine the effectiveness of the dispute resolution procedures authorized under the statutes.

E. Administrative Procedure Act. The Subcommittee has jurisdiction over the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) and other legislation affecting the rulemaking and adjudicatory procedures of federal agencies. As part of its comprehensive review of administrative law, process, and procedure, the Subcommittee anticipates oversight hearings of these areas to determine whether the APA can be improved and/or streamlined. The Subcommittee also expects to

examine whether APA procedures are being observed and whether amendments and additional statutory protections are advisable.

F. Federal Arbitration Act. The Subcommittee has jurisdiction over the Federal Arbitration Act (9 U.S.C. 1 *et seq.*), which was originally enacted in 1925 to facilitate and encourage the enforcement of arbitration agreements. The Subcommittee anticipates oversight of the operation of the Act to assess how well it has achieved its intended purposes.

SUBCOMMITTEE ON THE CONSTITUTION

I. The Death Penalty. The Subcommittee will consider the constitutional issues raised by the implementation of the death penalty in the states, including its application to persons later found not guilty, and will oversee implementation of the Justice for All Act of 2004.

II. United States Commission on Civil Rights. The United States Commission on Civil Rights is intended to serve as an independent, bipartisan fact-finding agency. The Subcommittee will review the work of the Commission, its management, and its implementation of GAO's management and financial recommendations.

III. Civil Rights Division, Department of Justice. The Subcommittee will examine the enforcement record, priorities, and authorization request of the Civil Rights Division. The Subcommittee will focus on the Division's activities in the areas of education; including admissions policies; employment; credit; housing; public accommodations; law enforcement practices; voting rights; and federally funded and conducted programs. The Subcommittee will specifically examine the implementation/enforcement and impact of pending school desegregation cases, the use of force agreements between the Department and designated cities, title VII of the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

IV. Community Relations Service. The Subcommittee will consider the operation of the Community Relations Service.

V. Congressional Authority Under the Commerce Clause. In light of recent Supreme Court decisions limiting Congress' authority to enact legislation under the Commerce Clause, the Eleventh Amendment, and section 5 of the Fourteenth Amendment, the Subcommittee plans to consider the boundaries of the Commerce Clause, the 11th Amendment, section 5 of the 14th Amendment, and the Spending Clause, and its affect on the balance between powers of Congress, the courts, and the states.

VI. Office of Government Ethics. The Subcommittee will consider the priorities and operation of the Office of Government Ethics, including current financial disclosure requirements.

VII. Property Rights. The Subcommittee will consider the current state of the protection and enforcement of property rights.

VIII. Religious Liberty. The Subcommittee will examine the doctrine of free exercise of religion in the wake of *Employment Division v. Smith*, *Boerne v. Flores*, and *TWA v. Hardison*. The Subcommittee will also examine the federal role in the protection of the free exercise of religion of, and protection against discrimination against, employees and participants in charitable choice programs, the funding of faith-based social services, the Pledge of Allegiance, and the freedoms of the Boy Scouts and other organizations.

IX. Abortion. The Subcommittee will examine the constitutionality and enforcement of federal and state statutes that relate to the performance of abortions and the Born Alive Infants Protection Act, as well as the issue of fetal pain.

X. War on Terrorism. The Subcommittee will consider constitutional issues associated with the War on Terrorism, including the use of data collection programs used by the Federal Government and the associated privacy implications.

XI. DNA Technologies. The Subcommittee will examine constitutional issues associated with the implementation of various DNA database programs.

XII. Freedom of Access to Clinic Entrances (FACE). The Subcommittee will conduct oversight of the enforcement of the FACE Act.

XIII. *Pigford v. Glickman*. The Subcommittee will examine the status of the implementation of this civil rights settlement between the United States Department of Agriculture and certain Black farmers.

XIV. Racial Profiling. The Subcommittee will consider whether law enforcement techniques that utilize racial profiling are beneficial or unnecessary to the War on Terrorism.

XV. Gender Discrimination. The Subcommittee will conduct oversight of the enforcement of prohibitions against gender discrimination and harassment under titles VII and IX of the Civil Rights Act of 1965, the Fair Housing Act, and the Equal Credit Opportunity Act.

XVI. Marriage. The Subcommittee will continue to conduct oversight regarding the definition of marriage as the union of one man and one woman.

XVII. NCAA Due Process. The Subcommittee will continue to conduct oversight on the NCAA and its commitment to affording constitutional protections to its coaches, athletes, and other affected individuals.

XVIII. Second Amendment. The Subcommittee will conduct oversight regarding the protection

afforded an individual's right to bears arms under the Second Amendment.

XIX. International Role of the United States Constitution. The Subcommittee will conduct oversight on the role that the United States Constitution plays in the development of potential newly-formed democratic constitutions, such as those in Afghanistan and Iraq.

XX. Foreign Born President. The Subcommittee will examine the potential for expanding eligibility for the Office of the President to include foreign-born citizens.

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

I. USA PATRIOT Act. With some of the provisions of the USA PATRIOT Act set to expire at the end of 2005, the Subcommittee will continue to examine the Department of Justice's implementation of the USA PATRIOT Act to detect, investigate, and prevent terrorist attacks without undue intrusions on privacy and civil liberties, including the use of the Attorney General's Investigative Guidelines, detention authorities, data mining as an investigative tool, and money laundering regulations. The Subcommittee (and full Committee) will conduct a series of classified and non-classified hearings before the August recess to examine whether the expiring provisions of the USA PATRIOT Act should be renewed. Among the areas of inquiry will be a review of the effectiveness of the USA PATRIOT Act powers and how responsibly they have been applied by the Department. In addition, the Subcommittee (and full Committee) will conduct a series of classified and non-classified hearings before the August recess to examine whether changes should be made to non-expiring provisions of the USA PATRIOT Act, including expanded surveillance powers such as pen register searches and roving wiretaps and delayed notice search warrants.

II. Federal Assistance to State and Local Law Enforcement. The Subcommittee will continue to monitor the Departments' of Justice and Homeland Security state and local law enforcement grant programs.

III. Department of Homeland Security. The Subcommittee will continue to conduct oversight on the Department of Homeland Security's role in securing the Nation against terrorism, including the operations of all law enforcement functions transferred to the Department and coordination with federal, state, and local law enforcement.

A. Secret Service. The Subcommittee will monitor the Secret Service's ability to combat the cyber criminals and terrorists who attempt to use identity theft, telecommunications fraud, and other technology-based crimes to defraud and undermine American consumers and industry.

B. Federal Air Marshal Service. The Subcommittee will conduct oversight of the Federal Air Marshal Service to ensure that the Service is adequately protecting air security and promoting public confidence in our nation's civil aviation system.

C. Federal Protective Service. The Subcommittee will conduct oversight of the Federal Protective Service to ensure that the Service is adequately providing law enforcement and security services to all federally owned and leased facilities.

D. United States Coast Guard. The Subcommittee will conduct oversight of the United States Coast Guard's law enforcement activities.

E. Immigration and Customs Enforcement. The Subcommittee will conduct oversight of the Immigration and Customs Enforcement Offices of Investigations, Air and Marine Operations, and Intelligence with a specific focus on counter-narcotics efforts and counterfeit goods seizures.

IV. Federal Law Enforcement Information Sharing. The Subcommittee will examine the progress made by the Justice Department and other federal agencies to share information among themselves to prevent terrorism. It will be examined as it relates to PL 108-796, the "Intelligence Reform and Terrorism Prevention Act of 2004."

V. Drugs.

A. Narco-terrorism. The Subcommittee will examine the nexus between international drug trafficking and terrorism and the federal law enforcement effort in identifying, investigating, and dismantling organizations involved in terrorism and drug trafficking.

B. Major International Drug Traffickers. The Subcommittee will continue to examine the federal law enforcement effort at identifying and apprehending those who conspire to import controlled substances into the United States, with particular focus on the Drug Enforcement Administration's priorities.

C. Drug Enforcement Agency's Role in the Intelligence Community. The Subcommittee will examine the role that the Drug Enforcement Agency plays in the Intelligence Community. Attention will be given to the possible need to more fully involve the Agency in the Intelligence Community by ensuring its cooperation and integration with other intelligence components.

D. Department of State's Bureau of International Narcotics Law Enforcement and the International Law Enforcement Academies. The Subcommittee will conduct oversight over the Department of State's International Narcotics Law Enforcement to ensure that it is reducing the entry of illegal drugs into the United States and minimizing the impact of international crime on the United States and its citizens. It will also conduct oversight of the International Law Enforcement Academies.

E. Prescription Drugs. The Subcommittee will conduct oversight of the abuse of prescription drugs, including fraudulent prescriptions.

VI. Prisons.

A. The Federal Bureau of Prisons (BOP). The Subcommittee will conduct extensive oversight of the management practices of the BOP. Attention will be given to issues relating to privatization of prison operations, drug treatment in prisons, medical care in prisons, conditions for prisoners, prison overcrowding, the use of administrative maximum security housing units and facilities, programs that help to prepare prisoners for reintroduction into society, and the federal prison industries program.

B. Federal Assistance to State Prisons. The Subcommittee will continue to monitor the Justice Department's distribution of grants to the states and the costs of such grants.

VII. The Federal Bureau of Investigation. As the largest federal law enforcement agency, the Federal Bureau of Investigation (FBI) will be the subject of much of the Subcommittee's oversight activities. Among the areas of inquiry will be a review of the FBI's implementation of its reorganization plan, new security policies, its use of the law enforcement tools provided by the USA PATRIOT Act, intelligence activities, the role of the FBI in domestic and international counter-terrorism efforts, and coordination with state and local law enforcement. Additionally, the Subcommittee will continue to monitor the FBI's efforts to update its computer systems.

VIII. The United States Marshal's Service. The Subcommittee will review the mission and operations of the United States Marshals Service, closely considering the allocation of resources as it relates to fugitive apprehension, court security, and the Service's special operations mission.

IX. Sentencing Guidelines. In light of the *Booker* and *Blakely* Supreme Court decisions, the Subcommittee, along with the Subcommittee on the Constitution, will examine the state of sentencing guidelines and ensure that any future sentencing guidelines meet constitutional standards set out in these decisions.

X. Domestic Terrorism. The Subcommittee will continue oversight regarding our national laws and strategy for combating domestic terrorism, including the efforts of the Departments of Justice and Homeland Security to coordinate. It will pay special attention to the problem of domestic eco-terrorism.

XI. Law Enforcement Training. The Subcommittee will examine the efficiency and effectiveness of the various law enforcement training programs by the Departments of Justice and Homeland Security.

A. Federal Law Enforcement Training Center. The Subcommittee will examine the mission, training components, and management of the Center.

B. Federal Air Marshal Training Facility. The Subcommittee will examine the effectiveness of the Air Marshal's training facility in Atlantic City, NJ.

C. Federal Bureau of Investigation. The Subcommittee will conduct oversight of the Federal Bureau of Investigation's criminal investigative, terrorism investigative, and counterintelligence training.

XII. Office of Justice Programs. The Subcommittee will ensure that the Office of Justice Programs adequately and in a cost effective manner prevents and controls crime, improves the criminal and juvenile justice systems, increases knowledge about crime and related issues, and assists crime victims. The Subcommittee will pay special attention to the COPS program and the consolidation of the Byrne Grant program and the Local Law Enforcement Block Grant Program at the Department of Justice.

XIII. Joint Terrorism Task Force. The Subcommittee will examine the status of the 66 Joint Terrorism Task Forces throughout the nation. It will also conduct oversight of the National Joint Terrorism Task Force.

XIV. Gangs. The Subcommittee will examine the role of the Federal Government in combating street gang crimes. It will also explore the link between street gangs and international terrorist organizations.

XV. Federal Judiciary. The Subcommittee will continue its oversight of the federal judiciary relating to sentencing practices.

XVI. The Bureau of Alcohol, Tobacco, Firearms, and Explosives. The Subcommittee will continue its oversight of the Bureau of Alcohol, Tobacco, Firearms, and Explosives with an emphasis on ensuring the transition from the Department of the Treasury to the Department of Justice has been successful.

XVII. Violence Against Women. The Subcommittee will examine the Violence Against Women Act in light of reauthorization efforts.

XVIII. Community-Oriented Policing Services (COPS). The Subcommittee will examine the COPS program in light of reauthorization efforts.

XIX. Amber Alert. The Subcommittee will oversee implementation and reauthorization of the federal Amber Alert program.

XX. Medical Marijuana. The Subcommittee will continue to monitor federal law enforcement efforts in aggressively enforcing federal drug laws relating to the sale and distribution of marijuana in states that have passed contrary laws. State laws in Oregon, Alaska, Hawaii, and California allow medical use of marijuana under specified conditions. However, under federal law, marijuana is still classified as a Schedule I drug and is therefore still illegal.

XXI. Drug Sentencing. The Subcommittee will examine the disparity in drug sentencing as a result of the Sentencing Commission's amendments to the Sentencing Guidelines.

XXII. Brady Act. The "Brady Handgun Violence Prevention Act of 1994" required the FBI to develop and operate a national, point-of-sale, criminal background check system for all firearms purchases by federally licensed dealers. The Subcommittee will monitor the operations of the instant check system, particularly with regard to issues involving the timeliness and accuracy of checks, the adequacy of state recordkeeping procedures, the extent to which additional background check time prevents criminals from obtaining firearms, and the extent to which citizens legally entitled to purchase firearms are denied or delayed by the system. The Subcommittee will also review the practice of federal law enforcement regarding prosecuting attempted firearms purchases by prohibited

purchasers.

XXIII. Re-Entry of Ex-offenders. The Subcommittee will oversee programs designed to reduce recidivism rates for prisoners re-entering their communications after incarceration.

XXIV. Corporate Fraud. The Subcommittee will oversee remedies for corporate fraud, including implementation of the Sarbanes-Oxley Act and prosecution of white collar crime.

SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY

I. The Federal Judicial System. The Subcommittee will continue to devote considerable time and resources to improving the delivery of justice by federal and state courts. The Subcommittee has oversight responsibility for three entities located within the federal judicial branch: (1) the Judicial Conference of the United States; (2) the Administrative Office of the United States Courts and (3) the Federal Judicial Center. The Subcommittee also has jurisdiction over the Federal Rules Enabling Act and the Advisory Committees on Civil Rules, Appellate Rules and Rules of Evidence.

II. Judicial Misconduct. During the 107th Congress, the Subcommittee conducted an oversight hearing on certain judicial misconduct statutes. Based on the hearing testimony, amendments to the 1980 discipline and disability act – the mechanism by which citizen complaints may be formally registered against federal judges – were enacted. Subsequent to these amendments and pursuant to discussions between Chairman Sensenbrenner and the Chief Justice during the 108th Congress, Justice Breyer is heading an *ad hoc* judicial commission to review the judicial misconduct and recusal statutes to determine whether they are serving the public interest. The Subcommittee may now wish to follow-up on these efforts by conducting further oversight to determine whether this self-policing construct is working well.

III. Court of Federal Claims. In general, the United States Court of Federal Claims allows citizens to bring claims against the Federal Government. It has been entrusted with nationwide jurisdiction over money claims (other than in tort) founded on federal statutes, executive regulations, government contracts, and the Constitution. Some critics believe the Court is under-worked and is therefore unnecessary (last year an amendment to the House Departments of Commerce, Justice, State appropriations bill to abolish the Court failed to pass). No exacting oversight of the Court's operations has taken place in more than eight years.

IV. Digital Evidence. The practice of admitting or otherwise using evidence in digital formats has grown. The Subcommittee may conduct oversight to determine whether the Federal Rules of Evidence need to be amended to accommodate existing practice or further change in this area.

V. *Holmes Group* "Fix." Congress created the Federal Circuit in 1982 to unify patent law. This means that the Federal Circuit, not individual circuit courts of appeals, was always intended to hear patent appeals. A 2002 Supreme Court decision (*Holmes Group*) has cast the role of the Federal Circuit in doubt. The Subcommittee anticipates oversight to determine the impact of regional circuits accepting patent cases and some state courts hearing patent and copyright cases.

VI. The United States Copyright System. The Subcommittee will continue to conduct oversight of the operation of the copyright system in a world of ever-changing technology. It is vital to the protection of our copyright industry that the Subcommittee be vigilant in its exercise of its jurisdiction to carry out its constitutional mandate to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries[.]" (Art. I Sec. 8. cl. 8).

VII. The United States Copyright Office. The Subcommittee has oversight responsibilities over the operation of the United States Copyright Office, which is part of the Library of Congress. The Copyright Office has a number of responsibilities, from collecting and distributing copyright royalties to registering and granting certificates of copyrights to thousands of people each year. The subcommittee will conduct an oversight hearing on the changing needs and efficient operation of that office.

Many of the Office's employees will be physically displaced due to renovations and reengineering over the next two years. The Office will also require additional appropriations to discharge its obligations under the new CARP statute. These two issues must be explored more fully.

VIII. SESAC. SESAC is the only performing rights organization that does not operate under a consent decree. Smaller than BMI and ASCAP, it is nonetheless growing. The Subcommittee may conduct oversight to determine how SESAC treats its artists, and whether the organization should be brought under a consent decree as well.

IX. Digital Interoperability. Defenders of P2P systems and hardware/electronic companies argue that copyright holders are inhibiting a more robust roll-out of music/movie technologies that the public wants. As the popularity of digital music players grows, however, concerns have been raised that digital music purchased from one company should be able to be played on any digital music player. This issue is partially driven by concerns that Apple's music service has quickly taken over 80% of the market and Apple has not been shy about deliberately blocking its competitors from releasing software that would allow other music services to interoperate with Apple's service. The Subcommittee may conduct oversight over this market change.

X. Section 115/Music License Issues. The Subcommittee may continue oversight of section

115 of the Copyright Act as affected industries try to develop consensus on potential changes to the law.

XI. Telecommunications Act. Internet service providers (ISPs) and other telecommunications stakeholders are interested in opening up the 1996 Telecommunications Act. The Subcommittee may review the operations of the Act and whether it diminishes protection of intellectual property rights.

XII. United States Patent and Trademark Systems.

A. United States Patent and Trademark Office (PTO). The PTO is part of the Department of Commerce and the Subcommittee has oversight responsibilities for the Office's authorization and operation. The PTO is responsible for the examination and issuance of United States patents and trademarks. It is also responsible for the international negotiations with other intellectual property authorities, such as the European Patent Office and the Japanese Patent Office. The Subcommittee will hold oversight hearings on the operations of the PTO. This will be part of a continuing review that includes a study by the Government Accounting Office that is examining PTO operations, with a special emphasis placed on its progress in implementing a workable electronic communications system. Given that the agency will be receiving increased appropriations over the next two years (see "XIII" below), the Subcommittee anticipates an oversight hearing devoted to more than just agency funding shortfalls.

B. Diversion of PTO Revenue and Its Effects on the Agency and the Economy. The PTO became a completely fee-funded agency pursuant to the budget reconciliation act passed in 1990. Since 1992, however, more than $800 million in fee revenue has been diverted by congressional appropriators (with the support of both Republican and Democratic administrations) to other programs. In June 2002, former PTO Director Jim Rogan released a "Strategic Business Plan" outlining his vision for transforming agency operations, with the intent of improving patent and trademark quality while reducing work backlogs. A major component of the Plan included the enactment of a new fee schedule that would raise fees, on average, by more than 15%. During the 108th Congress, the Committee wrote legislation, H.R. 1561, to implement the new fee schedule in tandem with language to eliminate the incentive to divert excess revenue to non-PTO programs. The "Consolidated Appropriations Act of 2005" incorporated the new fee schedule from H.R. 1561, but did not include the related anti-diversion language. While the Subcommittee expects more oversight exclusive of funding shortfalls, the Subcommittee will also continue to monitor the consequences of diversion, both for the Agency and the inventor community.

C. Single, Low-Cost World Patent. The cost to United States companies and inventors of applying for and obtaining separate patents in each of 150 or more

countries is prohibitive. In developing countries and even in Europe, patent fees are at such high levels that they constitute a tax on innovation. In addition, the expense of retaining separate patent attorneys or agents in each foreign country is burdensome and expensive. The United States could take a leadership role in negotiating an agreement under which countries would give full faith and credit to patents granted by an international organization or one of the three largest patent offices in the world– the United States Patent Office, the European Patent Office, or the Japanese Patent Office. The Subcommittee anticipates oversight on whether the obstacles to negotiating and implementing such an arrangement would be formidable.

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

I. Department of Homeland Security.

A. Backlog Reduction. The Subcommittee expects to conduct oversight on the ongoing efforts of the United States Citizenship and Immigration Services (CIS) to reduce the processing backlog for immigration petitions and applications.

B. CIS. The Subcommittee will continue oversight on the timely and accurate administration of benefits and services by CIS.

C. The President's Budget. The Subcommittee will examine the President's budget request for fiscal year 2006 as it applies to immigration functions at CIS, United States Customs and Border Protection, and United States Immigration and Customs Enforcement, with attention to the immigration-related authorizations contained in the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458).

D. Naturalization Exam Reforms. The Subcommittee expects to examine the ongoing redesign of the naturalization exam by CIS.

II. Immigration Law. The Subcommittee expects to conduct oversight on immigration law to determine the need for reforms relating to family reunification, amelioration of unwarranted restrictions on due process, and enhanced paths to permanent residency.

III. Implementation of the USA PATRIOT Act and the Enhanced Border Security and Visa Entry Reform Act. The Subcommittee will monitor implementation of the immigration-related provisions of both the USA PATRIOT Act (Pub. L. 107-56) and the Enhanced Border Security and Visa Entry Reform Act (Pub. L. 107-173). Regarding the USA PATRIOT Act, these provisions include the requirement that the Department of Homeland Security and the State Department have access to the criminal history record information possessed by the National Crime Information Center's Interstate Identification Index, the new terrorist-related grounds of inadmissibility, and the

authorization of the power to detain aliens certified as suspected terrorists. Regarding the Enhanced Border Security and Visa Entry Reform Act, the provisions to be examined include the requirement that federal law enforcement agencies and the intelligence community provide information to the State Department needed to screen visa applicants and to the Department of Homeland Security needed to screen applicants for admission, the establishment of an entry-exit system, and the requirement that United States visas be issued with biometric identifiers. In addition, the Subcommittee will conduct oversight of the impact of post-September 11th reforms on immigrant communities.

IV. Terrorist Access to the United States Through Immigration. The Subcommittee expects to conduct oversight on efforts to secure the United States immigration system against terrorists' efforts to enter the United States.

V. Criminal Alien Issues.

A. Gang Violence. The Subcommittee expects to examine gang violence in immigrant communities.

B. Cooperation of State and Local Law Enforcement in Identifying Criminal Aliens. The Subcommittee expects to conduct oversight of issues involved with the cooperation of state and local law enforcement agencies with Immigration and Customs Enforcement in the identification of criminal aliens, including the impact on broader law enforcement efforts in communities where such cooperation exists.

C. Detention of Foreign Nationals. The Subcommittee will examine the Federal Government's capability to detain criminal and dangerous aliens in light of the Supreme Court's decisions in *Zadvydas v. Davis* and *Clark v. Martinez*.

VI. Illegal Immigration.

A. Mexican Issued Identification Cards. The Subcommittee will conduct oversight on the use of Mexican consular matricula identification documents by aliens to provide identification to federal, state, and local officials and banks and other businesses.

B. Illegal Immigration in Arizona. The Subcommittee will conduct oversight on the human, social, and economic effects of illegal border crossings along the Arizona border and Subcommittee members might visit the Arizona border.

C. Border Control. The Subcommittee will conduct oversight on current southern border control initiatives, such as "Operation Gatekeeper" in San Diego.

D. Interior Enforcement. The Subcommittee expects to conduct oversight on the Federal Government's efforts to find and remove aliens living and working unlawfully in the interior of the United States, including the employment eligibility verification pilot program and ICE's worksite enforcement.

E. Smuggling of Foreign Nationals. The Subcommittee expects to conduct oversight on recent trends in alien smuggling and methods for the detection, apprehension, and prosecution of smugglers.

F. Expedited Exclusion. The Subcommittee will oversee implementation of the expedited exclusion provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

G. Identity Fraud and Theft. The Subcommittee will conduct oversight on the use of identity fraud and identity theft by aliens.

H. Temporary Protected Status (TPS). The Subcommittee expects to conduct oversight on the designation and extension of TPS.

I. Use of Classified Evidence. The Subcommittee plans to oversee the use by the Federal Government of classified evidence in removal proceedings.

VII. Impact of Immigration Policy on the American Economy and Society.

A. Effect on American Workers. The Subcommittee expects to examine the role of low-skilled immigrants in the American workforce.

B. Fiscal Effects of Immigration. The Subcommittee anticipates examining the effects of immigration on American taxpayers at the local and national levels.

C. Dual Nationality. The Subcommittee expects to conduct oversight of the policy implications of acceptance of dual nationality.

D. Birthright Citizenship. The Subcommittee expects to examine the policy of birthright citizenship, by which all persons born in the United States are considered United States citizens.

E. Totalization Agreement with Mexico. If the Administration signs a Totalization Agreement with Mexico, the Subcommittee expects to examine the effects of such an agreement on the solvency of the Social Security Trust Fund and on the state of implementation by the Social Security Administration of section 211 of the Social Security Protection Act (Pub L. 108-203)(preventing the counting of illegal work towards entitlement for Social Security retirement and disability benefits).

F. New Affidavit of Support. The Subcommittee expects to monitor enforcement efforts by the Federal Government of the affidavit of support required by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

G. Impact on Local Hospitals. The Subcommittee expects to conduct oversight on the impact to border area and other hospitals caused by their duty to provide medical care to illegal aliens.

H. Visa Restrictions and Security Concerns. The Subcommittee will conduct oversight on the effect post-September 11th visa restrictions have on American businesses, scientific research, the arts, and academia.

VIII. Legal Immigration Reform.

A. Guestworkers. The Subcommittee expects to conduct oversight on the advisability of creating new guestworker programs, including examining the labor needs of American employers, the need for alien labor, and the impact of new guestworker programs on American workers, on American taxpayers, and on the flow of illegal immigration.

B. The H-1B Visa Program. The Subcommittee expects to conduct oversight on the H-1B visa program for temporary professional workers. The Subcommittee expects to assess whether the annual quota of H-1B visas should be expanded, the continuing benefits of the H-1B program to employers and the program's impact on American workers, and the impact of the legislative changes to the program made in 2004.

C. The L Visa Program. The Subcommittee expects to examine the L visa program for intracompany transferees. The Subcommittee expects to assess whether employers are utilizing the L visa program as intended and the impact of the legislative changes to the program made in 2004.

D. The H-2B Visa Program. The Subcommittee expects to examine the H-2B visa program in light of the 66,000 statutory cap having been reached in each of the last two years. The hearings will focus on the needs of employers for foreign seasonal workers and the effects of the program on American youth and other workers seeking employment.

E. The J Visa Program. The Subcommittee expects to examine the J visa exchange program.

F. The Diversity Visa Program. The Subcommittee expects to conduct oversight of the diversity visa program.

G. Trafficking Victims. The Subcommittee expects to monitor the implementation of the Trafficking Victims Protection Reauthorization Act of 2003, which modifies the "T" nonimmigrant visa program for victims of sex trafficking and slave labor in the United States.

H. Battered Aliens. In preparation for reauthorization of the Violence Against Women Act, the Subcommittee expects to examine battered spouse protections in the Immigration and Nationality Act, including the use of the "U" visa for alien victims of crimes.

I. Unaccompanied Alien Children. The Subcommittee will examine the treatment of unaccompanied alien children, including whether the Justice Department has transferred an adequate amount of funding and personnel to the Health and Human Services Office of Refugee Resettlement (ORR) to enable ORR to perform the functions transferred to it pursuant to the Homeland Security Act related to the care and placement of such children.

J. Humanitarian Parole. The Subcommittee expects to conduct oversight on the regulations and the administration of humanitarian parole and B visas in cases of extreme hardship.

IX. Refugee and Asylum Programs.

A. Refugee Admissions and Adjudications. The Subcommittee will examine the process by which the Administration identifies and admits refugees into the United States for resettlement.

B. Impact of Asylum Adjustment and Coercive Family-Planning Caps. The Subcommittee will examine the impact on refugee-seekers, asylum-seekers, and asylees (1) of the annual cap on adjustments of asylum seekers found in section 209(b) of the Immigration and Nationality Act, and (2) of the annual cap on the granting of refugee and asylum status based on coercive family planning practices, found in section 207(a)(5) of the Act.

C. Treatment of Haitian and Cuban Asylum Seekers. The Subcommittee will examine the treatment afforded Haitian and Cuban asylum seekers who are encountered on the high seas, in United States territorial waters, or on United States soil.

X. Fraud Issues.

A. Immigration Benefit Fraud. The Subcommittee expects to conduct oversight on whether the Federal Government has improved its ability to uncover fraudulent applications and petitions for visas and other immigration benefits.

B. Passport Fraud. The Subcommittee expects to examine the theft and counterfeiting of foreign passports and the national security concerns raised by the possible use of stolen and counterfeit passports by aliens utilizing the Visa Waiver Program.

C. Consular Corruption. The Subcommittee expects to conduct oversight of corruption among consular officers resulting in the selling of visas.

XI. The Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

A. Functioning of the Claims Process. The Subcommittee will conduct oversight of the transfer to the Department of Labor of functions previously under the Department of Energy pursuant to amendments made to EEOICPA in the Department of Defense Authorization Act of 2004. The goal of this oversight will be to ensure that the transfer is occurring in a timely manner, is being done in line with Congressional intent, and is improving the processing of claims under the Act.

B. Review of Audit Process for Review of the National Institute for Occupational Safety and Health (NIOSH) Functions Under EEOICPA. The Subcommittee will review continuing problems with the structure for auditing of data and science used by NIOSH that provides a basis for approving or denying claims under the Act. The goal will be to ensure that conflict of interest issues have been resolved, that the auditor is being provided information the auditor deems necessary for a full review, that no governmental entity involved in the process is interfering or attempting to squelch the auditor's work, that the proper entities have responsibility for this process, and that all governmental entities are addressing appropriately problems identified by the auditor in the review.

XII. Private Relief Legislation. The Subcommittee will continue to review private relief legislation.

Committee on Resources

Oversight Plan

Adopted 2 February 2005
Richard W. Pombo, Chairman

109th Congress

COMMITTEE ON RESOURCES
OVERSIGHT PLAN
109H CONGRESS

Under House of Representatives Rule X, clause 2, each standing committee of the House has general oversight responsibilities to determine whether laws and programs addressing subjects within its jurisdiction are being implemented in accordance with the intent of Congress and to determine whether they should be continued, curtailed or eliminated. The Committee on Resources has had extensive experience in this area, owing in part to its broad legislative jurisdiction and the dozens of federal agencies and almost 100 major statutes under its purview. During the 108th Congress, the Committee and its subcommittees held 85 oversight hearings. This tradition will continue as the Committee will review the application, administration, and effectiveness of laws and programs addressing subjects within its extensive jurisdiction and seek to eliminate duplicative and outdated programs.

In addition, the Committee expects that a majority of its oversight activities and hearings will take place outside Washington, D.C., to ensure that those who cannot travel to the Nation's Capitol will also have a voice in Committee deliberations and to guarantee Members of the Committee a personal view of real-life situations involving federal programs and other activities under the Committee's jurisdiction.

ENDANGERED SPECIES ACT

The Full Committee will hold oversight hearings as part of the effort to update and strengthen implementation of the Endangered Species Act. Winter/Spring/Summer 2005

NATIONAL ENVIRONMENTAL POLICY ACT

The Full Committee will examine the structure and implementation of the National Environmental Policy Act (NEPA), including impacts of litigation on NEPA's effectiveness. Winter/Spring/Summer/Fall 2005

NATIVE AMERICAN ISSUES

Budget Overview: The Committee will oversee that portion of the President's budget which relates to Native Americans. This includes programs within the Department of the Interior, the Department of Education and the Department of Health and Human Services. Spring 2005

Indian Gaming: The Committee will continue its ongoing effort to oversee the many gaming-related difficulties which have arisen in the implementation of the 1988 Indian Gaming Regulatory Act. This will include further examination of gaming opportunities that are being

pursued on off-reservation lands. The operation of the National Indian Gaming Commission created pursuant to the Act will also receive Committee attention. Spring 2005/Fall 2005

Mismanagement of Indian Trust Accounts: The Committee will review remedial steps taken by the Department of the Interior relating to the mismanagement of Indian Trust accounts. Funds which tribes and individual tribal members recover from land or water settlements, treaty provisions, oil or gas leases, hard rock mineral leases, timber sales, and other sources are deposited into trust fund accounts managed by the Office of Trust Fund Management. Hundreds of thousands of these accounts have not been reconciled and are now the subject of litigation between account owners and the Department of the Interior. Fall 2005/Winter 2006

Tribal Recognition/Enrollment/Membership: The Committee will review comprehensive issues relating to the tribal recognition process, tribal enrollment and tribal membership. Spring 2005

Regulation Reform: The Committee will review the need for, and advisability of, reducing and eliminating those federal rules and regulations falling within its jurisdiction which relate to Native Americans. Summer 2006

Tribal Self-Governance: The Committee will oversee the implementation of "self-governance" agreements under the Indian Self-Determination and Education Assistance Act, with a focus on such agreements in which qualified tribes undertake contracts for certain management functions of areas under the jurisdiction of the Department of the Interior. Spring 2005.

INSULAR AREAS ISSUES

Budget Overview: The Committee will oversee that portion of the President's budget which relates to the insular areas of the United States, which include 16 United States territories and three freely associated states. The five principal territories are: American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands. All but the Northern Marianas have representation in the House of Representatives. The three freely associated states are fully self-governing separate republics which emerged from the islands of the former United Nations Trust territory of the Pacific Island, which the United States administered. These are: the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. Spring 2005

Regulation Reform: The Committee will review the need for, and advisability of, reducing and eliminating those federal rules and regulations falling within its jurisdiction which relate to the insular areas of the United States. Fall 2005/Winter 2006

Compacts of Free Association: Federal law requires multiple governmental entities with the Department of Interior to assist with the implementation of the Compacts of Free Association with the Marshall Islands and the Federated States of Micronesia (P.L. 108-88). The Committee expects to oversee the implementation of this Public Law and the work undertaken by the

Department of the Interior as it relates to the Joint Economic Management Committee and the Joint Economic Management and Financial Accountability Committee. Fall 2005

General Oversight Activities: The Committee expects to review the fundamental issues facing each of the territories and freely associated states: support and development of self-government and self-determination; economic development and self-sufficiency through the private sector; accountability of federal funds in areas like American Samoa and the United States Virgin Islands, where concerns have been raised; enforcement of federal laws; and management of limited land and water resources. Winter 2006

DEPARTMENT OF THE INTERIOR - NATIONAL PARK SERVICE (NPS) AND BUREAU OF LAND MANAGEMENT (BLM)

Fiscal Year 2006 Budget: The Committee will conduct its annual hearing on the budget for National Park Service and the Bureau of Land Management. Early 2005

Oversight Hearing on implementation of NPS 2004-2005 Snowmobile Rule for Yellowstone and Grand Teton: Conduct an oversight hearing at Yellowstone National Park or at the gateway community of West Yellowstone, Montana, to evaluate the effectiveness of the first year of the three year temporary snowmobile rule. Early 2005

Private Property Rights: As part of the Committee's extensive plan to raise the consciousness of property rights as it relates to its inclusion in Federal legislation, the Committee will conduct an oversight hearing on the impacts of the National Historic Preservation Act on private property. Spring 2005

Oversight Hearing on Wild and Scenic Rivers Act: The purpose of the hearing is to help the Committee develop a policy for proceeding with legislation to establish additional wild and scenic river corridors. Spring 2006

Oversight Hearing on the Congaree National Park, South Carolina: The Congaree National Park was established via the Fiscal Year 2005 Interior Appropriations bill (previously was known as a National Monument) During that time frame, the Resources Committee received over 500 letters from concerned citizens in Richland County, SC, who opposed designation of the park and the addition of 4,000 acres. The President of the South Carolina Property Rights Watch, as well as the President of the Richland County Chapter of the NAACP testified in the Senate against establishment of the new designation. Summer/Fall 2005

Border Security for Public Lands: Whose Responsibility Is It?: Since September 11, 2001, the National Park Service and the Bureau of Land Management have had to absorb costs associated with required new enforcement responsibilities (i.e. border control, prevent drug running, etc), for which they have not be formally trained, nor has it been their mandate to do so. An oversight hearing would focus on the budget impacts of these new responsibilities, why existing Federal

agencies are not performing these tasks, and when and how these agencies will be reimbursed for these costs. Summer/Fall 2005

Federal Law Enforcement Jurisdiction of the Bureau of Land Management & Forest Service: Some ranchers and other users of the public lands are increasingly experiencing problems with law enforcement. Grazing animals have been confiscated and use of water has been restricted. Meanwhile, the Bureau of Land Management proposed regulations in 2004 aimed at expanding law enforcement authority of federal land managers. Fall 2005

Santa Monica Mountains National Recreation Area: Since it was established, property owners within the boundaries of the National Recreation Area have experienced problems with the National Park Service. The hearing would take place within the NRA and would focus on the sources of ongoing conflict and possible solutions. The hearing would also provide an opportunity to address potential conflict with the proposed Rim of the Valley Study Area. Summer/Fall 2006

Impediments to Recreation Opportunities Throughout the California Desert Conservation Area: Since the creation of the California Desert Conservation Area, recreationists - particularly mechanized users - have come into conflict with the National Park Service, the Bureau of Land Management and environmentalists from using the public lands. A hearing would offer the OHV and other recreationists the opportunity to voice their concerns and help the Committee develop legislation to improve opportunities in the Conservation Area. Summer/Fall 2005

Oversight Hearing on the Implementation of the Wild Free-Roaming Horses and Burros Act: The hearing would cover such increasingly controversial issues associated with the long-term management of wild horse and burros on public land, such as appropriate management levels (AML); the BLM Five-Year Reduction Initiative; holding facilities; wild horse and burro adoption program; alternatives to adoption; fertility control efforts, and conflicts with grazing community. Fall 2006

National Trails System/Condemnation Authority: There are now over 35,000 miles of federally-designated trails in the country and there has been little consideration given to the long-term consequences of these designations. For example, the federal government has spent about $2 million per mile to acquire the viewshed along the Appalachian Trail. Further, while most of these trails are presented largely as volunteer efforts, there is increasing support within the trail-user community for these trails to be designated as units of the National Park system, and to receive an annual appropriation. The Committee is also interested in the condemnation authority used by NPS to acquire lands along trails, especially the Appalachian Trail. A number of individual condemnations of private property have come to the attention of the Committee which is very concerned in regard to their necessity. The Committee is committed to examine and understand the long term consequences of the current program, will look at the impacts of expanding the scope of the national trails system, and examine whether condemnation is necessary and appropriate. Early 2006

Oversight Hearing on the NPS Organic Act and its Implementation Through the 2001 Management Policies: The NPS Organic Act established the National Park Service and its purpose to preserve the resources while providing for enjoyment of the same. The 2001 Management Policies made it the policy of the NPS that preservation is its primary mission and that recreation is secondary. These policies have permeated every action (i.e. management plans, regulations, etc.) of the NPS and continue to cause conflict within the recreation community. Summer 2005

NPS Concessions: Hearing would address continued problems faced by the National Park Service in its implementation of the 1998 National Park Service Concessions Management Improvement Act. Hearing would focus on the "threshold for Preferential Right of Renewal," contract extensions, Leasehold Surrender Interest, and franchise fees. Summer 2005

National Park Service Natural Resource Management Policy and Science Program: The NPS science program was abolished and relocated to the U.S. Geological Survey in 1994. The effects of the elimination of the research program place park resources at risk. In recent reports, the General Accounting Office has noted that the NPS has inadequate data on the condition of resources entrusted to its management. More than one-third of threats to park resources have yet to be scientifically evaluated. Insufficient science within NPS may lead directly to policies which threaten the resources which the agency is charged to protect. This situation is of greater concern because Congress has been allocating over $210 million per year to the agency for resource stewardship. As a result of these deficiencies, the 105th Congress passed S.1693, a comprehensive National Parks package which was signed into law November 13, 1998. Title II of this package (National Park System Resource Inventory and Management) called for NPS to enhance management and protection of park resources by providing authority and direction to conduct scientific studies along with a resource inventory and monitoring program. The Committee intends to conduct oversight on the success of this program. Summer/Fall 2006

Disposition of the Public Domain: Today, the Bureau of Land Management administers over 291 million surface acres of public land and approximately 700 million acres of Federal subsurface mineral estate in the United States, much of it in the Western States and Alaska. With the rapid growth of many western cities, there is a growing need for more land - much of it controlled by the BLM. The Committee would explore with the BLM ways to expedite the identification and expeditious disposal of lands no longer serving a public purpose. Fall/Winter 2005

WATER AND POWER ISSUES

General Background: Many communities throughout the United States face decreasing water and power supplies due to continuing drought, impacts stemming from the Endangered Species Act and lack of adequate funding. Some communities need more storage for increased power generation and water deliveries while others will need more transmission capabilities to meet energy needs. The Committee will continue to devote considerable time and effort into ensuring

that these federal water and power projects are operated in an efficient manner and maximized to their full generation and delivery potentials.

Budget Overview: The Committee will hold a hearing each year on that portion of the President's budget proposal falling within its jurisdiction. This includes the Bureau of Reclamation of the Department of the Interior, the U.S. Geological Survey/Water Resources Division of the Department of the Interior, and the Power Marketing Administrations of the Department of Energy. March 2005/March 2006

Water Technology Development: The Committee will hold hearings on various aspects of water technology development that affect federal water management, reclamation activities, and how to assist the states in water resource planning. Summer 2005

DEPARTMENT OF ENERGY - POWER MARKETING ADMINISTRATIONS

Federal Power Marketing Administrations (PMA) Budget Overview: These PMAs deliver electricity generated at federal dams to communities throughout the Nation. The Committee will hold an oversight hearing on the PMAs, focusing on each agency's budget issues, how the agencies work with customers, and what role they can play in grid reliability and in a restructured electricity marketplace. March 2005

Enhancing Federal Power Generation and Transmission: Although the Committee will focus separately on the budget aspects of the PMAs, the Committee will also hold an oversight hearing on solutions to increase federal generation and transmission in the energy sector. February 2005

The Endangered Species Act's Impact on Federal Power: The Committee will examine how federal power projects are affected by the Endangered Species Act (ESA). At a time of continuing drought, population growth and the uncertainties provided by the ESA, communities are in need of a reliable and lower cost power supply. This hearing will assess the extent of ESA effects on the federal power system. Spring 2005

Power Generation and Transmission Field Hearings: The Committee plans on holding field hearings in numerous locations to examine the role of federal power generation and transmission in certain regions of the Nation.

Reducing Power Costs in the Desalination process: The Committee will examine the obstacles to cost-effective desalination, including the electricity costs, which represent over half of the costs of producing desalinated water. Summer 2005

DEPARTMENT OF THE INTERIOR - BUREAU OF RECLAMATION

Bureau of Reclamation Project Transfers: The Committee will review the status of the Administration's effort to transfer certain Bureau of Reclamation facilities out of federal ownership. Since the Reclamation program began in the early 1900s there has been an expectation that many of the Bureau constructed facilities would ultimately be transferred to the local entities they were built to serve. As an indication of this objective, Reclamation has turned over the operation and maintenance responsibilities of nearly 400 of the 600 projects in the western United States to local beneficiaries. However, steps to begin actual transfer of ownership have been rare and significant progress is needed in this matter. Fall 2005

Oversight of Colorado River Operations/California Water Allocation: The Committee will hold hearings on the operation of the entire Colorado River, and the effect of drought on water and power deliveries and surplus water flows within California and the remaining six Colorado River Basin states. Summer 2005

California Bay-Delta (CALFED) Funding and Program Management: The Committee will examine the CALFED Program to carry out restoration, increased water supply, and levee activities in California's Sacramento-San Joaquin Bay-Delta. The examination will determine how federal dollars are being spent under the CALFED Program, and what changes are necessary, to increase water supply yield, and how to provide regulatory certainty to California water users under the Program. Fall 2005

Central Valley Project Improvement Act Implementation: The Committee will continue to review actions taken by federal and state agencies to implement the various provisions of the Central Valley Project Improvement Act (CVPIA), which was enacted in 1992. The Committee will review the results of the last decade and opportunities to improve the reliability and water quality of CVP water deliveries and impacts on the power aspects of the CVP. Summer 2005

Water Project Financing: The Committee will review the funding mechanisms for financing Bureau of Reclamation facilities. In addition, the Committee will look at alternative financing mechanisms to develop additional water supplies and rehabilitate current water projects. Such analysis will include a loan guarantee program. Winter 2006.

Rural Water Projects: The Committee will review the status of several rural water proposals relating to water supply management in the Western United States. Winter 2006

States Rights in Water Allocation: The Committee will examine federal actions, such as the reallocation of water for endangered fish species, and efforts to establish federal reserved water rights within western states. Winter 2006

Oversight of the Salton Sea: The Committee will continue to monitor proposals that are being developed to restore the Salton Sea. Spring 2006

Safety of Dams: The Bureau of Reclamation has its own standards for safety of dams under its jurisdiction, and does its own safety inspections. Dam safety and site security issues have been raised following the terrorist attacks of 9/11. An oversight hearing may be held to evaluate the public risk throughout the Bureau of Reclamation's inventory of 358 program dams, and the role of the project beneficiaries in the planning of any proposed dam modification and site security activities. Winter 2006

Indian Water Right Settlements: The Committee will analyze the broad impacts of Indian water rights and articulate the statutory, regulatory, and judicial history of implied federal reserved water rights. Ongoing

Oversight of Klamath Basin: Conflicts among federal water service contractors, Native Americans and environmental issues have created challenges for the Bureau of Reclamation for managing water deliveries in the Klamath River Basin of Oregon and California. The Committee will continue to examine federal actions related to water deliveries in the Klamath Basin. Summer 2005

DEPARTMENT OF THE INTERIOR - U.S. GEOLOGICAL SURVEY/WATER RESOURCES DIVISION

Program Management within the Water Resources Division of the USGS: The Committee will review the programs within the Water Resources Division to determine if there are areas where better coordination can be encouraged with other state and federal agencies. Winter 2006

Water Treatment Technologies: The Committee will hold hearings on various water treatment technologies currently being developed which will enhance water reclamation and reuse activities, as well as salinity control efforts throughout the United States. Summer 2005

FISHERIES ISSUES

Budget Review: The Committee will hold an oversight hearing on the President's Fiscal Year 2006 and Fiscal Year 2007 budget recommendations for the U. S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and certain "wet" programs of the National Oceanic and Atmospheric Administration (NOAA). (Winter 2005/Winter 2006.)

DEPARTMENT OF THE INTERIOR-U.S. FISH AND WILDLIFE SERVICE (USFWS)

National Wildlife Refuge System: This system is comprised of federal lands that have been acquired for the conservation and enhancement of fish and wildlife. Totaling about 94 million acres, the system provides habitat for hundreds of fish and wildlife species, including more than 165 species listed under the Endangered Species Act. The system is currently comprised of 545 refuges, which are located in all 50 states and the five territories. During the 105th Congress, the landmark National Wildlife Refuge System Improvement Act of 1997 was enacted. This Act established for the first time an organic statute for our refuge system. The Committee intends to review the status of the required comprehensive conservation plans for each refuge and whether

these plans are denying legitimate access for various users. During the past few years, a growing list of individuals have been denied the opportunity to visit, operate amateur radios, fly model airplanes and jog within various refuge units. Spring 2005

National Wildlife Refuge System Maintenance Backlog: The Committee has conducted several oversight hearings on the maintenance backlog affecting our National Wildlife Refuge System. As a result of these hearings and the public exposure they generated, the Bush Administration has placed a higher priority on reducing this backlog. The Committee leadership has also been successful in convincing members of the Appropriations Committee to take significant steps to pay down this backlog. For instance, the backlog has been reduced from nearly $1 billion to about $660 million. In FY'05, Congress appropriated $91.7 million for the refuge maintenance account. These funds will be used to repair or rebuild visitors centers, observation towers, roads, bridges, dams, canals, and water management structures. It is appropriate to reexamine the progress that is being made to further reduce the maintenance backlog and to assess whether other innovative approaches, like an increased use of volunteer labor, would help to revitalize this vast system of public lands. Spring 2005

Concession Properties in the National Wildlife Refuge System: The Secretary of the Interior retains title to certain buildings at various National Wildlife Refuge units that are rented by concessionaires that provide services to refuge visitors. Based on a 2002 survey, it appears there are about fifty refuge units that have various concession type services. In many instances, buildings within these units are in a state of disrepair and neither the Fish and Wildlife Service nor the concessionaires have the current legal authority to remedy this situation. The Committee will try to determine what is the best solution to fix this problem. Summer 2005

National Fish Hatchery System: There are currently 69 national fish hatcheries that produce and distribute 150 million fish and 120 million fish eggs this year for recovery, restoration, mitigation and special conservation activities nationwide. The value of these products is over $5 billion. These hatcheries also assist in the recovery of federal listed species that have recovery plans. Regrettably, the vast majority of these hatcheries are more than 50 years old and they required extensive annual maintenance. This oversight hearing will focus on the physical condition of these hatcheries and the current authorities and goals of the various federally-funded hatchery programs. Summer 2005

Migratory Bird Population Overabundance: For the past four years, the U. S. Fish and Wildlife Service has been examining ways to effectively deal with the population explosion of double crested cormorants, Mid-Continent Light Geese and resident Canada geese. The populations of these species have so dramatically increased that they are causing serious problems in terms of habitat destruction, human health concerns and negative impacts on both aquaculture facilities and Great Lake fisheries. The Committee will carefully review each of the Service's solutions on these three migratory bird populations. Summer 2005

Non-Indigenous Species : The Committee will continue its ongoing efforts to address the problems caused by non-indigenous, non-native and exotic species. These invasive species, in some cases introduced intentionally, are causing problems to commercial fisheries, effecting

habitat for native species, causing native species to decline, undermining flood control projects, and are affecting businesses which rely on clean water intake. Fall 2005

Asian Carp: The Committee, as part of its continuing oversight over invasive species programs, will review efforts to contain the spread of Asian carp into the Great Lakes. Several species of carp have been spreading throughout the Midwest and into river systems which feed into the Great Lakes. Of particular concern is a "jumping" carp which has caused numerous injuries to boaters. These fish jump out of the water when startled by things like engine noises and have caused injury to boaters when struck by the airborne fish. Fall 2005

Southern Sea Otter Recovery Efforts: The Department of the Interior listed this species as endangered under the Endangered Species Act. At the time of listing, the USFWS proposed the establishment of an experimental population that would be moved from its normal range to protect the population from any potential oil spill. This experimental population has now caused conflicts with some commercial fisheries because animals have left the management zone and the Service has not followed through with their commitment to recapture these animals. The Committee will continue to investigate why the Fish and Wildlife Service has been unable to meet its statutory obligation and how these conflicts can be alleviated in the future. Winter 2006

DEPARTMENT OF THE INTERIOR - MINERALS MANAGEMENT SERVICE

Artificial Reef/Rigs-to-Reefs: In recent years, there has been an increasing number of oil and gas platforms, particularly in the Gulf of Mexico, that are scheduled to be decommissioned and removed in the near future. These facilities have become fish aggregating devices and may be beneficial to fisheries recruitment. This oversight hearing will examine whether man-made structures can be considered essential fish habitat and whether the existing laws governing the removal of platforms should be revised to allow these structures to serve their habitat function or as research facilities. Summer 2005

DEPARTMENT OF COMMERCE - NATIONAL MARINE FISHERIES SERVICE (NMFS)

Recommendations of the President on the U. S. Commission on Ocean Policy: President Bush has submitted his recommendations to Congress on the more than 200 suggestions approved by the U. S Commission on Ocean Policy. These Commission ideas include proposed action on NOAA governance, ocean-land-atmosphere connections, Magnuson-Stevens Fishery Conservation and Management Act reforms, coral reef protection, marine protected areas, multiple use management, marine biodiversity, ecosystem-based management, best available science and funding requirements. The Committee will conduct one or more oversight hearings on these recommendations and will review whether existing or new laws are necessary to address our nation's oceans policy. Winter 2005

Magnuson-Stevens Fishery Conservation and Management Act Reauthorization: The Committee will be conducting several hearings on the reauthorization of this landmark law that affects both commercial and recreational fishermen throughout this nation. This hearing will focus on the

issue of scientific information available to the Regional Fishery Management Councils and how this scientific information is evaluated and peer reviewed. Spring 2005

Marine Mammal Protection Act Amendments: The MMPA establishes protections for marine mammals taken incidentally in commercial fishing operations and for marine mammals held in captivity. The Committee will continue its oversight efforts regarding changes to the definition of harassment, the permitting process, and fishery interactions. The authorization expired on September 30, 1999. Spring 2005

International Fisheries and Marine Mammal Treaty Implementation: There are several treaties which have been signed by the United States which will require Congressional review and will need domestic implementing legislation. These may include the U.S. - Russia Polar Bear Agreement, the U.S. -Canada Agreement on Pacific Whiting, and the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. In addition, the Committee will look at other existing treaties and agreements. Summer 2005

Gulf of Mexico Red Snapper Fishery Management: The management of red snapper in the Gulf of Mexico remains a highly contentious issue. There has been debate over the stock assessments, rebuilding targets and schedules, and allocations among user groups for years, leading to Congressionally-mandated independent reviews of NMFS's science and decisions. In addition, the Gulf of Mexico Fishery Management Council is reviewing options for an Individual Fishing Quota (IFQ) management system for this fishery. The Committee will review each of these issues. Fall 2005

Chesapeake Bay Oyster Recovery Program: The Committee has held numerous hearings on native oyster recovery efforts and plans by the States of Virginia and Maryland to introduce non-native oysters to the Chesapeake Bay. This would be a follow-up oversight hearing to examine the current state of the native oyster recovery efforts and funding and the highly contentious effort to introduce non-native Asian oysters into the Chesapeake Bay. Winter 2005

Magnuson-Stevens Fishery Conservation and Management Act Reauthorization: The Committee will be conducting several oversight hearings on the reauthorization of this landmark law that affects both commercial and recreational fishermen throughout this nation. This hearing will focus on the ability of fishery managers to implement ecosystem-based fisheries management or ecosystem approaches to fisheries management. This hearing will review progress already being made to incorporate this type of multi-species management and will also including a review of what scientific information is still needed by fishery managers to implement this type of management. Winter 2005

Shrimp Economic Disaster Issues: Recent trade cases against countries exporting shrimp products to the U.S. have highlighted the precarious economic viability of the domestic shrimp harvesting industry. Hurricanes in the Gulf of Mexico in 2004 have made the economic conditions even worse. Spring 2006

Aquaculture: This oversight hearing will focus on which agencies have a role in permitting open ocean aquaculture activities and whether legislation is needed to clarify those authorities. It may also examine whether statutory restrictions are necessary to regulate off-shore aquaculture and aquaculture research activities. Summer 2006

NMFS Lawsuits: The National Marine Fisheries Service has been overwhelmed by lawsuits and is unable to conduct necessary research and other management activities due to these lawsuits. The Committee will examine this issue, especially in the context of the budget request for the agency. Summer 2006

Seafood Labeling Issues: The issue of seafood labeling has began to attract an increasing amount of attention over the last few years. This hearing will examine labeling issues including eco-labeling, Country-of-Origin Labeling, wild harvest and aquaculture labels, and organic labeling for seafood. Fall 2006

Saltonstall-Kennedy Program: The Saltonstall-Kennedy Grant Program is administered by the National Marine Fisheries Service and is used to provide grants for fisheries research and development projects. Funding is provided by the Department of Agriculture as a percentage of the gross receipts collected on imported fish and fish products. All grant projects undergo technical and industry review and are encouraged to have a cost-sharing component. A number of concerns have been raised about the selection of priorities for projects, the review of potential grants, and the awarding of grants. The Committee will review the amount received and granted under this program. Fall 2006

DEPARTMENT OF COMMERCE - NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

NOAA Organic Act: Unlike many other federal agencies, NOAA does not have an "organic act" which defines its roles, structures and general authorities. Legislation has been proposed to provide this structure and the Committee will examine what NOAA should look like in the future as a part of this discussion. Spring 2005

Marine Protected Areas (MPAs): The Committee will examine the existing authorities under numerous statutes for creating marine protected or marine managed areas. These areas have been designated for a different reasons and under different authorities and efforts to link these designations under an umbrella authority have been proposed. The Committee will examine whether existing designations have been effective in achieving their stated goals, whether existing designation authorities are adequate or conflicting, and whether new statutory authority is necessary to clarify the need to base these designations on scientific information. Fall 2005

National Marine Sanctuaries Program Reauthorization: The Committee will examine issues relating to the implementation of the 1972 National Marine Sanctuaries Act including resource

conflicts, funding levels, preparation and implementation of long-term management plans. The Act's authorization for appropriations expires on September 30, 2005. Winter 2005

Ocean Observation Systems Authorization: The U.S. has been developing regional ocean observation systems to collect physical, geological, chemical, and biological parameters for the oceans and the coasts. However, there is a need for an integrated national ocean observation system. The Committee held one hearing on how to integrate the regional systems to develop a national system. The Committee will continue to examine the issue and develop legislation to authorize a national program. Fall 2006

Mapping and Charting Program: In the last twenty years, advances in computer technology have caused dramatic leaps forward in marine navigation technology. Satellite-based Differential Global Positioning Systems and the ability to monitor real-time and current data hold the promise of significant economic efficiencies. Unfortunately, we can only exploit those efficiencies if we have accurate, up-to-date nautical charts. Many of these charts are based on data collected in the 19th century. As a result, the accuracy of this information is totally insufficient for today's larger ships and advanced navigation capabilities. The Committee will evaluate efforts to modernize our nautical charts and to try to determine the level of federal investment that is necessary to ensure the safe passage of vessels using various U. S. ports. Fall 2006

Coral Reef Conservation and Management: Legislation was enacted in 2000 as a lifeline for coral reef ecosystems. It authorized $16 million per year to finance coral reef assistance grants. These grants are used to protect and restore coral reef ecosystems; map the location of coral reefs; research factors that cause the loss of coral reefs and promote safe waterborne navigation. In addition, the Department of the Interior has designated National Wildlife Refuges in state and federal waters for the protection of coral reefs while the Department of Commerce currently has management authority for corals and fisheries in coral reef areas under the Magnuson-Stevens Fishery Conservation and Management Act. The Committee will examine whether this dual management for coral reefs is causing conflict and will examine whether the current grant program has been effective in protecting coral reefs. Spring 2005

ENERGY AND MINERALS ISSUES

Budget Oversight: The Committee oversees four Interior Department agencies, and programs in one other: U.S. Geological Survey (USGS), Office of Surface Mining (OSM), Minerals Management Service (MMS), Bureau of Land Management (BLM), and the minerals and geology program of the Forest Service (USDA). The Committee will examine these agencies' programs for efficiencies, streamlining, privatization opportunities, and otherwise streamlining research programs.

DEPARTMENT OF THE INTERIOR – ENERGY AND MINING ISSUES

Energy and Minerals Policies – General: The energy and minerals industries provide the foundation upon which our economy is built. The consuming industries – manufacturing, healthcare, telecommunications, chemicals, etc. – are heavily dependent on a stable, reliable and affordable supply of energy and minerals to deliver their goods and services to the American public. Yet the country's trade deficit in energy is more than 25% of our total balance of payments, and continues to increase at a rapid rate. Additionally, America's growing dependence on foreign sources of energy and minerals continues to threaten domestic resources security as worldwide demand for natural resources increases significantly in developing countries with burgeoning economies such as China and India that continue to lock-up available global supplies. The Committee will be looking at the country's energy and minerals policies and how they affect the consuming industries such as healthcare, manufacturing, agricultural, and chemical, the U.S. energy and minerals security, and the viability of the domestic energy and minerals industries. 2005/2006

Comprehensive National Energy Policy: The Committee will perform necessary oversight to support passage of an Energy Bill that addresses the economic and national security needs of the country through comprehensive national energy policy. Winter 2005

National Minerals Policy: The last time the Congress acted on major minerals and materials legislation was in 1980. The Committee proposes to provide oversight on the need for a revitalized National Minerals Policy for the 21st Century. The Committee would like to continue to build on Congress' national minerals policy record with additional oversight hearings focusing on the economic and national security implications of minerals policy and its impacts on other industries. The Committee would identify those issues that a revitalized minerals policy would require to promote domestic manufacturing and sound economic policy. The Committee would highlight the current impediments to minerals production in the U.S. and look at policy changes that would improve access to minerals on federal lands. Oversight activities would take place throughout the year. Spring/Summer/Fall 2005

Abandoned Mine Lands Reclamation Reauthorization: Under the abandoned mined land reclamation provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), a reclamation fee is levied on every ton of coal mined in the nation, irrespective of the ownership of the coal rights, to replenish an abandoned mine lands (AML) trust fund for the restoration of pre-1977 abandoned coal mines. Fee collection authority was set to expire on September 30, 2004, but was extended through a short-term CR and once again to June 30, 2005, through the Interior Appropriations provisions of the FY2005 omnibus appropriations bill. An enormous inventory of priority projects remain, especially in Appalachian states. Furthermore, Congress has deemed that a portion of the interest generated by the fund is to be used to pay premiums of certain retired coal miners and their spouses who were guaranteed lifetime healthcare benefits in nationwide coal wage agreements signed from 1950 and later. Reform of SMCRA is necessary to achieve the reclamation goals envisioned by Congress as well as keeping the healthcare guarantee to retirees. Furthermore, the states with coal production were assured that not less than half of the AML fees collected from mines within their borders would be returned to that state for AML programs, yet over three-fourths of a billion dollars assigned to the 23 states and tribes with modern production remains in the Treasury unappropriated to these states. AML fund

interest is not assigned to the "state share" balance; therefore, the states are penalized by the lack of full appropriations because the dollars returned in reclamation grants are worth far less decades after the funds should have been returned. Winter 2005

Oversight on Leasing and Permitting on Federal Lands: The Committee intends to perform numerous oversight functions on leasing and permitting for energy and minerals on federal lands. The Committee wants to focus on the current impediments to energy and minerals development on federal lands and concentrate on where the flaws are in the current system and how to correct them. The Committee has an on-going study request with GAO on the opportunities and occurrences for litigation over development of energy on federal lands. The Committee plans to take the study to Interior and USFS to show them the extent of the problem and work with them to reform the current system to reduce the opportunities for future litigation over leasing and permitting on federal lands. Spring/Summer 2005

Ongoing Energy Initiatives: In general, the Committee plans to perform rigorous oversight on BLM, MMS and USFS over their leasing and permitting practices, their adherence to the President's Executive Orders on energy (EOS 13211 and 13212) and their overall strategy to boost domestic energy production. The Committee will continue to identify U.S. policies and the link between access to energy resources and the economy, jobs and consuming public.

The Committee will focus on the terms and conditions (including royalties and regulatory climate) of producing energy on federal lands in the U.S. and compare these conditions with those in other nations around the world that are more successful in attracting energy developers. Additionally, the Committee will examine the role of conventional energy resources in the development of the hydrogen economy. The Committee also plans to examine successes in reclamation of energy development sites as well as technological, environmental and efficiency improvements associated with modern energy exploration and production practices. Summer/Fall 2005

Bonding and Financial Capacity in the Mining Industries: Since the 9/11 terrorist attacks, the existing bonding (insurance) system used by the industries and government has been broken. There remain only two companies interested in servicing the mining bond market. This system needs to be strengthened should the U.S. seek to continue to encourage domestic investment in minerals production. The lack of access to surety bonds and other bonds (often required to operate energy and minerals projects on federal lands) are hurting development of domestic resources by absorbing the limited amounts of capital available to the industries. The Committee wants to look at the bonding crisis and current bonding requirements to determine their impact on industry and determine whether or not a better system can be developed to mitigate risk for companies operating on federal lands. The Committee will look at issues affecting the ability of domestic operators to raise and utilize capital for domestic exploration and production operations. Summer/Fall 2005

Oil Shale, Tar Sands, Heavy Oil: Vast domestic resources of oil shale, tar sands, and heavy oil have been known to exist for decades, yet very little of these resources are any closer to production than they were in 1975. The Committee will examine recent reports showing

significant resource potential in the U.S. with a focus on improving the federal leasing system and providing incentives to develop these resources. Winter/Spring/Summer 2005

Oceans Policy: The Committee's jurisdiction over the nation's oil, natural gas and other mineral resources on the Outer Continental Shelf (OCS) in federal offshore waters extends out some 200+ nautical miles. The treatment by the Committee of a national oceans policy will have great impact on the development of energy and minerals in the federal OCS. Currently, about 30 percent of the oil and 23 percent of the gas produced domestically comes from these federal waters. In general, the Committee plans to participate in the Committee's examination of a national oceans policy as it relates to energy and minerals development in federal waters. The Committee wants to help examine the impacts of a national oceans policy on the country's ability to continue responsible production and extraction of oil, natural gas, and minerals on the federal OCS. Additionally, the Committee will examine the issue of revenue sharing and offshore boundaries as they relate to States. Timeline dependent on Full Committee.

North American Energy Plan: The EIA has projected that world oil consumption will increase by more than 50% by 2025. Scientific and technical reports have shown that North America (Canada, Mexico, and the U.S.) possesses the oil and natural gas resources necessary to become energy independent by 2025. The Committee plans to explore the potential for coordinated action among these three countries necessary to achieve that result. Winter/Spring/Summer 2005

Energy and Mineral Development on Tribal Lands: The Committee believes the potential for energy and mineral resources development on tribal lands will become increasingly important as domestic energy and mineral resource development needs increase. The Committee plans to examine successful and ongoing energy and mineral development on tribal lands. Summer/Fall 2005

Military Lands and Energy and Mineral Issues: The Committee has found that U.S. military installations have different leasing policies for different lands within the same installation. The result is that significant energy and mineral resources are not being made available for development. The extent of this problem is unknown and the Committee therefore plans to examine existing resource development management practices on U.S. military lands, much of whose subsurface mineral estate is under the control of the Committee, with an eye toward assessing energy potential on these lands where not inconsistent with military mission, and look at a shared revenues regime with the military to develop this resource potential. Fall 2005/Winter 2006

Energy and Mineral Workforce and Related Issues: The well-documented aging of the energy and minerals workforce is a potential crisis in the making for the viability of the industries they serve. The Committee has been working with stakeholders and the Department of Labor to examine the impacts this aging workforce (and subsequent lack of a "farm team" to replace aging workers) could have on the security of our domestic supplies of energy and minerals. The Committee will continue to examine the status of the Energy and Minerals Workforce as it relates to the well-being and viability of our domestic energy and minerals security. The Committee will examine the role played by the federal government in fostering training and

education in the energy and minerals industries. The role of the federal government in supporting University-level research also will be examined. Summer/Fall 2005

Alternative/Renewable Energy: An increase in the use of alternative and renewable energy sources will be needed to help broaden the nation's energy portfolio. The Committee will continue to examine impediments to alternative energy production on federal lands and plan to use the success of H.R. 4513 (Renewable Energy Project Siting Improvement Act) as one of the avenues to move this process forward. These energy sources include, but are not limited to, wind, solar, geothermal and tidal forces. Winter/Spring 2005

Impact of EPA Policies on Resources Development: The Committee will examine the Committee's oversight role for EPA in "matters involving mining regulation and enforcement ... reclamation of mined lands ... environmental effects of mining, and ... long-range mineral programs ...." Fall 2005/Winter 2006

United States Geological Survey: The Committee will examine the need to update old/existing energy and minerals basin maps as well as create new maps for potential new resource basins in the U.S. Additionally, the Committee plans to examine the waiver process regarding volcanic activity monitoring equipment siting in wilderness areas. Spring 2006

FORESTS AND FOREST HEALTH ISSUES

Budget Overview: The Committee will oversee that portion of the President's budget which relates to national forest lands.

U.S. DEPARTMENT OF AGRICULTURE - U.S. FOREST SERVICE

Healthy Forests Initiative (HFI): Following two decades of increasing wildfire activity and immediately following one of the largest and most destructive fire seasons in the last half-century, President George W. Bush unveiled the Healthy Forests Initiative in the fall of 2002. The Initiative streamlined certain analysis procedures and gave the U.S. Forest Service and Bureau of Land Management the authority to enter into long-term stewardship contracts with private entities. To date, the Forest Service has taken advantage of HFI and is engaged in many projects under its authorities. The Committee will conduct oversight on these administrative procedures and projects, while continuing to review opportunities to loosen burdensome procedural constraints on land managers grappling with the wildfire and restoration crisis.

Healthy Forests Restoration Act (HFRA): With 3,361 homes and over 700,000 acres in Southern California burned in the fall of 2003, Congress passed the Healthy Forests Restoration Act (HFRA). Title I (Hazardous Fuels) of the HFRA included many new tools for both the Forest Service and the Bureau of Land Management to use for fuels reduction and fire prevention. An expedited environmental review process was created to allow for projects to be developed and implemented in a timelier manner for the primary purpose of protecting communities from catastrophic wildfire. Priority was given to hazardous fuels reduction in the wildland urban interface. The law also streamlines the appeals process and requires judges to balance the harms of inaction (such as a wildfire) as compared to the proposed action. Other titles in the law include

biomass, insects and disease, watershed forestry assistance, and a new forest reserve program. In the past year, Title 1 of HFRA was funded and is in the process of being implemented. In its first year, both the BLM and Forest Service surpassed their targets for acres treated, though some regions performed much better than others. In addition, the remaining titles of HFRA, for the moist part, have yet to be implemented and many are in need of adequate funding. The Committee will hold oversight hearings on implementation of all titles of HFRA.

Post-Catastrophic Event Restoration: While HFRA was passed to address the mitigation of catastrophic wildfire, post-fire restoration is still hampered by procedural gridlock. Millions of acres burned by wildfire in the past couple of years have yet to be restored and reforested, not to mention other forests devastated by blow-down, insect infestation, hurricanes and other natural disasters. The Forest Service has a massive reforestation backlog, generally due to a lack of money that was once supplied by a sustainable timber program. The lack of funding coupled with a burdensome decision-making process has left millions of acres destined to become brushfields or mono-species forests. For example, the Biscuit Fire in Southern Oregon burned roughly 500,000 acres, yet the Forest Service plans to reforest and restore only about 31,000 acres. Consequently, legislation is needed to remove some of the barriers to forest restoration. At the request of the Committee, the GAO will release a study on the reforestation and restoration backlog in early 2005. The Committee will address this issue through hearings and possible legislation.

Biomass: The HFRA authorizes expedited fuels reduction projects on 20 million acres of public lands. As fuels reduction projects increase, a huge amount of small diameter wood and woody debris will be removed from the forest with little chance of ever being utilized. This material is expensive to remove and transport, but, as energy prices escalate, there is an enormous potential for affordable woody biomass energy production. Additionally, woody biomass can also be utilized for furniture, building materials, shavings, packaging, etc. The development of woody biomass markets and infrastructure would aid the Forest Service with the expensive task of paying for fuels reduction while also restoring the nation's forests. While the HFRA does include a biomass title, it does little to address the size and scope of woody materials that should be coming out of forests. The Committee will work with the Energy and Commerce Committee to include woody biomass provisions in the upcoming energy bill (including provisions already included in the 108th Congress energy bill), will introduce legislation, and conduct hearings on the issue.

Tribal Forests Protection Act: In 2003, 20 Indian reservations were invaded by catastrophic fires from nearby federal lands. In southern California 11 reservations were burned, two completely, and a number of lives were tragically lost. As a result, Chairman Pombo introduced the Tribal Forest Protection Act and it became law in 2004. This legislation allows tribes to engage in fuels reduction projects on adjacent Forest Service or Bureau of Land Management land therefore reducing the threat of catastrophic wildfire and helping to protect their land. The Forest Service is currently working on putting the program together, but to date, no projects have been proposed. The Committee will conduct oversight hearings and continue encouraging the use of the authorities provided in this law. In addition, the Committee will work with tribes to hold an oversight hearing on the successes of tribal forestry.

Roadless Area Management Regulations: In the waning hours of the Clinton Administration, the U.S. Forest Service issued new regulations that set aside nearly 60 million acres of National Forest System lands (nearly one-third of the entire National Forest System) from most forms of access, use, enjoyment and management. The regulations are known informally as the Roadless Area Rule. Since the rule was finalized, it has been subject to lawsuits in Alaska, Idaho, Utah, North Dakota, Wyoming and the District of Columbia. In June of 2003 a federal court struck down the rule stating it violated the National Environmental Policy Act (NEPA) and the Wilderness Act. In July of 2004, the Forest Service issued its new proposed rule addressing inventoried roadless areas. The rule allows governors to work with the Forest Service and communities to develop rules for preserving roadless areas in their states. Governors would then petition the Secretary of Agriculture and each state rule would be subject to NEPA analysis and public comment. Recently the public comment period was extended. The Forest Service is currently reviewing those comments.

Forest Health: Insect and disease problems plague nearly 60 million acres of forest land nationwide, potentially causing irreversible damage to entire watersheds and even regions. From spruce beetle infestations in Colorado to a renewed attack from the southern pine beetle in the Southeast, from Asian long-horned beetle activity in the Northeast to widespread hardwood decline in the Southern Appalachians and the disruption of historic fire regimes in the Inland West, serious problems abound that cannot be addressed by inaction. Research programs must be continued and, in some cases, expanded, while application of forest health treatments must be greatly accelerated. Title IV of the HFRA addressed some of these concerns, but has yet to be adequately implemented. Continued oversight and a possible hearing will be necessary to ensure agency progress on these issues.

Forest Planning Rules and Land Management Decisions: The National Forest Management Act requires the development, periodic revision and amendment of the planning documents that govern the Nation's 155 national forests and 20 grasslands. Existing plans for these lands were developed under regulations adopted in 1982. In 2000, under the Clinton Administration, new planning regulations were drafted, but the U.S. Forest Service halted implementation, as agency officials feared they could not be effectively implemented due to their cost and complexity. In November 2002, the Forest Service released a new planning rule, which was finalized and then released in December of 2004. Namely the rule would use an Environmental Management System (EMS), a tool widely used by both the public and private sector, to improve performance and accountability during the planning process. EMS's require independent audits that would evaluate whether desired results identified in forest plans were achieved. The rule also emphasizes meaningful public involvement, sustainability, use of science, and monitoring and evaluation. In addition, the proposal provides forest managers with more flexibility to tailor analyses to the specific characteristics and challenges presented by their forests and grasslands. Finally, it also eliminates certain procedural requirements and redundancies in the planning process. It is estimated that with the new planning rules forests will complete their plans in 2-3 years rather than 5-7 under the old rules.

Forest Service Accountability: Fiscal Year 2002 marks the first time that the U.S. Forest Service received a clean audit from the Office of Inspector General. However, the General Accounting Office (GAO) still ranks the U.S. Forest Service high on its list of agencies at high risk of waste, fraud and abuse. Additionally, measuring performance of the agency's program activities has

been problematic. The Committee with the assistance of the GAO will focus on the longstanding problem and progress made in addressing both financial management and performance measures of the agency.

Appeals Reform: The Forest Service is the only land management agency that has an administrative appeals process enshrined in statute for all project level activities – the Appeals Reform Act (ARA). The Chief of the Forest Service and others have said that ARA is a flawed procedure that places a premium on conflict rather than up-front participation and collaboration. The ARA should be reviewed and new procedures developed to reform this cumbersome process, making public involvement more effective and improving agency decision-making.

Access for Recreation and Private Property Inholdings: As recreation on national forests has become increasingly important to the American public, congressional oversight is needed to ensure that all interested groups and organizations are allowed input and given proper recourse concerning application of any new recreation policies. The Committee will examine this in an oversight hearing and will continue to work with recreation groups to ensure proper access to public lands.

County Payments: The "Secure Rural Schools and Community Self-Determination Act of 2000," has unprecedented provisions allowing for community involvement on Bureau of Land Management and Forest Service lands. The law restores much-needed funding for rural schools and roads once provided by an active timber management program. It also provides funds and procedures for community Resource Advisory Committees (RACs) to implement projects on public lands that meet certain criteria. RACs have become one of the few successful tools used to bring once polarized interests to the table to agree on natural resource management. This legislation expires in 2006 and would have a devastating impact to many rural communities if not reauthorized. The Committee will continue to work with interested members of Congress in the House as well as the Senate on hearings and reauthorization.

Fire Suppression Funding: The Forest Service and other fire suppression agencies have experienced chronic funding shortfalls in fire suppression budgets. These borrowing activities have had a substantial adverse affect on a broad range of other program areas in the Forest Service, as the agency has been forced to borrow out of everything from recreational programs to the hazardous fuels reduction program. Last year the Committee helped to successfully include language in the budget as well as the appropriations omnibus to provide an additional $500 million for fire suppression through a flexible spending cap. This year, the Committee will once again work with the Budget and Appropriations Committee to address this problem. A permanent solution to the problem is still needed and will also be examined.

Grazing: As Forest Service and Bureau of Land Management grazing permits are eliminated and buyout programs gain support, public land ranchers are threatened to go out of business. Lack of funding for the range program and administration, lack of monitoring, drought, and a backlog of needed environmental analysis required under NEPA has led to a decline in grazing on public lands. The Committee will address the various issues affecting public lands grazing through oversight hearings and possible legislation.

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February 2, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Davis:

In accordance with clause 2(d)(1) of rule X of the Rules of the House, please find enclosed a copy of the Oversight Plan for the Committee on Rules for the 109th Congress, as adopted by the Committee by voice vote on February 1, 2005.

Please feel free to contact me if you have any questions.

Sincerely,

David Dreier

David Dreier
Chairman

Enclosure

OVERSIGHT PLAN OF THE HOUSE COMMITTEE ON RULES FOR THE 109TH CONGRESS
ADOPTED FEBRUARY 1, 2005

Committee Action

Pursuant to clause 2(d) of House rule X, the Committee on Rules met in public session on February 1, 2005. A quorum being present, the Committee adopted by a non-record vote the following oversight plan for the 109th Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the rule.

I. Background

The Committee on Rules has existed as part of the House committee structure since the First Congress, when it was established in 1789 as a select committee. The essential portion of the present jurisdiction of the Committee is set forth in clause 1(n) of rule X, which grants the Committee jurisdiction over:

> (1) Rules and joint rules (other than those relating to the Code of Conduct) and the order of business of the House.
> (2) Recesses and final adjournments of Congress.

In addition, clause 3(j) of rule X assigns to the Committee special oversight responsibility over the congressional budget process.

The Committee on Rules always has been at the forefront of efforts to reform the process and procedures of the House to improve the effectiveness of the institution. For example, the Committee considered

and reported the Congressional Budget Act of 1974, which created the congressional budget process and a mechanism for disapproving or approving impoundment and rescission proposals of the President.

Additionally, the Committee has played the lead role in putting forth substantive changes to the rules of the House that occur at the beginning of each Congress. Such changes have included streamlining the committee system, opening committee meetings to the public and press, and modernizing the rules of the House to make them more understandable.

Some of the substantive changes to House rules adopted on the opening day of the 109th Congress include:

- Requiring committees to review matters within their jurisdiction to bring to light duplicative government programs as part of their oversight planning at the beginning of each Congress.

- Making permanent the ability to consider suspensions on Wednesdays, after the very successful experiment with suspensions on Wednesdays during the 108th Congress.

- Providing for the Continuity of Congress by allowing the House to function in situations where large numbers of Members are incapacitated.

- Eliminating the Corrections Calendar, which while originally intended to make it easier to consider legislation making corrections to outright errors in laws, turned out to be too cumbersome as compared to procedures already available (e.g. the suspension process).

- Allowing for Members to make references to the Senate and its members, so long as those references are confined to the question under debate and that they avoid personality. This brings the House rules closer in line with the Senate rules on these matters.

- Clarifying the ethics process to allow Members on officially connected travel to bring a family member other than a spouse or child with the Member at the sponsor's expense, to conform the rules to current law regarding the use of campaign funds to pay for certain official expenses (e.g. cell phones), to conform the rules to current law with regard to the 90-day pre-election limit on franked mail, to provide Members with the right to counsel of their choosing at ethics proceedings, and to provide due process and the presumption of innocence for Members in all ethics matters.

- Creating the standing Committee on Homeland Security with legislative and oversight jurisdiction over national homeland security policy.

During the 109th Congress, the Committee will continue to work proactively on its legislative and oversight responsibilities. This will include a number of hearings and meetings by the Subcommittee on Legislative and Budget Process, the Subcommittee on Rules and Organization of the House, and the newly formed Task Force on the Congress as an Institution.

II. Major Areas of Oversight in the 109th Congress

Continuity of Congress

During the 108th Congress, the Committee on Rules played the lead role in the House's consideration of how to assure the American people that their democracy would continue in the face of any crisis or catastrophe. This effort began in early 2003 when the Committee, on a bipartisan basis, introduced H. Con. Res. 190 to create a joint committee to study the Continuity of Congress. The measure was referred solely to the Committee on Rules, and after mark-up, it was reported to the House favorably. All 13 Members of the Committee were cosponsors of the

legislation, and the House adopted H. Con. Res. 190 on June 5, 2003, by voice vote.

The scope of the joint committee's inquiry was: (1) Ensuring the continuity and authority of Congress during times of crisis; (2) Improving congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis; and (3) Enhancing the ability of each chamber to cooperate effectively with the other body on major and consequential issues related to homeland security. Unfortunately, the Senate did not act upon H. Con. Res. 190 prior to the sine die adjournment of the 108th Congress.

Later in the 108th Congress, the Committee on Rules began an intensive, bipartisan inquiry into issues associated with the incapacitation of large numbers of Members. As Chairman Dreier of the Committee on Rules said, "It's possible that a terrorist attack could result in not just deaths, but incapacitation as well. How does this affect our quorum? What is the standard for incapacitation? Can adjustments to deal with these possibilities be made within our own rules?" Then-Committee on Rules Ranking Member Mr. Frost concurred in the need for a full inquiry when he said, "The issues surrounding the incapacitation of large numbers of Members in the House of Representatives present some of the thorniest questions the Congress must address. This is an issue never contemplated by the Framers, but it is an issue that is very relevant to the House today."

The Committee held an original jurisdiction hearing on these issues on April 29, 2004, and received testimony from the Parliamentarian of the House, from the former Solicitor General of the United States, and from the Attending Physician to Congress. The primary focus of this hearing was to consider the majority quorum requirement in the context of a catastrophe resulting in the mass incapacitation, but not death, of Members. Since incapacitated Members are still alive, they remain a part of the quorum calculation. Thus, if 225 Members were incapacitated, the whole number of the House would remain unchanged, i.e. 435. The number required for quorum would remain 218. But only 210 Members would be available to

vote. The House could be unable to act if a roll call vote revealed the absence of enough Members to constitute a quorum for business.

The hearing considered as a threshold matter whether the Constitution must be amended to deal with incapacitation since it is the Constitution that sets the majority quorum requirement. Testimony at the hearing provided a nuanced answer to this question, with those testifying acknowledging a need for the House to act on the issue of mass incapacitation now through amending its rules, while preserving the longer term question on the amendment of the Constitution. As Walter Dellinger, constitutional scholar and former Solicitor General of the United States, testified:

> "It is simply inconceivable that a Constitution established to 'provide for the common defense' and 'promote the general Welfare' would leave the nation unable to act in precisely the moment of greatest peril. No constitutional amendment is required to enact the proposed rule change because the Constitution as drafted permits the Congress to ensure the preservation of government."

The Members participating in the hearing also considered a proposed rule change prepared by the Committee's majority staff. This proposal became the framework for a number of subsequent discussions on a bipartisan basis with both staff and Members. A number of suggestions from the minority were incorporated into the mass incapacitation framework. In its rules package for the 109th Congress, the House adopted the provisional quorum rule to address the mass incapacitation of Members (clause 5(c) of rule XX).

Although the House has adopted a rule to address the mass incapacitation of Members, the inquiry of the Committee on Rules on the Continuity of Congress is far from over. The Chairman of the Committee on Rules, Mr. Dreier, during the floor debate of H. Res. 5 (the rules package) on January 4, 2005, announced that:

> "The Committee on Rules intends to conduct further examination of the best way for the House to assure a continuity of government during a national emergency, and it is our hope that as we proceed with this work that further discussions will take place with the Members of that very distinguished panel, the Continuity Commission, which included our former colleague Senator Simpson, and Speakers Foley and Gingrich and former minority leader Bob Michel, Leon Panetta, [and] Kweisi Mfume . . . ."

Jurisdiction to reflect the 21st Century

The Committee on Rules has always played an integral role in modernizing the rules of the House, including its rules on jurisdiction. However, since their codification in 1946, House jurisdictions have been modified only infrequently.

Beginning in the 104th Congress, the House streamlined what was considered to be a bloated and ineffective committee system. The opening day rules package for the 104th Congress abolished three full committees (Committees on Post Office and Civil Service, District of Columbia, and Merchant Marine and Fisheries) and transferred their jurisdictions to other remaining committees. The rules package also gave the Budget Committee shared legislative jurisdiction over certain budgetary legislation, and limited the number of subcommittees each committee was allowed to have. In the 107th Congress, the trend toward jurisdictional consolidation continued in the opening day rules package with the establishment of a new Committee on Financial Services.

In the 108th Congress, the opening day rules package (H. Res. 5) included a separate order establishing the Select Committee on Homeland Security. As part of its establishment, the Select Committee was charged with conducting a thorough and complete study of the operation and

implementation of the rules of the House, including rule X, with respect to the issue of homeland security, and to submit its recommendations to the Committee on Rules by September 30, 2004.

At the close of the 108th Congress and the beginning of the 109th Congress, the Committee on Rules, under the aegis of the Speaker, worked with all of the existing committees and with the Select Committee on Homeland Security to craft a jurisdiction for a new standing committee. As Mr. Dreier, Chairman of the Committee on Rules, said in debate about the creation of the new committee:

> "Over the past 3 years, the Congress has asked the American people to accept change in countless ways. We have mandated change at the Federal, State and local levels. We have asked for change from our allies and forced change upon our enemies. . . . This change in House rule X, which governs the committees and their legislative jurisdictions, is a delicately crafted architecture. It creates a primary committee while recognizing the other legitimate oversight roles of existing committees. We envision a system of purposeful redundancy. By that, we mean more than one level of oversight and an atmosphere in which the competition of ideas is encouraged."

On January 4th, 2005, the House created the Committee on Homeland Security as a part of its adoption of the rules package (H. Res. 5).

During the balance of the 109th Congress, the Committee on Rules will continue to review proposals to streamline the committee system and increase effective oversight. Fragmented jurisdictions, differences in jurisdiction between House and Senate committees, the budget and appropriations process, and the oversight process are ongoing areas of concern for the Committee. The House has at its disposal several different mechanisms to deal with important national issues from both a legislative and oversight standpoint. The Committee will continue to explore various

options available to the House in an effort to ensure that these important national issues are addressed in the most effective way possible.

Budget Process Reform

Major portions of the Congressional Budget Act of 1974 (P.L. 93-344), were enacted as an exercise of the rule making power of the House and Senate. Therefore, proposals to amend that Act, as well as special order of business resolutions waiving provisions of that Act, are within the jurisdiction of the Committee on Rules. Propositions to change the rules of the House, to create committees, and to direct committees to undertake certain investigations also fall within the Committee's jurisdiction.

The Rules Committee has worked for several years to improve the cumbersome and antiquated congressional budget process. Among the chief criticisms of the existing budget process are its frequent failure to produce timely budget and appropriations decisions, its complexity, the lack of accountability for the fiscal decisions it fosters, the low level of public confidence it inspires and the weakness of existing enforcement mechanisms. According to the Government Accountability Office (GAO, formerly known as the General Accounting Office), Executive branch agencies find the budget process to be burdensome and time-consuming, and Members of Congress find it too lengthy and ineffective.

The budget process reached a new low during the 107th Congress with the Senate failing to approve a concurrent resolution on the budget and the Congress failing to enact eleven of the thirteen appropriations bills by the close of the 107th Congress. Unfortunately, similar results occurred in the 108th Congress.

However, the 108th Congress was marked by an escalating interest in budget process reform and enforcement proposals. This was due, in part, to it being the 30-year anniversary of the Congressional Budget Act of 1974. The Congressional Budget Act established the statutory basis for a congressional budget process and provides for the annual adoption of a

concurrent resolution on the budget as a mechanism to guide and enforce congressional budgetary decision-making.

The 108th Congress saw a litany of budget process reform proposals introduced on a wide variety of issues: budget enforcement mechanisms (statutory discretionary spending limits and pay-as-you-go (PAYGO) requirements), dynamic scoring, biennial budgeting, and aggregate budgeting. All of these proposals attempted to address what their sponsors viewed as weaknesses in the current system.

On March 11, 2004, the Subcommittee on Legislative and Budget Process held a hearing to assess the effectiveness of the current budget process and discuss legislative proposals introduced in the 108th Congress to reform the budget process. The Subcommittee received testimony from Messrs. Hensarling, Ryan of Wisconsin, Chocola, Stenholm, Hill, Kirk, Hastings of Washington, and Castle; and from Josh Bolten, Director of the Office of Management and Budget.

Members of Congress and the Office of Management and Budget testified on: the Spending Control Act of 2004 (H.R. 3973) introduced by Mr. Nussle; the Family Budget Protection Act of 2004 (H.R. 3800) introduced by Mr. Hensarling; the Assuring Fiscal Honesty and Accountability Act of 2003 (H.R. 3995) introduced by Mr. Hill; the Deficit Control Act of 2004 (H.R. 3925) introduced by Mr. Kirk; and the Bush Administration's Spending Control Act of 2004 as outlined in the Fiscal Year (FY) 2005 Budget of the U.S. Government and later transmitted to Congress by the Office of Management and Budget on April 2, 2004. Each of these bills, except for H.R. 3973, were referred to the Committee on Rules, the Committee on Budget, and in some cases the Committees on Ways and Means and Government Reform. H.R. 3973 was referred solely to the Committee on the Budget.

On March 23, 2004, the Subcommittee on Legislative and Budget Process continued its hearing and asked experts on the budget process to comment on each of the legislative issues that were discussed in the

preceding Subcommittee hearing. The Subcommittee received testimony from Douglas Holtz-Eakin, Director, Congressional Budget Office; David M. Walker, Comptroller General of the United States, Government Accountability Office (formerly the General Accounting Office); Dr. John Berthoud, President, National Taxpayers Union, Stanley Collender, General Manager, Financial Dynamics Business Communications; and Richard May, Legislative Consultant, Brownstein Hyatt and Farber.

During the 109th Congress the Rules Committee will continue to review budget enforcement mechanisms, a key aspect of budget process reform. Budget enforcement procedures were first adopted as part of the Balanced Budget and Emergency Deficit Control Act of 1985 (also known as Gramm-Rudman-Hollings). As amended by the Budget Enforcement Act of 1990, the Act provides two separate enforcement mechanisms: (1) spending caps, designed to limit discretionary spending to a designated level; and (2) the PAYGO process, designed to limit changes in the level of revenues and direct spending by new legislation. In both cases, the mechanism is enforced during congressional consideration of budgetary legislation and by a Presidential sequester order after the end of a congressional session. Both of these mechanisms expired at the end of FY 2002.

On June 23, 2004, Budget Committee Chairman Mr. Nussle introduced the Spending Control Act of 2004 (H.R. 4663). The bill would have established discretionary spending limits for FY 2005 through FY 2009 and extend PAYGO requirements through FY 2009 for direct spending.

On June 23, 2004, the Rules Committee granted H.R. 4663 a structured rule. Several amendments were made in order and offered during the course of debate, including:

- An amendment to establish a Federal Sunset Commission to review all federal agencies and programs for their efficiency, effectiveness, redundancy, and need -- adopted by a vote of 272-140.

- An amendment that sought to replace the current 20 budget functions in the budget process with a one-page budget divided into five spending categories -- defeated by a vote of 126-290.

- An amendment that sought to remove the requirement that 20 functional categories be included in the annual budget resolution and grant the Budget Committee the discretion to include such categories as they deem appropriate -- defeated by a vote of 185-230.

- An amendment that sought to impose a cap on the growth of mandatory spending whereby mandatory spending would grow by the Consumer Price Index, or the program inflator plus new enrollees -- defeated by a vote of 96-317.

- An amendment that sought to provide for an automatic continuing appropriations process in the event that a regular appropriations bill or joint resolution making continuing appropriations for a fiscal year has not been enacted into law -- defeated by a vote of 111-304.

- An amendment requiring the Congressional Budget Office to prepare an annual report that compares budgeted entitlement spending to actual entitlement spending for the preceding fiscal year -- defeated by a vote of 289-121.

- An amendment that sought to change the current non-binding budget resolution into a joint resolution that if signed by the President would have the force of law -- defeated by a vote of 97-312.

- An amendment that sought to establish a Budget Protection Mandatory Account and a Budget Protection Discretionary Account to allow Congress to target spending and redirect that

spending toward deficit reduction or tax relief at the end of the year – defeated by a vote of 137-272.

- An amendment that sought to provide an enhanced rescission process for the President to propose to Congress the elimination of wasteful spending identified in appropriations bills – defeated by a vote of 174-273.

In addition, the Budget Enforcement Act of 2004, H.R. 3800, the Family Budget Protection Act of 2004, and H.R. 3925, the Deficit Control Act of 2004 were also offered as amendments in the nature of substitutes to H.R. 4663 and were defeated. The Spending Control Act of 2004 (H.R. 4663) failed to garner enough support to pass the House and was defeated on June 24, 2004 by a vote of 146 – 268.

The effort to reform the existing congressional budget process is certainly not new. Ever since the inception of the Congressional Budget Act of 1974, proposals for modifying the procedures governing the consideration by the Congress of the nation's spending and revenue plans have been plentiful. In previous Congresses, modifications to the budget process have generally occurred as part of reconciliation legislation. Additionally, the House has from time to time considered high profile single-issue changes to the process, most notably in recent years were the Line Item Veto Act (P.L. 104-130), the Unfunded Mandates Reform Act (P.L. 104-4), the Deficit Reduction Lock-Box Act (H.R. 1162, H.Rept. 104-205), and proposals to enact an automatic continuing resolution mechanism.

In accordance with its special oversight authority under rule X, the Committee on Rules looks forward to further review of the budget process with the hopes of eliciting bipartisan recommendations for how best to increase efficiency, improve accountability, strengthen enforcement and in the end provide an appropriate framework for the important policy decisions that lie ahead.

In addition to extending or establishing new enforcement mechanisms, the Rules Committee will continue to study the framework of the fundamental concepts and accounting principles that underlie our annual budget deliberations. These include, but are not limited to, an examination into alternatives to the current budget function framework, the concept of economic assumptions in the budget process and particularly on what criteria those assumptions are based, emergency spending limitations, and enhanced rescissions.

A top priority of the Rules Committee will be to establish a joint committee on budget process reform. The Committee acknowledges the necessity of a joint effort of both the House and Senate in order to effectively implement any reform in the congressional budget process.

Biennial Budgeting

While the Rules Committee's work has focused on a host of budget process reforms, much attention has been concentrated on biennial budgeting as a viable alternative to the current system. The current budget process is overly repetitive, inefficient and bureaucratic, and filled with time-consuming budget votes. Effective oversight and management of federal programs gets crowded out.

The annual process of developing budgets and justifications has kept federal agencies on a perpetual budget cycle treadmill, leaving little time to step back and review the management and effectiveness of the programs they run. Executing an annual budget requires nearly three years of combined effort by the Congress and the Administration. The federal government expends an enormous amount of effort to prepare, review, submit and ultimately legislate the budget.

With regard to the competition for Members' time and attention, as well as floor time, the annual budget process places great constraints on the workings of Congress and its committees. As a result, the authorization process has suffered - leaving large portions of the discretionary federal

budget unauthorized each year. The programs which receive taxpayers' dollars to function each year are not receiving the careful scrutiny they should get from the committees in Congress with the greatest expertise. Every year the Congressional Budget Office (CBO) generates a thick report identifying the programs that are operating without current authorization. In FY 2001, $112 billion in appropriations were provided for 112 federal programs whose authorizations had expired.

Proponents of biennial budgeting cite all of these trends and facts as overwhelming arguments in favor of making a fundamental change in the way the federal budget is developed and implemented. During the 106th Congress, no less than four biennial budgeting bills were introduced in the House of Representatives. Each of these bills were referred to the Committee on Rules and the Committee on the Budget.

In addition, 245 Members signed onto a sense of the House resolution (H.Res. 396) calling for the enactment of a biennial budget process in the second session of the 106th Congress. Accordingly, the Committee held a series of lengthy hearings to examine proposals from various Members of Congress, the Executive Branch, and outside experts on establishing a two-year budget and appropriations cycle in an effort to develop consensus legislation that would streamline the budget process, enhance programmatic oversight, strengthen the management of government programs and bureaucracies, and reform Congress.

These hearings laid the groundwork for a bipartisan biennial budgeting amendment during floor consideration of H.R. 853, the Comprehensive Budget Process Reform Act. This amendment was narrowly defeated on May 16, 2000, by a vote of 201 to 217.

President George W. Bush, while Governor of Texas, experienced the benefits of biennial budgeting and made it part of his election platform in 2000 as a tool to promote long-range planning and increase off-year oversight. Since being elected, he has consistently addressed biennial budgeting in his annual budget submissions to Congress.

During the 107th Congress, the Subcommittee on Legislative and Budget Process held a hearing on H.R. 981, the Budget Responsibility and Efficiency Act of 2001, and other proposals to establish a two-year budget and appropriations cycle. On August 3, 2001, the Budget Committee reported a substitute version of H.R. 981 by voice vote. The Budget Committee's version would have created a Commission on Federal Budget concepts to study the idea of biennial budgeting, among other items. On November 1, 2001, the Rules Committee favorably reported by voice vote H.R. 981, which would have established a two-year budgeting and appropriations cycle. H.R. 981 was not considered by the full House prior to the adjournment of the 107th Congress.

As previously stated, there was considerable attention given to budget process reform during the 108th Congress. Biennial budgeting was part of the discussion, but never took center stage during the debate. During the 109th Congress, the Committee intends to reexamine the benefits of a biennial budget, and will focus on biennial budgeting juxtaposed with annual and biennial appropriations. The Committee intends to work closely with the Administration and the Budget Committee to reform the budget process.

Dynamic Scoring

As part of the opening day rules package adopted for the 108th Congress, the House adopted a new requirement that the Committee on Ways and Means include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic (behavioral) impact of such legislation. This requirement is limited, however, as the Committee is not required to include such analysis if the Joint Tax Committee certifies that such analysis is not calculable.

Because of the great influence that estimates of revenue and spending changes have over whether a proposal is adopted, current federal estimating conventions that are used to determine the budgetary impacts

of proposed policy changes have been under scrutiny for some time. In the 107th Congress, the Rules Subcommittee on Legislative and Budget Process held a hearing on the estimating conventions as currently applied by the CBO and the Office of Management and Budget. This hearing demonstrated that while current estimating models take into account a number of behavioral reactions to tax and spending changes, these models are limited in their inclusion of feedback effects.

During the 109th Congress, the Committee will continue to investigate the issues and the changes, if any, that need to be made to ensure more accurate revenue and expenditure forecasting by further evaluating current estimating models. As part of its oversight function, the Committee intends to review the dynamic scoring analyses included in tax proposals (clause 3(h), rule XIII).

III. Additional Areas of Committee Oversight in the 109th Congress

Unauthorized Appropriations

For a number of years, unauthorized appropriations have been of concern to the Committee. The amounts involved are not insignificant. For example, according to a January 2002 CBO report entitled "Unauthorized Appropriations and Expiring Authorizations," Congress appropriated over $91 billion to unauthorized federal programs in FY 2002.

In an effort to bring greater attention to this problem, the opening day rules package for the 107th Congress amended clause 3(f)(1) of rule XIII to expand the reporting requirements for unauthorized appropriations. These requirements include: a statement of the last year for which the expenditures were authorized, the level of expenditures authorized for that year, the actual level of expenditures for that year, and the level of appropriations in the bill for such expenditures.

The CBO predicts that authorizations expiring this year will total approximately $526 billion. The Rules Committee will continue to examine additional proposals to encourage committees to report authorizing legislation prior to the enactment of the regular appropriation bills.

Impact of New Information Technologies on the House

By constitutional design, Congress is usually a slow-moving institution, and the process of consensus is often messy and difficult. Since crossing the threshold into the computer age, however, the institution faces numerous pressures and challenges in adapting emerging technologies to a deliberative legislative process.

Congress has made a remarkable transformation into the information age. Prior to the 104th Congress, fewer than 50 House Members had e-mail addresses, and there were no committee or personal office Web sites. The House of Representatives was a "paper-based" institution where electronic information and documents existed in separate computers that were not interconnected. Most documents were only available for mass distribution in hard-copy (paper) format.

Congress' efforts to bring itself on-line in the age of the information superhighway have become an important, albeit largely unheralded, part of the institutional reform efforts of recent years. The technological infrastructure of the House is state of the art. Members and staff are more savvy in their use of technology to enhance their productivity. Every Member and standing committee has a Web site. The public has unprecedented access to Members of Congress and real-time legislative information, such as roll call votes, the *Congressional Record*, bills and committee reports. Committees now have the ability to "cybercast" their hearings over the Internet, thus bypassing conventional media.

This new medium of communication is transforming the culture, operations, and responsibilities of Congress in a positive way. Providing real-time access to information allows the broader public to play a more

meaningful role in making government work better. Technology is helping us bridge the gaps of time and distance to bring representative government closer to the people. It is helping us to create a more orderly process and to reduce costs and bureaucracy.

In an effort to institutionalize a permanent examination of how technology is impacting the institution, the Rules Committee, through its Subcommittees, has conducted oversight on the impact of technology on the processes and procedures of the House.

During the 106th – 108th Congresses, for example, the Rules Committee examined the impact of technology on the role and responsibilities of committees, the dissemination of information electronically, and Congressional deliberation as the institution becomes more accessible to the public. The Committee also examined the use and impact of technology in the state legislatures. The Committee assessed how recent acquisitions of new forms of technology affected House and committee rules and decision-making in committees and on the House floor. The Committee reviewed how the Internet and other information technologies affect the way Members of Congress communicate with constituents. It also examined the advantages and disadvantages of providing immediate on-line access to various forms of congressional documents and information, particularly in light of the House rule requiring the electronic availability of committee publications. Finally, the Committee canvassed other committees' Internet broadcasting procedures.

In the 109th Congress, the Committee will continue building on these efforts to ensure that a proper balance is struck between the desire to enhance participation in our democracy, and the need to maintain the deliberative traditions and representative nature of the institution.

The Congressional Review Act of 1996

The Committee has general jurisdiction over statutory provisions changing the procedures of the House for consideration of resolutions or

bills disapproving or approving proposed action by the executive branch or by other governmental authorities.

The Congressional Review Act (CRA) is one such statutory provision that changes the procedures of the House. It was enacted as part of the Small Business Regulatory Enforcement Fairness Act of 1996 (P.L. 104-121) during the 104th Congress. The CRA provides Congress with an opportunity to review – and stop – regulations before their final implementation. Under the expedited procedures established by the CRA, if a majority of the House and Senate vote to approve a joint resolution of disapproval and the President signs it into law within 60 legislative days of the regulation's publication in the *Federal Register*, the proposed regulation cannot go into effect.

Since its enactment, the CRA has been used sparingly. Before the 107th Congress, only seven joint resolutions of disapproval had been introduced, and none of those measures were considered by either the House or Senate.

However, in the 107th Congress, the CRA's expedited procedures were utilized. On March 1, 2001, Senator Nickles introduced S.J. Res. 6, which was a joint resolution of disapproval for a regulation regarding ergonomics that the Clinton Administration sought to implement in its waning days. The Senate passed S.J. Res. 6 on March 6, 2001, by a vote of 56-44. On March 7, 2001, the House passed the measure by a vote of 223-206. On March 20, 2001, President George W. Bush signed it into law (P.L. 107-5).

In the 109th Congress, the Rules Committee may examine the CRA, and its procedures, in order to determine if the CRA can be enhanced and better utilized in the future.

Minority Views – Rules Committee -- 109th Congress Oversight Plan

Although, with certain exceptions, we are not generally opposed to the oversight plan as drafted by the Majority, we view the plan with caution. Throughout the 108th Congress and in previous Congresses, the Majority deliberately and systematically excluded the Minority when considering matters under the Committee's jurisdiction. And while we have no reason to be optimistic that the 109th Congress will be any different in this regard, we do expect that the Majority will make a significant effort to include the Minority in their efforts to "reform the process and procedures of the House" in the coming months.

Specifically, we expect to be consulted in a timely fashion regarding the Committee's work in the major areas of oversight outlined in this plan: the continuity of Congress, rules on jurisdiction, budget process reform, biennial budgeting, dynamic scoring, the impact of information technology in the House, and the Congressional Review Act of 1996.

Incapacitation

The majority's description of the new "provisional quorum" rule implemented as clause 5(c) of Rule XX in the 109th Rules package leaves the impression that this new rule was the result of a bipartisan process. It was not. Although the majority shared early drafts of this rule change with the minority and accepted some minor changes proposed by the Rules Committee Democrats, Republicans did not accept the key amendment that would have made this rule a truly bipartisan one.

The new rule attempts to address the following situation: what would happen if terrorists managed to successfully injure, but not kill, a significant number of Members of the House of Representatives? In this case, where Members would be temporarily unable to perform their duties but were still alive, the House would not be able to conduct business because it would lack a majority of its extant Members and therefore lack a quorum. The solution proposed in this new rule is to lower the quorum number by the number of Members who are incapacitated and temporarily unable to perform their legislative duties. In other words, in the wake of a calamitous event, the House would conduct its lawmaking and other business not with a quorum of 218 (as is now required if all apportioned 435 House seats are occupied), but with a much smaller number of Members.

Under the new clause 5(c), in the aftermath of a calamity, the House would first use the power it has under clause 5(a) of Rule XX to assemble a quorum through compelling the attendance of absent Members. When this process is exhausted, and a quorum has not yet appeared, the House would go through a special 72-hour quorum call. At the end of this call, the Speaker could, after consulting with the Majority and Minority Leaders, present to the House an unappealable "catastrophic quorum failure report" concluding that a calamity has taken place, a large number of Members are incapacitated, and that, as a consequence, the House is unable to assemble a majority of its whole number to do

business. After another 24-hour quorum call, the quorum number would be automatically adjusted downwards to a new provisional quorum number. This number would be determined by excluding the Members who have died and those Members whom the report deems incapacitated, unaccounted for, or otherwise incapable of attending. The House would then be able to conduct any business it can conduct with a quorum of the whole number of the House with this new, smaller provisional quorum.

As both Mr. Frost and Mr. McGovern explained in statements they contributed to a Special Order Chairman Dreier held on this subject on September 22, 2004, this new rule leaves too much power in the hands of the Speaker to make arbitrary decisions about Members' capacity to fulfill their constitutional duties. Under this rule, the Speaker has the sole power 1) to determine that a catastrophic event contemplated by the rule has occurred and 2) to determine which Members are incapacitated and therefore unable to perform their duties. While the Speaker is the constitutionally-created presiding officer of the House, he or she is also the leader of the majority party in the House, which means the Speaker's unilateral decisions to designate a disaster situation and/or to declare certain Members incapacitated will be vulnerable to charges of partisanship and manipulation. Such charges, whether they are made against a Republican or a Democratic Speaker, would harm the legitimacy and the credibility of any subsequent actions the House took with a diminished quorum.

The new rule is not a bipartisan one because Rules Committee Republicans rejected Rules Democrats' amendment that would have required the Speaker not just to consult with the Majority and Minority Leaders, but to obtain their *concurrence* that a calamity has occurred, that certain Members are dead or incapacitated, and that it is necessary to trigger the process for establishing the lower provisional quorum. We argued that this language would transform a unilateral decision-making process into a consensus-building, non-partisan institutional process. For the actions of a Congress in the aftermath of an attack to have legitimacy, we argued, House leaders must be able to show Members from both parties and the American public that the decision to operate under a reduced quorum was based solely on our solemn duty to preserve the institution of the House. We believe this rule's failure to establish a process in which a diminished House can only organize and do business with the *concurrence* of party leaders will leave it vulnerable to charges of partisanship and illegitimacy.

We find it curious that Republicans refused to accept our language to include leaders from both parties in the decision to trigger the reduced quorum procedure, because their own expert, Professor Walter Dellinger, proposed it in the testimony he submitted to the Committee during the hearing on April 29, 2004. Professor Dellinger's testimony expresses the same concern we have outlined in the previous paragraphs. He said: "For the rule's invocation to have true legitimacy, there must also be some procedural guarantee that the rule is not being improperly invoked for factional reasons." Out of his concerns over legitimacy, Professor Dellinger went on to "strongly recommend that the power to invoke the rule be placed not solely in the discretion of the Speaker, but rather require as well the concurrence of one of more members of the minority party's leadership, from a list chosen ahead of time."

In other words, Rules Committee Republicans explicitly rejected the single most important policy recommendation their star witness, Professor Dellinger, made in his testimony.

The piece of Professor Dellinger's testimony they instead chose to highlight was his opinion that that the House rulemaking power is sufficiently robust, and that the Constitution's quorum language is sufficiently vague, to allow the House to adjust down the quorum number to account for Members incapacitated due to a national calamity. In his April 29 testimony, Professor Dellinger argued that a diminished House is better than no House at all in an emergency situation and that a literal reading of the Article I, Sec. 5, quorum requirement ("a Majority of each [House] shall constitute a quorum to do Business") could do irreparable damage to our system of government, which the Founders could not have intended.

While Professor Dellinger is a well-regarded jurist, we must note that other experts are less confident that lowering the quorum is constitutionally sound. These scholars argue that a plain reading of the Constitution's quorum requirement leads to the obvious conclusion that the House can only do business when a Majority of its whole, apportioned number is present. Professor Cass Sunstein of the University of Chicago Law School, for example, in testimony he submitted to Senator Cornyn and the Senate Judiciary Committee, took the position that the House rulemaking power may extend to lowering the quorum, but conceded,

> "To say the least, it is awkward and uncomfortable to interpret a document in a way that violates its evidently plain meaning. In addition, the quorum provision has an important structural purpose, which is to ensure that laws are not made by a minority of the legislature, in a way that compromises the constitutional commitment to deliberative democracy. (The ability to raise quorum objections to a voice vote is an important safeguard here)."

Not surprisingly, Rules Committee Republicans did not ask Professor Sunstein or another legal scholar who shares his more conservative view of the House rulemaking power to testify during the one hearing they held on this crucial question. As a result of Republicans' refusal to thoughtfully consider this very serious problem, the House has now adopted a rule that may or may not withstand constitutional scrutiny in the aftermath of a national calamity.

Jurisdiction

The Democrats on the Rules Committee share your contention that the Rules Committee plays an integral role in the modernization and improvement of the Rules of the House. We also fully recognize that it does indeed make sense to conduct periodic, thorough overviews of our committee composition and the jurisdiction structure. However, we take exception to the characterization that the committee makeup was "bloated and ineffective" prior to the 104th Congress. Such a depiction is at best an exaggeration and

at worst a deliberate slight directed towards those who controlled the Congress at that time.

The former standing committees that were folded into the current committee structure were and are still vital functions of this nation and its economy. To suggest otherwise is either naive or again intended as a gratuitous slight. The last time we looked, our Federal employment system, our postal system, our maritime economy and the District of Columbia were all important and actively functioning entities in our nation. If we are to work together to fine-tune and otherwise improve the Rules of the House and update the procedures as is appropriate in the 21st century, let's do so without self-serving, unproductive and negative remarks regarding past Congresses.

The most important thing to remember in undertaking this process is that it must be fair, it must be open and all sides must be able to participate fully in any changes to the current Rules. This participation must include ample debate and ample opportunity to offer responsible and substantial changes to the process. To exclude ideas and recommendations based on partisan differences is a disservice to the institution and to the citizens who sent us here to work together in the best interest of this nation.

You may recall that a significant overhaul of the House Rules was conducted in the 105th Congress. A recodification task force consisting of Rules committee members on both sides of the aisle was established to undertake a comprehensive overview of the House Rules. This successful effort was undertaken in a truly bipartisan and responsible manner. The result of that bipartisanship was the creation of an excellent document that streamlined and improved our current House Rules without changing the underlying principles that have made them work so well in the 200 plus years that they have been in use. That process was one in which we could all be proud and should serve as a model for any future undertaking to review and/or amend the House Rules.

Budget Process

Regarding budget process reform, it is clear from the resounding defeat of H.R. 4663 during the 108th Congress, that no serious budget reform can take place without the involvement of the Budget Committee and the Appropriations Committee at the beginning of the process. The proposal to establish a joint committee on budget process reform is not one that the minority necessarily dismisses out of hand. However, any such committee should be composed of an equal number of Democrats and Republicans, and an equal number of House and Senate members, and should reflect the strong interest that both the Budget Committee and the Appropriations Committee have in this matter.

The Democratic Members of the Rules Committee continue to oppose biennial budgeting for the same reasons that have been enumerated for various Congresses. The reason that the budget and appropriations process takes as long as it does is due to politics, not process. If the Republicans, who control the House, the Senate and the White House, would make budgetary decisions in a timely fashion, then Congress would complete its

budget responsibilities according to the schedule laid out in the Budget Act, and would not have to rely on year end omnibus bills to complete the appropriations process.

One of the main reasons for switching to biennial budgeting that is often cited by proponents is that it would give the authorizing committees more time to do oversight. However, very few House committees have shown any interest in conducting much oversight since George W. Bush was elected President. As an example, the Government Reform committee conducted hundreds of hours worth of investigation into the White House Christmas Card list when President Clinton was in office, but only five hours of investigation into the Abu Ghraib prisoner scandal that has dogged the Bush Administration. It would seem to us that the authorizing committees have plenty of time to do oversight currently, they just choose not to fulfill that responsibility during Republican administrations.

Finally, biennial budgeting is an outright renunciation of fiscal powers given to Congress by the Constitution. By giving the Administration two years worth of funding, Congress hands the power of the purse over to the Executive, and gives up holding the agencies responsible for those funds, and the laws that they are supposed to implement. Also, there is nothing in current law which prevents the President from requesting two years of funding at one time and Congress could appropriate biennially if they chose to. The fact is that many members on both sides of the aisle continue to doubt that this is an effective way for Congress to handle the federal budget.

Dynamic Scoring

For many years, Rules Committee Republicans have faithfully carried the water for a discredited economic theory holding that tax cuts pay for themselves by generating new economic activity. Their argument, associated with the so-called "supply side economics" school, is that if economists measured the true "dynamic" effects of tax cuts on Americans' economic behavior, they would find that tax cuts actually lead to greater economic activity and higher tax revenues. They harshly criticized the Congressional Budget Office and other analysts who employed more conservative "static" economic models leading to the conventional conclusion that tax cuts lower federal revenues and increase budget deficits.

In the late 1990s, House Republicans adopted a rule (now codified at clause 3(h) of Rule XIII) requiring every tax bill to include a "macroeconomic impact analysis," even though the Congressional Budget Office, Federal Reserve Chairman Alan Greenspan, and most other respected economists argued there is no feasible way to scientifically measure the macroeconomic effects of tax legislation.

In March 2003, the dynamic scoring supporters finally got their wish. In its analysis of the President's 2004 budget, the Congressional Budget Office (CBO) conducted an exhaustive "macroeconomic analysis" of the President's proposed tax cuts. After analyzing the tax cuts under a number of different macroeconomic models, CBO concluded that dynamic scoring did not significantly change the revenue estimates the

CBO had reached with its conventional scoring methods. In fact, under several "dynamic scoring" models, the revenue loss would be higher than under the static model. As Alan Murray of the Wall Street Journal wrote, this CBO analysis conclusively proved "there is no free lunch." Dynamic scoring will not help Republicans escape responsibility for the historic budget deficits their policies have created.

Conclusion

The Democrats on the Rules Committee remain willing to work with the Committee majority when the majority wants to proceed with a fair and open process that involves all the Members of the House. As the Rules Committee considers its significant responsibilities in the 109th Congress and beyond, we expect and hope that the Majority will conduct the Committee's legislative and oversight responsibilities in consultation with the Minority.

Louise Slaughter

Hon. Louise Slaughter

Jim McGovern

Hon. Jim McGovern

Alcee L. Hastings

Hon. Alcee Hastings

HON. ALCEE L. HASTINGS

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February 17, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 RHOB
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am please to transmit the Oversight Activities of the Committee on Science for the 109th Congress.

As you requested, an original printed copy plus an electronic copy of the Committee's adopted oversight plan is enclosed.

Sincerely,

HON. SHERWOOD L. BOEHLERT
CHAIRMAN

SLB/vt
Enclosures (2)

Adopted Committee on Science Oversight Plan– 109th Congress

Energy Subcommittee	Environment, Technology, and Standards Subcommittee	Research Subcommittee	Space and Aeronautics Subcommittee
Energy Policy and the Role of Energy R&D	Transportation R&D	Science and Math Education	Vision for Space Exploration
DOE Laboratories	Climate Change R&D	Academic/Industry Partnerships	Space Shuttle Return to Flight
DOE Organizational Issues	Voting Standards	Technology Transfer	Space Station Utilitzation
Hydrogen R&D Initiative	National Construction Safety Team Act Implementation	Biotechnology	Space Transportation Program
Nuclear Fusion	Technology Administration	Government-wide R&D initiatives in emerging fields (e.g. cybersecurity, information technology, nanotechnology)	NASA Financial Management
Energy Aspects of Climate Change	Science at EPA	Astronomy	FAA Research and Development
Contract Management	Satellite Programs at the National Ocean and Atmospheric Administration (NOAA)	Antarctic Research	Agency Compliance with Congressional Directives
Results Act and Management Tools	Climate Science at NOAA	United States Fire Administration (USFA) Assistance to Firefighters grant program	Hubble Space Telescope
Future Science Facility Needs		National Earthquake Hazards Reduction Program (NEHRP)	Nuclear Propulsion
		Department of Homeland Security	Aerospace Workforce
		Research and National Security	Earth Science
			Aeronautics R&D

Subcommittee on Energy

Topic	Description
Energy Policy and the Role of Energy R&D	The Administration and the House and Senate leadership have identified energy legislation as one of their highest priorities for the 109th Congress. A major component of such legislation will be Energy R&D and improving the reliability and efficiency of our energy infrastructure through enhanced R&D. The goal will be to help develop a balanced portfolio of energy research programs within the Department of Energy, including fossil, nuclear, renewable and efficiency programs.
DOE Laboratories	DOE's laboratory complex—funded at about $6 billion annually—originated during World War II with the establishment of the Manhattan Project to develop the atomic bomb and grew during the Cold War. Today's complex of laboratories provides a wide range of R&D capabilities in numerous locations around the country. Management of the laboratories is divided among several organizational elements within DOE and administered by different non-governmental contractors. Recent problems at Los Alamos in controlling and monitoring government purchasing practices and ensuring security of equipment highlight the need for oversight. Also, calls for external regulation worker and nuclear safety practices at the labs will require committee oversight. Finally, the committee will examine the need for action to address the continuing deterioration of the laboratories' aging infrastructure.
Hydrogen R&D Initiative	The Administration's FreedomCAR program and Hydrogen Fuels initiative will provide significant additional Federal funding and direction for R&D into hydrogen as a preferred fuel for the Nation's economy. Hydrogen has the potential to provide a cleaner, more efficient source of fuel to power the economy than the fossil fuels used for almost 90 percent of our energy supply. Major research efforts will be required to ensure that vehicle and stationary source technologies come on line quickly, along with the infrastructure needed to allow their development. The committee will examine whether the Administration's research plan and program goals are adequate to ensure an efficient transformation to a hydrogen-based economy.
Nuclear Fusion	The Subcommittee continues to monitor international negotiations leading to the development of the International Thermonuclear Energy Reactor (ITER). The project is a major step toward the long-range goal of developing clean and abundant power from nuclear fusion. The Committee will examine the role of the United States in negotiations, including the relative U.S. contribution towards ITER, the form such contribution should take, the impact such a large-scale international project would have on a domestic fusion science program, the pace of the international fusion research effort and the contributions of other countries to such an experiment.
Energy Aspects of Climate Change	The Subcommittee, in conjunction with the Subcommittee on Environment, Technology, and Standards, will continue to monitor Federal R&D and Technology programs to address climate change issues. This would include ensuring that existing Federal energy technology programs are adequate and properly focused to meet potential global warming challenges.
Contract Management	DOE programs have come under frequent scrutiny for contract management practices. GAO designated DOE's contract management as a high-risk area in 1990 and continues to identify

	areas for the potential for fraud, waste and abuse. The DOE's Inspector General and the national news media have also identified problems.
Results Act and Management Tools	The Subcommittee will examine the use of Government Performance and Results Act principles and other management performance tools to review DOE programs, performance plans, and budgets.
Future Science Facility Needs	There are a number of science facility upgrades being planned or proposed for existing user facilities to meet the challenges of tomorrow's energy science R&D programs.

Subcommittee on Environment, Technology, and Standards

Topic	Description
Transportation R&D	The Subcommittee will conduct oversight with regard to surface transportation research and development programs within the federal government, states, academia and interests groups.
Climate Change R&D	The Subcommittee will conduct oversight of the Administration's multi-agency climate change programs. The Climate Change Science Program Office, headed by the National Oceanic and Atmospheric Administration, coordinates the government's climate change research and development efforts. The Subcommittee will also examine the Administration's Climate Change Research Initiative (CCRI), which is intended to focus on priority areas of uncertainty and provide useful information to decision makers. The Subcommittee is examine coordination among the agencies, especially in areas of observations, computer modeling and data management.
Voting Standards	The Subcommittee will examine the establishment of the Technical Standards Committee (which will be part of the Election Assistance Commission created by the Help America Vote Act, P.L. 107-252) and its role, as well as that of the National Institute of Standards and Technology, in helping develop technical standard for voting systems and equipment. The Committee worked closely with the House Administration Committee to include these provisions in the Help America Vote Act.
National Construction Safety Team Act Implementation	The Subcommittee will conduct oversight of the ongoing investigation by the National Institutes of Standards and Technology into the collapse of the twin towers of the World Trade Center, as well as the implementation of the National Construction Safety Team Act (P. L. 107-231) generally.
Technology Administration	The Subcommittee will examine the effect the Administration's proposal to reduce the amount of funding appropriated to the Technology Administration will have on its mission.
Science at EPA	The Subcommittee will continue to conduct oversight of EPA's management of science and its use of science in decision making. In particular, the Committee will examine how the Administration's initiative to better integrate science into the regulatory decision-making process is being implemented.
Satellite Programs at the National Ocean and Atmospheric Administration (NOAA)	The Subcommittee will continue to conduct oversight into NOAA's current and future satellite programs. Emphasis will be on NOAA's next generation polar orbiting satellite program (NPOESS) and the upcoming new geo-stationary satellite program (GOES-R). The Subcommittee will also continue to examine NOAA's problems in management and storage of the satellite and weather data that are critical to forecasts and research.

Subcommittee on Research

Topic	Description
Science and Math Education	The Subcommittee intends to continue to oversee National Science Foundation (NSF) programs aimed at improving math and science education at the K-12, undergraduate, graduate, and post-doctoral levels, in particular the implementation of education provisions passed as part of Public Law 107-488.
Academic/Industry Partnerships	The Subcommittee will review the effectiveness and consequences of academic/industry partnerships.
Technology Transfer	The Subcommittee intends to review how research efforts at universities are affected by the patenting and licensing provisions of the Bayh-Dole act of 1984. We will also examine other policy incentives to promote technology transfer.
Biotechnology	The Subcommittee will continue to monitor the progress of plant biotechnology research, particularly the Plant Genome Initiative at NSF, as well as the establishment of Plant Genome and Gene Expression Centers and plant biotechnology partnerships for the developing world authorized as part of Public Law 107-488.
Government-wide R&D initiatives in emerging fields (e.g. cybersecurity, information technology, nanotechnology)	The Subcommittee intends to review federal R&D programs in emerging fields, and will likely move legislation to improve coordination of interagency activities in these areas.
Astronomy	Examine funding and activities of NSF astronomy programs.
Antarctic Research	The Subcommittee will continue close review of NSF's research activities in Antarctica.
United States Fire Administration (USFA) Assistance to Firefighters grant program	The Subcommittee intends to continue to oversee activities at USFA, as well as continue to monitor the Assistance to Firefighters grant program within the Federal Emergency Management Agency (FEMA), now a part of the Department of Homeland Security.
National Earthquake Hazards Reduction Program (NEHRP)	The Subcommittee intends to continue oversee implementation of this multi-agency earthquake mitigation program, especially its role in fulfilling the Administration's recently released plan for tsunami detection and warning.
Department of Homeland Security	The Subcommittee will continue to monitor the maturation of the Department of Homeland Security (DHS), in particular the responsibilities of the Under Secretary for Science and Technology. The Subcommittee will also oversee non-security emergency response activities within FEMA, which is now a part of DHS.
Research and National Security	The Subcommittee will continue to examine the challenges presented by prioritizing research activities during wartime, as well as examine the need to balance the desire for open scientific communication with the need to ensure research activities do not contribute to security vulnerabilities.

Subcommittee on Space and Aeronautics

Topic	Description
Vision for Space Exploration	Last January the President announced a new vision for space exploration. The vision includes returning the Space Shuttle to flight, completing construction of the International Space Station, developing a new space vehicle to carry astronauts back to the Moon, and preparation for a human mission to Mars and beyond. The Subcommittee intends to continue to oversee how NASA implements this vision, and will pay particular attention to the effect its implementation will have on space and earth science and aeronautics research and development. The examination will lead to the reauthorization of NASA's authorization of appropriations in the first Session of the 109th Congress.
Space Shuttle	The Subcommittee will continue to monitor NASA's efforts to respond to the recommendations of the Columbia Accident Investigation Board (CAIB) and to return the Shuttle to flight.
Space Station Utilization	The Subcommittee will examine the role the Space Station will be able to play in fulfilling requirements for the President's Vision for Space Exploration. The Subcommittee will closely examine the ability of the U.S. to utilize the Space Station in light of restrictions in current law, including statutory caps on spending and limitations on relying on Russian partners to provide services in connection with the station.
Space Station Service Program	The Subcommittee will examine NASA's plan to develop crew and cargo services to the Space Station.
NASA Financial Management	The Subcommittee will continue to oversee NASA's efforts to improve its ability to manage its finances. The General Accountability Office has issued numerous reports identifying significant weaknesses in NASA's ability to track funds, manage projects, and estimate costs. NASA is in the midst of implementing a computerized financial management system to take the place of new less than ten disparate accounting systems that the agency previously relied upon.
FAA Research and Development	The Subcommittee will review FAA R&D programs to ensure that they lead to improvements in FAA mission performance.
Hubble Space Telescope	At the same time as the President announced his vision for space exploration, NASA announced it would cancel the final and long-planned Shuttle mission to service the Hubble Space Telescope, effectively dooming the popular and productive scientific instrument to an early death. The Subcommittee will continue to review NASA's decision to cancel a servicing mission to the Hubble.
Nuclear Propulsion	The Subcommittee continue to oversee NASA's efforts to design a nuclear reactor to function in space. The Committee intends to closely follow the agency's decisions to analyze alternatives to the Jupiter Icy Moons (JIMO) project.
Aerospace Workforce	The Subcommittee will review the status of the aerospace industry's and federal workforce to find ways to ensure that it retains the capability to help the nation achieve its strategic goals.
Earth Science	The Subcommittee intends to closely watch NASA's decisions with regard to its Earth science programs, including the Glory, TRMM, and Landsat missions.
Aeronautics Research and Development	The Subcommittee intends to closely track NASA's decisions with regard to its aeronautics research and development programs.

DONALD A. MANZULLO, ILLINOIS
CHAIRMAN

NYDIA M. VELÁZQUEZ, NEW YORK

Congress of the United States
House of Representatives
109th Congress
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6315

February 11, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn HOB
Washington, DC 20515

Dear Mr. Chairman:

As per House Rule X (2)(d)(1), I am pleased to enclose a copy of the Oversight Plan of the Small Business Committee. The enclosed document represents a cooperative effort with the Committee's ranking minority Member and was unanimously approved during the Committee's organizational meeting on February 10, 2005 with a quorum present without amendment.

Sincerely yours,

Donald A. Manzullo
Chairman

OVERSIGHT PLAN FOR THE COMMITTEE ON SMALL BUSINESS
109TH CONGRESS
U.S. HOUSE OF REPRESENTATIVES
DONALD A. MANZULLO, CHAIRMAN

Rule X, clause 2(d)(1), of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committees on Government Reform and House Administration not later than February 15 of the first session of the Congress.

The oversight plan of the Committee on Small Business includes areas in which the Committee expects to conduct oversight activity during the 109th Congress. However, this plan does not preclude oversight or investigation of additional matters as the need arises.

OVERSIGHT OF THE SMALL BUSINESS ADMINISTRATION

The Committee will conduct hearings on all the major programs of the Small Business Administration (SBA) to determine their effectiveness and possible options for improvements, as a prelude to reauthorization of the entire SBA to be completed by September 30, 2006.

The Committee will oversee the SBA's performance in carrying out its statutorily mandated roles, including its internal financial management, and will work to ensure that the SBA eliminates any improper payments and receives a green score card under the Administration's Programs Assessment Rating Tool (PART).

The Committee will also monitor the reporting requirements on gifts, co-sponsorships and co-operative agreements received or entered into by the SBA with the private sector.

FINANCIAL AND MANAGEMENT/TECHNICAL ASSISTANCE PROGRAMS

The Committee will conduct hearings on the effectiveness and efficiency of the SBA's major programs. These include: 7(a) General Business Loan Program, the Certified Development Company Program, the Small Business Investment Company (SBIC) Program, the Microloan Program, the Disaster Loan Program, Small Business Development Centers (SBDCs), and New Markets Venture Capital Program. In particular, the Committee will closely examine the participating securities component of the SBIC program with the intention to move legislation to resuscitate the program (April 2005). In addition, the Committee will oversee the Office of Government Contracting to ensure that other Federal agencies meet the minimum threshold of various small business goals in Federal government procurement.

The Committee will also examine on the ability of small businesses to gain access to capital, focusing particularly on interest rates and bank regulations.

ADVOCACY

The Office of Advocacy was created to provide small business with an effective voice inside the Federal government. The Committee will conduct hearings on how to strengthen this voice and make sure that the Office of Advocacy continues to effectively represent the interests of small business. As part of this process, the Committee will also monitor the implementation of Executive Order 13272 regarding the "Proper Consideration of Small Entities in Agency Rulemaking." (Spring 2003)

VETERANS

In the 106th Congress, Congress created a new office of Veterans Business Development at the SBA and the National Veterans Business Development Corporation to enhance and improve small business services to our nation's veterans. The Committee will continue to conduct hearings on the implementation of the Veterans Entrepreneurship and Small Business Development Act, including a review of the progress on achieving the service-disabled veterans goal in procurement and the implementation of Executive Order 13360 to "Providing Opportunities for Service-Disabled Veteran Businesses to Increase their Federal Contracting and Subcontracting." (May 2005)

TECHNOLOGY AND RESEARCH ASSISTANCE

Small Business Innovation Research program

The Small Business Innovation Research (SBIR) program aids small businesses in obtaining federal research and development funding for new technologies. In 2000, Congress reauthorized the SBIR program for eight years. The Committee will investigate the implementation of the changes to the SBIR program and, more particularly, the outreach effort of the SBIR program to make sure that all areas of the country benefit from the program and to insure that the program assists in the development of new research and development for small manufacturers critical to the defense industrial base.

Small Business Technology Transfer (STTR) program

Committee oversight will focus on the program's success at helping small business access technologies developed at federal laboratories and put that knowledge to work. In 2001, Congress reauthorized the STTR program for eight years. The Committee will monitor agency implementation of PL 107-50.

FEDERAL PROCUREMENT

The Committee will examine needed changes in federal procurement. The Committee will continue to monitor and highlight the practice of creating bundled or consolidated mega-contracts that are too large for small business participation. Additionally, the implementation of Administration's strategy for increasing Federal-contracting opportunities for small business as released by the Office of Federal Procurement Policy at the Office of Management and Budget in October 2002 will be closely scrutinized.

Because there is a direct correlation between the ability of an agency to achieve its goals and contract bundling, the success of Federal agencies in meeting all their small business goals will also be assessed. The Committee will also work to protect the integrity in calculating small business participation in Federal contracting by ensuring that big businesses are not credited as small businesses.

The Committee recognizes that the Federal Procurement Data System (FPDS) – the existing system used by the SBA to evaluate small business participation in government contracts – is not capturing accurate information on small business achievement. The Committee will work to ensure that agencies, including the SBA, are held accountable for any false numbers being used to portray a positive small business environment in the federal marketplace.

With the continued practice of contract bundling, more small businesses will become subcontractors. In light of this, the Committee will work to ensure fair treatment for subcontractors on Federal contracts.

The Committee will also work to jump-start the women's contracting program to make sure the program is serving the needs of women-owned businesses.

GOVERNMENT COMPETITION

The Committee will examine the extent to which the Federal government itself directly or indirectly competes with small business. Our focus will include activities in both government practices and in certain status given by the Federal government to non-governmental entities. (On-going)

REGULATORY FLEXIBILITY

The Committee will continue its oversight of agency compliance with the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. (On-going)

The Committee will oversee the implementation of the Truth in Regulating Act.

SBREFA

The Committee will be conducting oversight hearings on agency implementation of the Small Business Regulatory Enforcement Fairness Act (SBREFA), which was enacted during the 104th Congress. The Committee will also examine the need to further amend and strengthen SBREFA. (April 2005)

PAPERWORK REDUCTION

The Committee will hold hearings and work to strengthen the Paperwork Reduction Act. (2005)

GOVERNMENT REGULATION

The Committee will continue to examine the regulatory activities of various Federal agencies and assess the impact of regulations on the small business community. (On-going)

In addition, the Committee will work toward amending the Equal Access to Justice Act to enable small businesses to challenge unfair government actions against them (Summer 2005).

TAXATION

The Committee will continue to conduct oversight hearings into ways to reduce the tax burden on small business. These hearings will include not only the monetary but also the paperwork burden of the Federal tax system and Federal enforcement efforts on small business. (On-going)

ENERGY

The Committee will conduct oversight hearings on the potential effects of any legislative changes in energy policy, including examining the possible effects of deregulation of electricity on small business. (Summer, 2005)

GOVERNMENT PERFORMANCE AND RESULTS ACT

The Committee will continue consultations with the SBA regarding the preparation and implementation of strategic plans and performance plans as required by the Government Performance and Results Act.

EMPOWERMENT

The Committee will conduct oversight hearings on regulations and licensing policies that impact small businesses located in high risk communities. The Committee will also examine the promotion of business growth and opportunities in economically depressed areas, and will examine programs targeted towards relief for low-income communities. The challenges facing minority-owned businesses will continue to be evaluated. (On-going)

WORKFORCE

The Committee will examine issues related to the problems faced by small businesses in attracting and retaining a high quality workforce. Specifically, the Committee will investigate vocational education programs, worker retraining programs, and wage and benefit issues. (On-going)

HEALTH CARE

The Committee will examine ways on how to improve access and increase affordability of high quality medical care for small business owners and their employees. (On-going)

PENSION REFORM

The Committee will examine ways on how to enhance retirement security for small business owners and their employees. (On-going)

E-COMMERCE AND TECHNOLOGY

The Committee will continue to conduct oversight hearings into ways to reduce the "digital divide" in order to promote business growth and opportunities in economically depressed areas. These hearings will also examine ways to help the average small businessperson exploit the vast potential of Internet commerce. (On-going)

TELECOMMUNICATIONS

The Committee will examine the impact of Telecommunications Act of 1996 on small business. First, the Committee will investigate whether or not the broadest range of small businesses have benefited from more competition in the telecommunications market through lower prices and better service. Second, the Committee will investigate whether or not small business telecommunication companies have benefited from the Act. The Committee will explore alternatives to enhance the benefits of the changes in telecommunications technology for small business. (On-going)

INTERNATIONAL TRADE

The Committee will continue to examine ways to expand export opportunities for small business. The Committee will conduct oversight hearings on Federal trade policy and export promotion programs to insure that they serve the needs of small business exporters. (On-going)

SELF-EMPLOYED

The Committee will hold oversight hearings on how to reduce the regulatory and tax burden on the self-employed, particularly those in home-based businesses. (On-going)

MANUFACTURING

The Committee is gravely concerned that nearly 3 million jobs have been lost in manufacturing over the past two years, much of which were in small manufacturing businesses. The Committee will continue to hold hearings to examine the causes of these problems and propose a series of recommendations for both legislative and administrative changes. (On-going)

Specifically, the Committee will examine the costs of the loss of small manufacturers and suppliers critical to our national security and our defense industrial base (Spring 2005).

AGRICULTURAL/RURAL/FARM ISSUES

The Committee will examine ways to promote business growth and opportunities in rural areas. The Committee will hold oversight hearings on agricultural issues that impact small business. (On-going)

The Committee will hold oversight hearings on the impact of Federal lands policy on small business. (On-going)

REVIEW OF SPECIFIC REGULATIONS

Pursuant to Rule X, clause 2(d)(1)(B), the Committee on Small Business is required to submit to the Committee on Government Reform and the Committee on House Administration an oversight plan that "reviews specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals." The following is a summary of regulations that the Committee has so far identified for review but should not be interpreted as limiting the Committee's review of regulations issued by federal agencies that continue to impose unnecessary burdens on small business. In part, this review is based on the Committee's legislative jurisdiction to provide continuing oversight of the Regulatory Flexibility Act pursuant to Rule X, cl. 1(o)(1).

Agency	High Regulatory Reform Priorities for Small Business
All	Small Business Liaisons
Commerce/ BIS	Revised "Knowledge" Definition, Revision of "Red Flags" Guidance and Safe Harbor
DOT/FMCSA	Hours of Service
DOT/RSPA	Hazardous Materials Rules (HM-223)
EPA	"Whole Effluent Toxicity" (WET) Methods
EPA	Chemical Inventory Update Rule
EPA	Hazardous Waste Rules Should Be Amended to Encourage Recycling
EPA	Lead Reporting Burdens Under the Toxic Release Inventory Program
EPA	Pretreatment Streamlining Rule Under the Clean Water Act
EPA	Provide More Flexibility in the Management of Wastewater Treatment Sludge to Encourage Recycling
EPA	Regulation of Air Toxics from Area Sources
EPA	Reporting and Paperwork Burden in the Toxic Release Inventory Program
EPA	Spill Prevention Control and Countermeasures (SPCC) Rule

EPA	Method of Detection Limit/Minimum Level (MDL/ML) Procedure under the Clean Water Act
EPA	Reportable Quantity (RQ) Threshold for Nitrogen Oxide and Dioxide at Combustion Sources
EPA	Deferral of Duplicative Federal Permitting
EPA	Reporting of Coincidental Manufactured Compounds under the Toxic Release Inventory Program
EPA	SARA Title III Reporting Requirements
FCC	"Do Not Fax" Rule
HHS	Privacy of Individually Identifiable Health Information
HHS/CMS	HIPAA
HHS/FDA	Use of Term "Fresh" for Baked Goods
Justice	Administration of Federal Prison Industries (FPI)--Guidance
Labor	FMLA/Intermittent Leave
Labor	FMLA/Perfect Attendance Awards
Labor	FMLA/Request for Leave
Labor	FMLA/Serious Health Condition
Labor	FMLA/Health Care Provider Certification
Labor	FMLA/Penalty Provisions
Labor	FMLA/Substitution of Paid Leave
Labor	FMLA/Unable to Perform
Labor/MSHA	Diesel PM Exposure
Labor/OSHA	Hazard Communication
Labor/OSHA	Hexavalent Chromium
Labor/OSHA	Sling Standard
Labor/OSHA	Threshold Limit Values
OMB	Administration of Federal Prison Industries (FPI)--Guidance
Treasury/IRS	"Statutory Employees"--Bakery Drivers
Treasury/IRS	Communications Distance Sensitivity
Treasury/IRS	Election to Expense Certain Depreciable Business Assets
Treasury/IRS	"Statutory Employees"--Bakery Drivers
Treasury/IRS	Bonus Depreciation
Treasury/IRS	Mobile Machinery Exemption
USDA/FSIS	Ready to Eat Meat Establishments to Control for Listeria Monocytogenes
USDA/RUS	Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes (Proposal)

REVIEW OF DUPLICATIVE FEDERAL PROGRAMS

Pursuant to Rule X, clause 2(d)(1)(E), the Committee on Small Business is required to submit to the Committee on Government Reform and the Committee on House Administration an oversight plan that "have a view toward insuring against duplication of Federal programs." The following is an example of Federal programs under the Committee's legislative jurisdiction that the Committee has so far identified for review but should not be considered as an exhaustive list. In part, this review is based on the Committee's legislative jurisdiction to authorize the programs of the SBA.

While the Rural Business Investment (RBI) program, which was created as part of the *Farm Security and Rural Investment Act of 2002* (P.L. 107-171) to help provide venture capital to small businesses in struggling rural areas, falls technically within the legislative jurisdiction of the Agriculture Committee and is technically housed at the U.S. Department of Agriculture (USDA), the program mirrors almost word for word sections of the *Small Business Investment Act of 1958*. The RBI program currently operates as a partnership between the USDA and the SBA and the USDA continues to rely upon the expertise of SBA personnel for advice and help on launching and operating the program.

The RBI program is duplicative of both the SBIC program and the New Markets Venture Capital program (NMVC) since they both invest in low- to moderate-income (LMI) areas, including those located in rural America. The SBIC or the NMVC programs could have been augmented to accomplish the same goals as the RBI program and housed in the agency with the expertise in manage this type of program (i.e., the negative experience of the USDA in managing a similar initiative in the 1990's – the Alternative Agricultural Research and Commercialization Corporation or AARCC – should serve as a warning flag) without having to create a duplicative program at the USDA. However, to legislatively change the RBI program would require an action by the Committee on Agriculture.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

February 16, 2005

Don Young
Chairman

Lloyd A. Jones, Chief of Staff
Elizabeth Megginson, Chief Counsel

James L. Oberstar
Ranking Democratic Member

David Heymsfeld, Democratic Chief of Staff

The Honorable Tom Davis, Chairman
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Pursuant to Rule X, 2(d)(1) of the Rules of the House of Representatives, I am submitting the Oversight Plan for the Committee on Transportation and Infrastructure that was approved by the Full Committee on Wednesday, February 16, 2005.

If you should need any further information, please don't hesitate to contact me.

With warm regards, I am

Sincerely,

DON YOUNG
Chairman

Enclosure

Oversight Plan for the 109th Congress
Committee on Transportation and Infrastructure
February 16, 2005

Full Committee Oversight

The oversight and investigation functions of the Committee on Transportation and Infrastructure are vested at the Full Committee level. Oversight and investigation activities will be coordinated between the Full Committee and the Subcommittees.

This structure will facilitate oversight on topics that cut across the jurisdiction of several Subcommittees as well as provide assistance to the Subcommittees. In addition, it enables the Committee to address emerging issues and technologies that do not have a clear status in any given subcommittee. For example, transportation congestion improvement through streamlining project approvals while preventing environmental degradation is a subject that cuts across the jurisdiction of several Subcommittees. Road, rail, sea, and air transportation are all experiencing congestion and gridlock. A coordinated oversight agenda can facilitate defining the causes and fashioning multi-modal solutions and reforms to relieve congestion problems. In addition, the emerging role of satellites as a fundamental part of the transportation infrastructure affects all modes of travel.

The Full Committee's oversight efforts will undertake to eliminate waste or fraud and improve the operation of government agencies under the jurisdiction of the Committee. This structure will also initiate reviews of laws, programs, and policies within the Committee's jurisdiction as required by the Rules of the House of Representatives. During the course of conducting oversight and investigation activities the Committee will continue to utilize the Government Accountability Office (GAO) and the various Inspectors General within the agencies and departments under its jurisdiction.

Full Committee oversight and investigation issues include:

1. **Satellite Utilization.** In the 108th Congress the Committee initiated an assessment of existing satellite infrastructure and utilization as it relates to the Transportation and Infrastructure Committee's responsibilities throughout the country, including an inventory of U.S. satellites, both government and private/commercial. That evaluation disclosed a number of critical relationships between satellites and transportation policies. It highlighted the fact that the Department of Transportation is the lead Federal agency in guiding the civilian policy on Global Positioning Satellites (GPS) and noted that there are decisions in play during this Congress that will affect navigation, positioning, and timing policies over the next two decades. Areas of responsibility within the Committee on Transportation and Infrastructure uniquely affected by satellite utilization include: navigation, positioning, and timing services used by the public and every mode of the transportation industry; tracking

cargo on an intermodal basis for security and safety; providing communications for the traveling public on common carriers and real-time links for air carriers, ships, rail, and highway based transportation; management of the national airspace; and development of the navigation infrastructure.

2. **Department of Homeland Security (DHS) Integration with Transportation Community.** The Committee will review how well agencies, under the Committee's jurisdiction, and others within DHS, are integrating with the transportation industry to ensure that security methods are chosen that not only increase the safety of the traveling public but also make the most sense in terms of practical daily routines needed to maintain a robust travel sector.

3. **Maintaining Continued Attention for Non-Security Organizational Objectives.** The Committee recognizes that DHS is composed of agencies and organizations that were selected because of their common homeland security objectives. However, many of these entities, including Coast Guard and Federal Emergency Management Agency (FEMA) for which the Committee has jurisdiction, have missions that include important objectives other than homeland security. The Committee is interested in ensuring that these objectives, such as the Coast Guard's search and rescue, will not be overlooked or disregarded at DHS as it focuses on its primary mission of homeland security. Accordingly, we will continue oversight of DHS plans and actions to date as well as their future plans.

4. **Innovative transportation technologies.** As the 21st Century gets underway there are a variety of new transportation technologies which promise to provide safer, cheaper, faster, and more reliable methods of moving people and resources from one location to another. As part of the effort to anticipate and provide for future needs, the Committee will monitor and assess those technologies and the transportation policy implications.

5. **Transportation Safety, Security, and Economic Vitality Oversight.** Throughout this Congress, new and ongoing issues will continue to arise. The Committee will continue to oversee issues that relate to the safety, security, and vitality of the transportation industry, the traveling public, and the agencies under the Committee's jurisdiction.

Subcommittee on Aviation

1. **Funding of the Federal Aviation Administration (FAA).** The current FAA reauthorization requires that the General Fund only contribute that portion of the Operations budget not covered by the Aviation Trust Fund. On average, the General Fund pays for a large portion of the Operations budget (from around 25 to 50 percent). Given the current budget deficit, expected minimal increases in domestic spending, and the fact that Trust Fund collections have dropped due to declining ticket tax revenues, the Subcommittee will hold oversight hearings to determine the effects on the Trust Fund, and FAA activities.

2. **Safety Programs.** The Subcommittee has held several safety hearings and will continue its oversight in the new Congress. Issues to be addressed include aircraft maintenance and vigorous FAA oversight of that maintenance, with a particular focus on the FAA's Air Transportation Oversight System (ATOS) effort.

3. **Security Programs**. Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004 to implement the recommendations of the 9/11 Commission. This comprehensive legislation also included aviation security provisions, such as pilot licensing, biometrics technology for airport access control, screening technology at airport passenger check points and checked baggage systems, and missile defense systems for civil aircraft. The Subcommittee will continue its oversight responsibility of programs administered by the Department of Homeland Security and the Transportation Security Administration (TSA) on such matters that directly affect the civil aviation system.

4. **FAA Organization.** After almost a decade of Congressional efforts designed to improve performance and reduce costs, the FAA reorganized to create a new performance-based organization within the agency to provide air traffic control services, the Air Traffic Organization (ATO). The ATO began operations in March 2004. Oversight of this organization is planned and additional reforms may be considered.

5. **Evaluation of FAA's Facilities and Equipment Program.** Since the early 1980's, the FAA has made efforts to modernize the computers, radars, and navigation systems that make up the air traffic control system. This effort has been behind schedule and over budget. The Committee will examine the FAA's air traffic control facilities and equipment program known as the Capital Investment Plan, with a focus on air traffic control modernization, the Global Positioning System (GPS), Standard Terminal Automation Replacement System (STARS), Oceanic modernization, and free flight.

Subcommittee on Coast Guard and Maritime Transportation

1. **Maritime Transportation Security.** The Maritime Transportation Security Act of 2002 (P. L. 107-295) and the Coast Guard and Maritime Transportation Act of 2004 (P. L. 108-293) established numerous measures to enhance the security of the U.S. Maritime Transportation System. The Subcommittee plans to continue oversight over the Coast Guard's efforts to improve security in U.S. ports and waterways and aboard vessels transiting in U.S. waters. The Subcommittee will oversee the implementation of measures to enhance port security and will continue to examine the current port security and vessel security programs to determine if there are areas that remain to be addressed. The Subcommittee also plans to investigate international efforts to implement a comprehensive maritime security framework through the International Maritime Organization.

2. **Maritime Domain Awareness.** The Coast Guard has spearheaded an interagency effort to enhance awareness of activities that occur within the maritime domain. Maritime domain awareness has been defined as the effective knowledge of all activities associated with the global maritime environment that could impact the security, safety, economy, or environment of the United States. The Maritime Transportation Security Act of 2002 and the Coast Guard and Maritime Transportation Act of 2004 require the Coast Guard to develop an Automatic Identification System and long-range vessel tracking systems to enhance vessel identification and tracking capabilities in coastal waters and on the high seas. The Subcommittee plans to oversee the development and expansion of these systems as well as other measures to improve overall maritime domain awareness.

3. **Cargo Security.** The Subcommittee will oversee and investigate the Coast Guard's and the Department of Homeland Security's efforts to secure maritime cargo containers both at U.S. ports and abroad. The Subcommittee will also investigate the efforts being made in major international and domestic ports to screen maritime cargo containers for biological, chemical, nuclear, radiological and explosive materials. Additional legislation to improve cargo screening may be considered.

4. **Effects of Security Regulations and the Growth in Trade on the Flow of Maritime Commerce.** The Subcommittee will investigate the effects that growth in U.S. international waterborne trade and regulations to enhance vessel, waterway and port security have had on the flow of maritime commerce in and out of U.S. ports.

5. **Programmatic Changes to the Integrated Deepwater System program.** The Coast Guard is entering the third year of the Service's multi-year asset recapitalization program, the Integrated Deepwater System (Deepwater) program. The Department of Homeland Security Appropriations Act, 2005 (P. L. 108-334), requires the Coast Guard to submit to Congress a new baseline for Deepwater that reflects the programmatic adjustments and revised acquisition timelines necessary to meet the Service's increased homeland security responsibilities after September 11th. The Subcommittee will hold oversight hearings to review the revised baseline, to investigate the capabilities of assets procured under the Deepwater program to carry out the Service's many and varied homeland security and traditional missions, and to compare the capacities of the new assets with the capabilities of existing legacy assets. The Subcommittee will also continue to investigate benefits associated with the acceleration of asset procurements under the Deepwater program.

6. **Status of Coast Guard Legacy Assets.** The Deepwater program is designed to replace or refit existing Coast Guard vessels and aircraft over a 20-year schedule. However, the Coast Guard will continue to rely on its legacy fleet of vessels and aircraft until these new assets are procured under the Deepwater program. Recent reports by GAO and other sources have raised serious concerns about the safety and

reliability of Coast Guard assets and have outlined the increasing repair and maintenance costs that are necessary to operate these legacy assets. The Subcommittee is extremely concerned about the safety of Coast Guardsmen who serve aboard these vessels and aircraft as well as the Coast Guard's ability to successfully carry out its many missions aboard these assets. The Subcommittee will continue to hold hearings to investigate the status of the Coast Guard's legacy assets and the possibility of accelerating the procurement of replacement assets under the Deepwater program.

7. **Maintenance of the Coast Guard as a Distinct Entity within the Department of Homeland Security.** Section 888 of the Homeland Security Act transferred the Coast Guard from the Department of Transportation to the newly created Department of Homeland Security. The section also requires that the Coast Guard be maintained as a distinct entity within the new Department and that all functions and authorities of the Service should remain intact without significant reduction. The Subcommittee will continue to monitor the Coast Guard's operations within the Department of Homeland Security and will review the effects that placement within the Department has on the Coast Guard's ability to carry out the Service's homeland security and non-homeland security missions.

8. **Coast Guard Research, Development, Test and Evaluation.** Funding for the Coast Guard's Research, Development, Test and Evaluation (RDT&E) program supports the development of techniques, methods, equipment, and systems that enhance the Service's operational capabilities. The Coast Guard has identified several key areas of concentration including research programs that will enhance maritime safety, maritime mobility, marine environmental protection, and maritime domain awareness. Many of these research programs support the development of strategies and resources aimed to improve the Service's ability to perform its traditional missions of search and rescue, drug and migrant interdiction, marine environmental protection, ice operations and aids to navigation. The Subcommittee will continue to closely oversee the RDT&E program to ensure that the program remains under the Coast Guard's control and will closely monitor the scope of the research program to make certain that the program continues to include traditional missions.

9. **The Coast Guard's Traditional Missions.** The Coast Guard is a unique government entity that is both a uniformed military service and a Federal agency with regulation and enforcement responsibilities. The Subcommittee will continue to oversee the Coast Guard's traditional missions that include search and rescue, the protection of marine safety, the maintenance and establishment of aids to navigation, icebreaking operations, fisheries law enforcement, marine environmental protection, and drug and migrant interdiction to ensure that the Service maintains its capabilities to carry out its many and varied missions in addition to increasing homeland security responsibilities.

10. **Mission Balance.** After the events of September 11th, the Coast Guard was identified as the lead Federal agency with responsibilities over maritime homeland security. The Coast Guard has incorporated these increased responsibilities with the many traditional missions that the Service continues to carry out each day. The Subcommittee remains concerned, however, about the balance between the Coast Guard's homeland security and traditional missions. The Subcommittee will continue to oversee the Coast Guard's mission performance to determine if the Service has the resources necessary to both protect homeland security and carry out its important traditional missions in U.S. waters.

11. **Introduction of Aquatic Invasive Species via Ballast Water.** The Subcommittee will monitor the Coast Guard's implementation and enforcement of regulations that require all vessels carrying ballast water to undergo ballast water exchange on the high seas before entering U.S. waters from points beyond the Exclusive Economic Zone. The Subcommittee will also investigate the Coast Guard's Shipboard Technology Evaluation Program (STEP) to demonstrate and evaluate emerging ballast water treatment technologies aboard vessels. The Subcommittee will monitor international attempts to require ballast water management under the International Convention for the Control and Management of Ships' Ballast Water and Sediments. The Subcommittee will examine existing statutes related to the introduction of invasive species via ballast water and may consider legislation to require improved ballast water management over the next decade.

12. **National Distress and Response System Modernization Project (Rescue 21).** The Coast Guard is in the process of modernizing the National Distress and Response System which provided two-way voice communication coverage in coastal areas and along navigable waterways. The modernized system, Rescue 21, will expand the area covered by this system and will increase the Coast Guard's capabilities to monitor distress calls and communicate with recreational and commercial vessels in distress. The modernization project was scheduled to be completed in fiscal year 2006; however, progress has been slow and funding for the system has been withheld in recent appropriations bills. The Subcommittee will hold oversight hearings to investigate the status of two-way communications equipment development and installation and the implementation schedule for the program.

13. **Short Sea Shipping.** The Subcommittee will conduct oversight hearings on the challenges to developing a short sea shipping system in the coastwise trade of the United States.

14. **Status of the U.S.-flag Merchant Marine**. The subcommittee will conduct oversight hearings on the decline of the U.S. –flag merchant marine and options to promote this industry.

15. **Marine Law Enforcement.** The Subcommittee will conduct a hearing on Coast Guard's marine law enforcement missions including drug and migrant interdiction, and fisheries law enforcement.

16. **Recreational Boating Safety.** The Subcommittee will continue to monitor the state of recreational boating safety in the United States.

17. **Oil Pollution Act of 1990.** The Subcommittee will continue to oversee the Coast Guard's efforts to prevent and respond to oil spills under the Oil Pollution Act of 1990.

18. **Ice Operations.** The Subcommittee will continue to oversee the Coast Guard's icebreaking operations in U.S. waters and in the Arctic and Antarctic regions. The Subcommittee will work with the Coast Guard and National Science Foundation to develop options to maintain the Coast Guard's icebreaking operations in polar regions.

19. **U.S. Commission on Ocean Policy Report.** The Oceans Act of 2000 (P.L. 106-256) established the U.S. Commission on Ocean Policy and required the Commission to make recommendations to the President and Congress for a national ocean policy for the United States. The final Commission report was delivered in 2004 and the Administration has issued its response to the report. The Subcommittee will examine the areas of the report that fall under its jurisdiction and may hold hearings to investigate areas where legislation to establish national ocean policy may be appropriate.

20. **Ship Disposal.** The Maritime Administration (MARAD) is responsible for maintaining the National Defense Reserve Fleet (NDRF). The fleet consists of both the Ready Reserve Force (RRF) vessels, which can be activated within four to 30 days in case of a national need, and the non-retention vessels which are no longer operational due to severe deterioration.

    MARAD currently maintains more than 140 non-retention vessels at three locations (the James River Reserve Fleet in Virginia; the Beaumont Reserve Fleet in Texas; and the Suisun Bay Reserve Fleet in California) that are in need of disposal. These vessels contain hazardous substances such as lead paint, asbestos, and solid and liquid polychlorinated biphenyls (PCBs).

    MARAD has experienced a severe inability to arrange for and fund the disposal of these ships in recent years. The Administration has also acknowledged that it is unlikely to meet the September 30, 2006 statutory deadline for the disposal of all NDRF vessels not assigned to the RRF. The Subcommittee will conduct oversight efforts to find ways for MARAD to meet its obligations of disposing of these vessels.

Subcommittee on Economic Development, Public Buildings and Emergency Management

1. **GSA Broker Contracts.** On October 4, 2004, the General Services Administration (GSA) awarded four contracts as a part of its national brokerage program. Under this program, the four contractors will be responsible for providing 50 percent of GSA's lease acquisition activities nationwide and on a regional basis. The Subcommittee will continue to closely examine the program's implementation, including how GSA will address some of the systemic weaknesses in the program identified by the Subcommittee, the GSA Inspector General, and GAO. The Subcommittee will monitor how GSA continues to provide leasing services to its clients.

2. **GSA Lease Authority Delegation**. Under Title 40 United States Code, the Administrator of General Services may delegate to other federal agencies the authority to lease space. In recent years the Committee has limited the Administrator's exercise of that delegation when authorizing lease prospectuses. The Subcommittee intends to closely review the Administrator's lease delegation practices and if necessary, consider further steps regarding its use.

3. **Real Property Management.** Over the past several years, GSA has become increasingly interested in improving the management of its real property assets across the country through the use of enhanced property management tools. These tools include outleasing, public-private partnerships, and the sale or disposal of under-performing properties. The Subcommittee held hearings on this issue in 1999 and in 2002. Although the Congressional Budget Office has taken a position disapproving the use of these improved methods of managing federal buildings, the Subcommittee believes that any questions concerning the use of these enhanced tools can be addressed. The Subcommittee will continue to closely monitor this issue as well as consider the passage of specific legislation granting the authority for GSA to use these tools on a limited basis.

4. **National Capital Region.** The Subcommittee will continue to meet regularly with representatives of the GSA National Capital Region to discuss a variety of ongoing projects and issues. Among these are: the use of the Old Post Office Pavilion, the development of the Southeast Federal Center, the new headquarters for the Department of Transportation, the potential development of the St. Elizabeth's Hospital Campus, Federal Office Building 8, and several other smaller development and construction projects.

5. **Capital Investment and Leasing Program.** As part of the Committee's annual work to review and authorize GSA's requests for authority to repair, alter, construct and lease property for use by federal agencies, the Subcommittee will review each prospectus presented to the Committee and recommend approval only after the Subcommittee is satisfied that the requests are cost-effective and in the best interest of the government.

6. **Federal Protective Service.** As a part of the Homeland Security Act of 2002, the Federal Protective Service was transferred from the Public Buildings Service of GSA to the Department of Homeland Security; however, responsibility for the protection of federal buildings generally, remains with GSA. The Subcommittee will continue to monitor and review the policies, procedures, and requirements for security at public buildings, including a review of the implementation of these policies, procedures, and requirements by the Federal Protective Service.

7. **Administrative Office of the Courts (AOC).** Recently, the AOC has requested that GSA waive a significant portion of future rent payments. The rent waiver would amount to $483 million in the first year alone. Consequently, the Subcommittee will conduct oversight of the Courts' budget as well as the Courts' ongoing efforts to find efficiencies and reduce its projected capital and operating costs. The Subcommittee will continue its review of courthouse construction. In addition, it will review the AOC's Design Guide and the five-year plan proposed by the AOC.

8. **Homeland Security Headquarters.** During the 108th Congress, Congress passed legislation that transferred the Department of the Navy's Nebraska Avenue Complex (NAC) to the General Services Administration for use as a headquarters for the Department of Homeland Security. To make this space suitable for use, GSA will have to undertake a significant modernization program of the existing facilities. The Subcommittee intends to closely monitor GSA's activities to ensure appropriate use of funds.

9. **Architect of the Capitol.** The Subcommittee will continue ongoing oversight of projects being undertaken by the Architect of the Capitol, including redevelopment of the O'Neill House Office Building site, construction of the Capitol Visitors Center, acquisition and construction of a command and control center for the Capitol Police, as well as the development of a Master Plan for the Capitol Complex.

10. **Smithsonian Institution Facilities Assessment.** The Subcommittee intends to conduct extensive oversight into the acquisition, construction and use of local and remote museums as well as the research and storage facilities of the Institution. As a part of this activity, the Subcommittee has already initiated a GAO audit of the use of federal funds. A report summarizing this audit is due to the Subcommittee in the summer of 2005.

11. **Economic Development Administration (EDA).** Last year Congress authorized EDA for an additional four years. As part of its ongoing oversight of EDA's programs, the Subcommittee will carefully review how EDA is using its new authorities, including how funding decisions are made, and how recent budgetary decisions are impacting the efficacy of the Agency.

12. **Appalachian Regional Commission.** Last authorized in 2002, the Appalachian Regional Commission (ARC) will be due for reauthorization in calendar year 2006. In preparation for the reauthorization process, the Subcommittee will be closely examining the activities of the ARC including how it is meeting the needs of distressed counties, how it uses new and innovative ways to promote economic development, and its track record of success since its last reauthorization.

13. **Other Regional Economic Development Authorities.** The Subcommittee will continue to closely examine the activities of the other established development authorities, the Denali Commission, Delta Regional Authority, and Northern Great Plains Regional Authority.

14. **Emergency Management.** The Subcommittee will undertake a comprehensive review and assessment of the Nation's ability to prevent, prepare for, mitigate, respond to, and recover from disasters and emergencies of all types including terrorism. In particular, the Subcommittee will investigate changes to the federal government's organization, activities, and capabilities since FEMA was incorporated into the Department of Homeland Security.

15. **Federal Response to Disasters.** The Subcommittee intends to closely examine how the federal government has responded to recent disasters, including the hurricanes that struck Florida during 2004. Included in this review will be an examination of how assistance is provided and to whom, what measures were taken in advance of the hurricanes, and how DHS is continuing to help the affected areas with their long-term recovery.

16. **John F. Kennedy Center for the Performing Arts.** The John F. Kennedy Center for the Performing Arts was reauthorized during the 108th Congress for an additional four years. As a part of its ongoing oversight of the Kennedy Center's programs, the Subcommittee will regularly review the construction, alteration, and modernization activities of the Kennedy Center that are conducted using federal funds.

Subcommittee on Highways and Transit

1. **Highway Trust Fund Viability.** In the 108th Congress, the Committee included a provision in the Transportation Equity Act: A Legacy for Users, which creates a commission to study the long-term viability of the Highway Trust Fund (HTF). Similar language is included in the reauthorization bill in the 109th Congress, H.R. 3. This commission, dubbed the National Commission on Future Revenue Sources to Support the Highway Trust Fund, will examine ways to extend the life of the HTF. The Subcommittee will monitor the progress of this commission through the 109th Congress and beyond to ensure that the Congress is kept up-to-date on all possible options for future Federal transportation infrastructure financing.

2. **DOT Reorganization.** The Subcommittee will oversee the implementation of the Norman Y. Mineta Special Programs Reorganization Act (PL 108-426). The Act reorganizes the current Research and Special Programs Administration (RSPA) into two new administrations: The Research and Innovative Technology Administration (RITA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA). The Subcommittee will provide advice and oversight to the Department of Transportation as the new agencies are created to ensure adherence to Congressional intent.

3. **Pipeline Safety**. The Pipeline Safety Act of 2002, which authorizes interstate pipeline safety programs, expires through September 30, 2006. The Subcommittee will hold hearings on the implementation of these programs at the newly formed Pipeline and Hazardous Materials Safety Administration, in preparation for reauthorization of the program in the 109th Congress.

4. **Surface Transportation Security.** The Subcommittee will continue to oversee the security of the transportation of all surface transportation modes.

5. **New Regulations Implementing Reauthorization.** The Subcommittee will closely monitor the Department of Transportation's promulgation of new and amended rules and guidance to implement policy changes made in the pending reauthorization bill.

6. **Particulate Matter.** New Federal standards take effect in June 2005 governing the levels of particulate matter in the air that will cause an area to be in noncompliance with the Clean Air Act. The Subcommittee will focus on how these new standards affect the distribution of CMAQ funds among states and local jurisdictions, transportation planning, and project construction.

7. **Hours of Service.** On January 4, 2003, a rule published by the FMCSA went into effect, changing the hours-of-service (HOS) requirements and limitations for all interstate motor carriers. In July 2004, this rule was vacated by a Federal Court, which cited that it did not take driver health issues into account as required by law. The Surface Transportation Extension Act, Part IV (PL 108-280) includes a provision that states that the new rules shall remain in effect until the earlier of (1) the effective date of a new final rule addressing the issues raised by the court's decision; or (2) September 30, 2005. On January 24, 2005, the FMCSA initiated a new rulemaking process by requesting comments on the health impacts of the 2003 revision to the HOS rules on the drivers of commercial motor vehicles. The Subcommittee will maintain close oversight of the rulemaking process as it has done in the past.

8. **Innovative Technologies.** The Subcommittee will hold hearings to provide oversight on the development and demonstration of new transportation technologies that improve efficiency and safety, including technologies that provide direct vehicle/roadway interaction.

9. **Transportation's Role in the Economy.** The Subcommittee will explore the role of transportation in the national and global economy. Oversight will be conducted on how to make intermodal connections more effective and ways to improve the efficiency of freight movements.

10. **Driver's License Security.** The Subcommittee will continue to oversee the extent to which the procedures employed by states in issuing driver's licenses are secure, and sufficient to avoid criminal acquisition of a license. This oversight will include an examination of potential challenges associated with an integrated national driver's license system.

11. **Commercial Driver's License (CDL).** The Department of Transportation requires all employers of commercial motor vehicle drivers to conduct background employment and driving record checks on each employee they intend to hire. In addition, the USA PATRIOT Act requires the DOT to conduct criminal background checks of all individuals who are applying for a hazardous materials endorsement for their CDL. The Subcommittee will conduct oversight on possible conflicts with other non-DOT agencies.

12. **Coordination of Human Services Transportation**. The Subcommittee will provide oversight and will work with relevant Education and Workforce subcommittees to improve the coordination of public transportation services provided by agencies receiving grants from the Federal Transit Administration with human services transportation provided by agencies receiving grants from agencies at the Departments of Health and Human Services, Labor, and Education.

13. **International Trends in Transportation**. The Subcommittee will explore international trends in transportation, including infrastructure financing mechanisms, innovative engineering and construction techniques, and other lessons that can be learned from transportation management in other countries.

14. **Traffic Fatalities and Injuries.** The Subcommittee will monitor the National Highway Traffic Safety Administration's (NHTSA) efforts to reduce the rate and number of traffic fatalities and injuries, including efforts to increase seat belt use and curb alcohol-impaired driving.

Subcommittee on Railroads

1. **DOT Fiscal Year 2006 and 2007 Budgets.** The Subcommittee will review and evaluate the Fiscal Year 2006 and Fiscal Year 2007 budget proposals for the Federal Railroad Administration, Amtrak, the Surface Transportation Board, the Railroad Retirement Board, and the National Mediation Board.

2. **Reauthorization of the Surface Transportation Board.** The Surface Transportation Board (STB) was established on January 1, 1996, by the Interstate Commerce Commission Termination Act of 1995 (P.L. 105-88) to administer the residual functions of the Interstate Commerce Commission. The STB is an independent, three-member agency administratively affiliated with the Department of Transportation. The STB administers the remaining economic regulation of railroads (including rates, inter-carrier access, and mergers) in place after the deregulation embodied in the Staggers Rail Act of 1980. In preparation for the reauthorization of the STB, the Subcommittee will conduct oversight to examine the functioning of the Board and its relationship to the Department of Transportation (including DOT's obligation to provide administrative support to the STB). The initial authorization expired at the end of FY 1998.

3. **Reauthorization of the Federal Railroad Administration's Safety Program.** The authorization for the federal railroad safety laws expired at the end of FY 1998. In preparation for reauthorizing the FRA safety programs, the Subcommittee will conduct oversight on FRA's enforcement and rulemaking activities, as well as the various safety laws that govern railroad operations.

4. **Reauthorization of Amtrak.** The Amtrak Reform and Accountability Act of 1997 fundamentally altered the statutory status of Amtrak, a corporation, by freeing Amtrak from a variety of detailed statutory restrictions governing the company's route system, capital structure, labor relations, and corporate governance. At the same time, the 1997 statute established a 5-year "glidepath" of gradually declining federal operating subsidies, ending with the statutory requirement that Amtrak be completely free of federal operating grant funds at the expiration of the authorization in late 2002. That requirement was not met. The Subcommittee, in coordination with the Full Committee's oversight activities, will be examining various aspects of Amtrak's performance in the context of the 1997 statute, with a view to reauthorization.

Subcommittee on Water Resources and Environment

1. **Environmental Protection Agency (EPA) -- Clean Water Act and Water Infrastructure Programs.** The Subcommittee may conduct oversight of wastewater treatment and water pollution control funding issues, including levels and sources of funding and management of grant and loan programs; and wastewater infrastructure and security needs. The Subcommittee may conduct oversight of regulatory and non-regulatory approaches to water pollution control, including watershed, market, and performance-based approaches to regulation; issues involving water quality standards; total maximum daily loads; effluent limitations; and permitting. The Subcommittee also may continue its oversight of monitoring and data, as well as efforts to improve the management of combined and sanitary sewer overflows, stormwater, and nonpoint source pollution.

2. **Army Corps of Engineers (Corps) Water Resources Program.** The Subcommittee may review efforts to improve the efficiency and effectiveness of the organization and the management and mission of the civil works program of the Army Corps of Engineers, including the selection, planning, and implementation of water resources projects; financing of harbor and inland waterways infrastructure. The Subcommittee also may review the agency's regulatory programs, including those pertaining to wetlands and dredging activities.

3. **EPA -- CERCLA/Superfund and Brownfields.** The Subcommittee may review efforts to improve the efficiency, effectiveness, and fairness of the contaminated site cleanup process and the process of assessing natural resources damages. Oversight may include a review of the liability, financing, funding levels, and settlement mechanisms and procedures of the current Superfund program, including implementation of the Small Business Liability Protection Act; a review of the role of the States in conducting and financing cleanups; a review of the relationships among the States, EPA, and other Federal entities in implementing the Superfund program; and a review of ongoing Federal, State, and local efforts to revitalize "brownfields," including implementation of the Brownfields Revitalization and Environmental Restoration Act.

4. **Corps, EPA, and Other Regional Water and Ecosystem Restoration Issues.** Oversight by the Subcommittee may include a review of regional and local projects, issues, and controversies involving water quality; water supply; water resources conservation, development, management, and policy; environmental protection; and flood control.

5. **Coast Guard/EPA/Corps National Invasive Species Act.** In cooperation with the Subcommittee on Coast Guard and Maritime Transportation, the Subcommittee may review efforts by various agencies to implement the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996, the effectiveness of those efforts, and the need for further action to control invasions of nonindigenous aquatic species through ballast water.

6. **Tennessee Valley Authority (TVA).** Oversight may include a review of TVA programs, including its energy program and operations in the current and in a less regulated marketplace, TVA's management structure, and the impact of TVA debt.

7. **Saint Lawrence Seaway Development Corporation (SLSDC).** Oversight may include a review of the efficiency and effectiveness of the SLSDC's current operations and structure, possible improvements in the operation of the Seaway, addressing national security and the economy, and the relation of the SLSDC to the St. Lawrence Seaway Management Corporation, its Canadian counterpart.

8. **EPA and Coast Guard Oil Pollution Act (OPA).** Oversight may include a review, in cooperation with the Subcommittee on Coast Guard and Maritime Transportation, of the oil spill response, planning, and liability provisions under

OPA and the Clean Water Act, and enforcement activities and effectiveness under the oil spill prevention and response laws.

9. **Corps/EPA/National Oceanic Atmospheric Administration (NOAA) Ocean and Coastal Programs and Policies.** Oversight efforts may include a review of dredged material management and disposal under the Ocean Dumping Act, Water Resources Development Acts, and the Clean Water Act. Oversight efforts also may include various ocean and coastal water quality and shoreline protection issues under the Clean Water Act, Coastal Zone Management Act, Coastal Zone Act Reauthorization Amendments, and Water Resources Development Acts.

10. **Natural Resources Conservation Service (NRCS) Small Watershed Program.** Oversight may include a review of the Small Watershed Program, authorized under P.L. 83-566, and conducted by the U.S. Department of Agriculture's NRCS, including its relation to other conservation, environmental restoration, and flood control efforts.

11. **Agency Performance and Results, Agency Innovation, and Ensuring Against Duplicative Programs.** The Subcommittee's oversight effort may include a review of agency programs, performance, and results, including agency efforts to implement the Government Performance and Results Act. Oversight efforts also may include efforts of agencies, such as EPA and the Corps, to improve environmental results by encouraging regulatory innovation, such as market-based, watershed-based, and performance-based approaches undertaken by State and local governments; and a review of agency programs with a view toward ensuring against duplication of such programs.

REPUBLICANS
STEVE BUYER, INDIANA, CHAIRMAN

DEMOCRATS
LANE EVANS, ILLINOIS, RANKING

U.S. House of Representatives
COMMITTEE ON VETERANS' AFFAIRS
ONE HUNDRED NINTH CONGRESS
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February 10, 2005

Honorable Tom Davis
Chairman
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

The Committee on Veterans' Affairs approved its Oversight Plan for the 109th Congress on February 10, 2005. As required by clause 2(d) of Rule X of the House of Representatives, we herewith transmit a copy of the plan to the Committee on House Administration.

Sincerely,

STEVE BUYER
Chairman

LANE EVANS
Ranking Democratic Member

SB:hmp

Enclosure

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS

OVERSIGHT PLAN FOR 109th CONGRESS

In accordance with clause 2(d)(1) of Rule X of the House of Representatives, the Committee on Veterans' Affairs on February 10, 2005, adopted its oversight plan for the 109th Congress.

This oversight plan is directed at those matters most in need of oversight within the next two years. The Committee is cognizant of the requirement adopted for the 109th Congress that oversight plans "have a view toward insuring against duplication of Federal programs." The Committee will consult as necessary with other House Committees having jurisdiction over the same or related laws affecting veterans.

Oversight will be accomplished through committee and subcommittee hearings, field and site visits by Members and staff, and meetings and correspondence with interested parties. Methods of oversight will include existing and requested reports, studies, estimates, investigations and audits by the Congressional Research Service, the Congressional Budget Office, the Government Accountability Office, and the Offices of the Inspectors General of the Departments of Veterans Affairs and Labor.

The Committee will seek the views of veterans' service organizations, military associations, other interest groups and private citizens. The Committee also welcomes communications from any individuals and organizations desiring to bring matters to its attention.

While this oversight plan describes the foreseeable areas in which the Committee expects to conduct oversight during the 109th Congress, the Committee and its subcommittees will undertake additional oversight activities as the need arises. The full Committee may at the discretion of the Chairman after consultation with the Ranking Minority Member conduct any of the oversight activities planned by the subcommittees.

Subcommittee on Disability Assistance and Memorial Affairs

1. **Consistency Among Claims Decisions.** The Committee is concerned about evidence of inconsistencies among VA's regional offices when making an initial decision on whether to award disability benefits and the rating assigned to similar disabilities. As GAO reported in August 2002 and November 2004, VA has not systematically assessed the consistency of regional offices' ratings of impairments. In December 2004, the VA Inspector General began a review of inconsistencies in the rating assigned to disability claims. Following the results of that assessment, the Committee intends to examine the measures VA is taking to assess and measure consistency and to assure that disability decision-making is consistent among all 57 regional offices.

2. **Training of Claims Adjudicators.** The Committee plans oversight of the training standards of claims adjudicators, to include how changes in law and regulation are transmitted to the field and disseminated to regional staff, how quality assurance is maintained, and the implementation of VA's new pilot authority under Public Law 108-454 to create structured on-job training for claims adjudicators under VA educational assistance programs.

3. **Nonservice-Connected Pension Program.** The VA pension program provides financial assistance to more than 340,000 low-income veterans. Benefits under the pension program provide assistance to veterans who are totally and permanently disabled, but whose disability is not service-connected. Veterans who are age 65 or older may qualify for a VA pension based upon age. To be eligible, veterans must have at least 90 days of military service, including at least one day of wartime service. The Committee will examine the administration of these programs.

4. **Review of Board of Veterans' Appeals and Appeals Management Center.** The Board of Veterans' Appeals reviews benefit claims determinations made by local VA regional offices, and issues decisions on appeals. In fiscal year 2004, the Board decided 38,371 appeals and remanded 56.8 percent for additional action. In order to handle the large number of remands, the Veterans Benefits Administration established an Appeals Management Center. The Committee will review the operations of the Board of Veterans' Appeals and the Appeals Management Center through briefings and hearings.

5. **Veterans' Disability Benefits Commission.** Public Law 108-136 established the Veterans' Disability Benefits Commission. The commission will examine and make recommendations concerning, among

other things, the appropriateness of the level of benefits and the appropriate standard or standards for determining whether a disability or death of a veteran should be compensated. The Committee will review the recommendations of the Commission through briefings and hearings.

6. **Maintenance, Appearance, and Upkeep of National Cemeteries.** Many VA national cemeteries, both open and closed, are in a deplorable state of disrepair. A 2002 Logistics Management Institute study of improvements to veterans' cemeteries (entitled "National Shrine Commitment") identified 928 full-scale cemetery restoration and repair projects. The Committee will examine the immediate and long-term needs of the national cemetery system.

Subcommittee on Economic Opportunity

1. **Jobs and Business Opportunities for Servicemembers and Veterans.** The Committee plans to conduct hearings to highlight servicemembers and veterans as a desirable business asset, with a focus on recently separated servicemembers returning from Iraq and Afghanistan. The Committee will also examine the results of the President's National Hire Veterans Committee, created by Public Law 107-288.

2. **Department of Labor Job Training and Transition Services.** Public Law 107-288, the Jobs for Veterans Act, improved and modernized the Department of Labor's veterans' employment and training services, including providing veterans "first-in-line" priority in all DOL funded employment and training programs. Public Law 108-183 requires DOL to furnish pre-separation job placement services to servicemembers serving overseas. The Committee will examine the effectiveness of each of these programs.

3. **Department of Labor Disabled Veterans Outreach Program Specialist and Local Veterans Employment Representative Programs**. The Department of Labor funds state employment service positions, Department of Labor Disabled Veterans Outreach Program (DVOP) specialists and Local Veterans Employment Representatives (LVERs). These positions are responsible for identifying employment opportunities for veterans and job placement. The Subcommittee will evaluate the results obtained by DVOPs and LVERs and program coordination with other government and non-governmental agencies tasked with ensuring veterans achieve and maintain gainful employment.

4. **State Approving Agencies**. Veterans may only receive GI Bill benefits while attending a VA-approved course of instruction. VA contracts with state education agencies to approve and monitor education and training programs to ensure they meet the needs of veterans. The state agencies also provide local resources to investigate alleged violations of VA education regulations as well as a wide range of oversight functions on behalf of VA. The Subcommittee will assess the performance of the State Approving Agencies.

5. **Vocational Rehabilitation and Employment.** VA's Vocational Rehabilitation and Employment (VR&E) program provides services and assistance to enable veterans with service-connected disabilities to obtain and maintain suitable employment, and to enable certain other disabled veterans to achieve independence in daily living. The Committee will examine VR&E's focus on suitable employment, assistance to the most seriously disabled veterans, succession planning, contracted services, claims processing, employer outreach and quality assurance.

6. **Uniformed Services Employment and Reemployment Rights Act**. Uniformed Services Employment and Reemployment Rights Act (USERRA) provides a broad range of employment rights and responsibilities for veterans and employers. The law was recently amended to establish a demonstration project for improved enforcement by the Federal government. The Subcommittee will assess the effectiveness of USERRA with special emphasis on National Guard and Reserve members returning to the workforce following activation.

7. **The Veterans Corporation**. The Veterans Corporation (TVC) was created to promote entrepreneurial activities among veterans. The Subcommittee will review TVC programs, activities and plans for future expansion.

8. **VA Office of Small and Disadvantaged Business**. Federal agencies are required to observe a veterans set aside for a portion of their supply and service contracts for small and disadvantaged businesses. The Subcommittee will determine whether VA is meeting its goals to expand opportunities for small, disadvantaged and veteran-owned businesses.

9. **Categorical Ranking System**. The Office of Personnel Management has authorized implementation of a categorical ranking system that accords veterans' preference differently than the 5 or 10 point advantage required by the previous system. The subcommittee will review the effectiveness of the new system.

Subcommittee on Health

1. **Advisory Committee Review.** VA has many advisory committees, often required by Congress, to provide advice and guidance on veterans programs and services. The Subcommittee will review the cost and effectiveness of advisory committees.

2. **Delivery Options for VA Health Care.** The Subcommittee will examine the use of telemedicine and other innovative alternatives to provide quality and cost-effective care to eligible veterans.

3. **Home Improvements and Structural Alterations Program.** The Subcommittee plans to review the operation of the program and whether there is a duplication of services in VA's adapted housing program.

4. **Homeless Assistance Programs for Veterans.** The Subcommittee will evaluate the effectiveness of VA's homeless programs, coordination with other federal agency programs, and the need for better census and outcome data.

5. **Long-Term Care Programs.** The Subcommittee will review VA's institutional and non-institutional programs and explore innovative ways to deliver long-term care for eligible veterans.

6. **Medical Research Programs.** The Subcommittee will examine the extent to which VA's research programs meet the statutory requirement for conducting research into injuries and illnesses related to military service and benefit the clinical treatment needs of veterans.

7. **Meeting the Health Care Needs of Veterans.** The Subcommittee will evaluate VA's priorities of care in fulfilling its mission to provide timely, high-quality health care.

8. **Post Deployment Health.** Thousands of service members have recently returned and will continue to return from Operation Iraqi Freedom and Operation Enduring Freedom. The Committee will assess VA's programs for meeting the health care needs of these veterans, including their mental health care needs.

9. **Prosthetics and Special-Disabilities Programs.** The Subcommittee will assess VA programs, including research and technology development, that serve veterans with spinal cord injury, vision impairment, loss of or loss of

use of extremities, hearing impairment, or other serious disabilities and injuries.

10. **VA Capital Asset and Facility Management.** VA plans to invest $1 billion annually over the next several years to implement the Capital Asset Realignment for Enhanced Services (CARES) recommendations and modernize VA's health care system. The Subcommittee will continue to evaluate the CARES process and VA's capital asset plans, including those for Charleston, SC and Denver, CO. Additionally, the Subcommittee will review VA's implementation of section 411 of Public Law 108-422, which established the Capital Asset Fund and provided VA with additional authority to transfer unneeded VA real property.

11. **VA Nursing Quality and Recruitment.** The Subcommittee will explore innovative measures VA medical centers may use to attract and retain nursing personnel and support quality patient care, including the Magnet Recognition Program.

12. **VA Physician and Dentist Issues**. Public Law 108-445, the Department of Veterans Affairs Health Care Personnel Enhancement Act of 2003, established a reformed compensation system for VA physicians and dentists. The Subcommittee will conduct oversight to ensure VA is meeting Congressional intent, and to monitor the extent the reformed compensation system reduces VA's use of costly contract physicians.

13. **Women Veterans Programs**. VA has many clinical programs that serve women veterans. The Subcommittee will evaluate VA's programs and the various care delivery options to provide services to women veterans.

Subcommittee on Oversight and Investigations

1. **VA's Acquisition Process**. The VA spends approximately $6 billion annually for pharmaceuticals, medical and surgical supplies, prosthetic devices, information technology, construction, and services. VA faces major challenges to implement a more efficient, effective, and coordinated acquisition program. The subcommittee will hold a hearing to review VA's procurement practices.

2. **Evaluating Management Efficiencies**. The VA plans to achieve specified savings each fiscal year by implementing various procedures to achieve cost avoidance. The subcommittee will examine the relationship of

projected savings with demonstrated savings and assess the impact on delivery of quality services.

3. **Nursing Recruitment, Retention, and Staffing**. VA continues to have nursing recruiting and retention problems, and nursing resource issues. The subcommittee will review what actions VA has taken to address these issues. The subcommittee will also review VA's staffing methodologies, standards, and data systems for nursing services to enhance recruiting, retention, and job satisfaction.

4. **VA Information Technology Programs**. The subcommittee will continue its oversight of VA's IT programs, including the Core Financial and Logistics System, the integrated financial management and logistics system under development by VA. The Subcommittee will continue its review of this program and VA's development plans for the future.

5. **Recruiting and Retention of Medical Specialists**. The subcommittee will examine whether VA has the proper medical specialists to meet the needs of veterans.

6. **Credentialing and Screening of VA Healthcare Employees**. The subcommittee will examine VA's implementation of Government Accountability Office (GAO) recommendations for screening professional credentials of VA healthcare practitioners.

7. **VA/DOD Consolidated Mail Order Pharmacy Demonstration**. The subcommittee has requested that GAO review the cost effectiveness of having VA consolidated mail order pharmacies handle DOD's prescription refills. The subcommittee will assess whether cost savings could be realized by consolidating similar programs within VA and DOD.

8. **Controlled Substances Security**. The IG's Combined Assessment Program Reviews have repeatedly found material weaknesses in VA medical center security of controlled substances. Poor security or lack of security seriously increases the potential for waste, fraud, abuse, and drug diversion. The subcommittee will examine how VA is addressing this issue.

9. **Medical Care Collection Fund**. The subcommittee will conduct a follow-up oversight on VA's progress in its medical care collection efforts including demonstrations, consolidations and outsourcing initiatives.

10. **Medical Appointment Waiting Times**. VA states that 94 percent of primary care appointments are made within 30 days, even with a 34 percent increase in health care users. The subcommittee will examine VA's progress in reducing waiting times and review the methodology utilized in these performance outcome measurements.

11. **Human Subjects Protection Program**. GAO will evaluate VA's notification procedures for dealing with research misconduct, and the lessons learned from veterans' deaths as a result of research misconduct. The subcommittee will review what corrective actions have been implemented by VA system-wide.

12. **Physician Time and Attendance**. The IG has cited numerous problems with part-time physician time and attendance issues in its Combined Assessment Program (CAP) reports. In its Audit Part-Time Physician Time and Attendance, Report 02-01339-85, April 23, 2003, the IG made recommendations to correct the problem. The subcommittee will continue to review corrective actions taken by VHA.

13. **VA/DOD Benefits Delivery at Discharge Program**. The subcommittee will evaluate DOD's utilization of a single examination that meets both military services' separation requirements and VA's disability compensation criteria. The subcommittee will also review VA's efforts to co-locate Veterans Benefits Administration and Veterans Health Administration personnel involved in compensation and pension claims processing to provide more efficient one-stop claims processing centers. Further, the Subcommittee will examine whether there is duplication of physical examinations between VA and DOD.

14. **Force Protection and Seamless Transition**. The process for determining eligibility for veterans' benefits, assessing health status and receiving VA health care once a servicemember separates from active duty should be seamless, timely and accurate. The subcommittee will review VA and DOD progress toward a seamless transition to veteran status.

15. **Electronic Medical Records**. VA and DOD through their joint Health Executive Council have developed a plan to create an interoperable electronic medical record by 2005. The subcommittee will review the progress that has been made in interoperability and the timely bi-directional exchange of medical information.

16. **Workers' Compensation Program**. The IG previously reported on VA's poor case management of workers' compensation claims. VA is at risk for

program abuse, fraud, and unnecessary costs because it has not fully implemented IG recommendations issued in 1999. The subcommittee will examine what should be done to improve the Workers Compensation Program.

17. **EEO Complaint Resolution System**. Public Law 105-114, the Veterans Benefits Act of 1997, included a requirement that the Department of Veterans Affairs take actions to improve its equal employment opportunity program and created the Office of Resolution Management. The subcommittee will review the effectiveness of the Office of Resolution Management.

18. **Enhanced Land Leases and Divestment of Federal Property**. The subcommittee will review the adequacy of internal controls related to leasing or selling of Department of Veterans Affair's assets and assess the tangible benefit to taxpayers.

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JANICE MAYS,
MINORITY CHIEF COUNSEL

February 2, 2005

The Honorable Tom Davis
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Robert W. Ney
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Davis and Chairman Ney:

In accordance with the requirements of Clause 2 of Rule X of the rules of the House of Representatives, the following is a list of oversight hearings and other oversight-related activities, which the Committee on Ways and Means and its Subcommittees plan to conduct during the 109th Congress.

Full Committee

1. Tax Reform. The full Committee intends to hold hearings to examine proposals to reform Federal taxation.

2. Fiscal Year 2006 and 2007 Budget Initiatives Regarding Taxes. The full Committee intends to hold hearings to receive information regarding tax legislation proposed in the President's 2006 and 2007 budgets.

3. Strengthening Social Security. The full Committee intends to hold hearings to examine various issues affecting the well-being of individual recipients, the financial challenges facing Social Security, and options to address those challenges.

Subcommittee on Oversight

1. Internal Revenue Service Budget and Filing Season. The Subcommittee intends to hold hearings in both 2005 and 2006 to review the Administration's budget request for the Internal Revenue Service (IRS) and the annual tax filing season. In particular, the Subcommittee will review how the IRS is balancing enforcement efforts with taxpayer service and modernizing its computer systems.

2. Improving IRS Administration of Tax Laws. The Subcommittee will review proposals to improve the quality, efficiency, and fairness of IRS tax administration, including recently enacted legislation to improve IRS debt collection procedures. The Subcommittee will monitor new regulations or policies proposed or implemented by the IRS and to hold hearings or investigations as appropriate.

3. Pension Benefit Guaranty Corporation. The Subcommittee will examine developments facing defined benefit pension plans, and the current and future liability facing the Pension Benefit Guaranty Corporation (PBGC) that covers the pensions of approximately 44 million workers.

4. Review of Tax Exempt Organizations. The Subcommittee will continue to review tax exempt organizations and intends to hold hearings in coordination with the full Committee and other Subcommittees on the appropriate role of tax exempt organizations. The Subcommittee will review current law, the adequacy of IRS oversight and reporting requirements, and consider recommendations for reform. The Subcommittee will also explore the role of Internal Revenue Code (IRC) Section 527 organizations have played in political campaigns.

5. Underground Economy. The Subcommittee will review information concerning the underground economy, its size, growth trends, and implications for tax policy.

6. Income Tax Compliance. The Subcommittee will continue to monitor IRS efforts to assure compliance with individual and corporate tax laws, including its efforts to improve compliance in the Earned Income Tax Credit (EITC) program and in other areas of tax law compliance. The IRS conducted a pilot initiative in 2004 to test new enforcement techniques, and the Subcommittee plans to review the results of these efforts and any new IRS initiatives. In addition, the Subcommittee will monitor pertinent reports by IRS, Treasury, JCT, and the GAO on the tax gap or other compliance matters as such reports become available.

7. Taxpayer Rights. The Subcommittee will continue to monitor the implementation of taxpayer rights provisions in the IRS Reform and Restructuring Act (RRA 98) (P.L. 105-206) and subsequent taxpayer rights legislation and will evaluate new proposals to enhance taxpayer rights.

8. Taxpayer Privacy. The Subcommittee will examine compliance with taxpayer privacy issues under IRC Section 6103.

9. Oversight of Drug Interdiction Efforts. The Oversight Subcommittee will review the extent of federal drug interdiction activities under the current tax and trade laws administered by the IRS and in coordination with the U.S. Customs Service.

10. Field Investigations and Hearings. The Subcommittee will conduct such field investigations and hearings as Committee staffing and budget resources permit, and as

are necessary for purposes of evaluating the effectiveness of and compliance with the programs and laws under the jurisdiction of the Committee on Ways and Means.

Subcommittee on Trade

1. Bush Administration Trade Policy. The Subcommittee intends to hold a hearing to give the Administration an opportunity to describe its trade policy for 2005 and respond to Member questions. The Subcommittee intends to work with the Administration under the terms of the Trade Act of 2002 (P.L. 107-210), given the expiration of Trade Promotion Authority (TPA) in 2005 unless the Administration requests renewal until 2007.

2. World Trade Organization. The Subcommittee intends to hold hearings on United States preparations for the December 2005 WTO Ministerial in Hong Kong and progress in the ongoing negotiations on the Doha Development Agenda, particularly with respect to agriculture, services, industrial tariffs, and development issues. The Subcommittee intends to continue its oversight over U.S. participation in the WTO in keeping with section 125 of the Uruguay Round Agreements Act (P.L. 103-465).

3. Bilateral Free Trade Agreements with Central America and Bahrain. The Subcommittee will continue its oversight of the negotiations for bilateral free trade agreements with Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic) and Bahrain. Now that these negotiations have concluded, the Subcommittee will continue to consult with the Administration and at the appropriate time will hold hearings on the agreements and consider implementing legislation under TPA processes.

4. Bilateral and Regional Free Trade Agreements Under Negotiation. The Subcommittee will continue its oversight and assess the status of negotiations for bilateral free trade agreements with countries for which the Administration has notified Congress of its intent to negotiate: Panama; the Andean countries (Colombia, Ecuador, Peru, and Bolivia); the Southern African Common Market (Botswana, Lesotho, Namibia, South Africa and Swaziland); Thailand; the United Arab Emirates; Oman; and the Free Trade Area of the Americas. When these negotiations are concluded, the Subcommittee expects to hold hearings on the agreements and will consider implementing legislation under TPA processes. In addition, the Subcommittee will explore whether other countries may be appropriate candidates for free trade agreements and will examine the effect on U.S. interests of free trade agreements or lesser bilateral agreements concluded by U.S. trading partners.

5. Bilateral Free Trade Agreements Entered into Force. The Subcommittee will continue its oversight to assess the status of agreements that have already been concluded and for which Congress has passed implementing legislation under TPA (Chile, Singapore, Australia, and Morocco).

6. Miscellaneous Duty Suspensions and Technical Corrections to U.S. Trade Laws. The Subcommittee intends to consider legislation to temporarily suspend duties on noncontroversial products.

7. U.S. Trade Remedy Laws. The Subcommittee will continue to review the application of U.S. antidumping, countervailing duty, general safeguard, product-specific safeguard, and textile safeguard laws, including the impact of these remedies on the injured domestic industries as well as the effect of trade remedies on downstream users of products subject to these actions. The Subcommittee will continue to monitor the status of WTO negotiations, consultations, panel proceedings, and decisions concerning U.S. trade remedy laws and their application and will work with the Administration to assure compliance with U.S. WTO obligations.

8. Authorizations for the Department of Homeland Security, the Office of the United States Trade Representative and the U.S. International Trade Commission. The Subcommittee intends to hold hearings on authorizations for the trade agencies for FY 2006 and 2007 and work towards passage of authorization legislation. The Subcommittee will review funding for the customs revenue functions of the Department including, but not limited to, Customs Automated Commercial Environment (CACE), textile transshipment efforts, and the International Trade Data System (ITDS). In particular, the Subcommittee will examine the scope of the authorization for Customs given its incorporation into the U.S. Department of Homeland Security and will continue to conduct oversight of that reorganization and its impact on the collection of revenue and trade facilitation.

9. User Fees. The Subcommittee will continue its oversight of Customs user fees, including the amount of the fees and their relationship to the actual cost for providing services. The Subcommittee will examine issues surrounding the Consolidated Omnibus Reconciliation Act of 1985 account, especially whether the account contains sufficient resources to fund inspectional services and whether revised fee collections are appropriate. Significant issues to consider will be the entire nature of fees for customs operations within a much larger non-trade organization of the U.S. Department of Homeland Security. The Subcommittee will consider whether Customs is implementing requirements of the Trade Act of 2002 and the American Jobs Creation Act of 2004 (P.L. 108-357) related to user fees.

10. Trade Adjustment Assistance. The Subcommittee will continue its oversight of the general TAA programs for workers and firms in light of the substantial revisions made by the Trade Act of 2002 (P.L. 107-210).

11. Trade Relations with China. The Subcommittee will continue to monitor China's compliance with its WTO obligations and its role in the global marketplace. The Subcommittee will also continue to examine China's macroeconomic policies and will consult with the Administration to address issues that arrive.

12. Normal Trade Relations with Jackson-Vanik Countries. The Subcommittee will continue its oversight over the application of Jackson-Vanik provisions for countries subject to this statute. The Subcommittee will also continue its oversight over Presidential grants of Jackson-Vanik waivers and determinations in compliance with Jackson-Vanik requirements. In addition, the Subcommittee will continue to consult with the Administration concerning the progress of these countries in negotiating their accession to the WTO.

13. Trade Preference Legislation. The Subcommittee will continue its oversight over the Trade and Development Act of 2000 (P.L. 106-606) (Africa/Caribbean Basin Initiative), the enhancement to these programs contained in the Trade Act of 2002, the Andean Trade Preferences Act, and the AGOA Acceleration Act to ensure that the legislation is being implemented in a manner consistent with Congressional intent. The Subcommittee will continue its efforts, begun in the 108th Congress, to extend preferential benefits to Haiti. In addition, the Subcommittee will also examine whether preference programs should be extended to other countries.

14. Textiles and Apparel. The Subcommittee will continue its oversight as to: the value of trade preference programs and their effect on U.S. industries; impact of the elimination of textile quotas in January 2005 on U.S. industries, countries receiving trade preferences, and other countries; effectiveness of efforts to halt illegal transshipment; and the use of textile safeguards (particularly with respect to transparency and application of statutory standards).

15. Sanctions Reform. In response to the dramatic growth in the imposition of unilateral economic sanctions and their impact on U.S. trade and competitiveness in international markets, the Subcommittee will continue its oversight on the use and effectiveness of U.S. unilateral trade sanctions, in particular whether any proposed sanction will achieve its intended objectives and whether the achievement of those objectives outweigh any likely costs to United States foreign policy, national security, economic, and humanitarian interests.

16. Burma. In keeping with the provisions of the Burmese Freedom and Democracy Act of 2003 (P.L. 108-61), the Subcommittee will examine on a yearly basis whether import sanctions against Burma (Myanmar) should be continued.

17. Rules of Origin and Country of Origin Marking. The Subcommittee will continue to review and consult with the Administration and the trade community on the status of rules of origin negotiations underway in the World Customs Organization; update rules of origin and country of origin marking to implement those negotiations so they reflect current business production, sales, and distribution practices; review whether U.S. law and U.S. Customs enforcement efforts are effective in preventing unlawful transshipment; and review the implementation labeling requirements by United States and its trading partners with respect to meat, fresh produce, and genetically modified products.

18. Trade Relations with Japan. The Subcommittee will continue its oversight of U.S.-Japan trade relations, focusing on the necessity for Japan to implement broad structural reforms, including deregulation of its economy, reform of its banking system, improved transparency, and the opening of its distribution system to eliminate exclusionary business practices.

19. Asia Pacific Economic Cooperation Forum. The Subcommittee will continue to review the status of U.S. trade policy objectives in Asia, particularly in the Asia Pacific Economic Cooperation Forum negotiations.

Subcommittee on Health

1. Medicare Program Oversight. The Subcommittee intends to hold a hearing to evaluate the management of the Medicare program by the Centers for Medicare and Medicaid Services (CMS). The Subcommittee will explore changes that could be made to improve CMS's efficiency and its interactions with beneficiaries and the providers who serve them. The Subcommittee will examine CMS's progress on implementing the changes required by the Medicare Modernization Act (MMA) (P.L. 108-173).

2. Medicare Payments for Physician Services. The Subcommittee intends to hold hearings to examine Medicare reimbursement for physician services, including problems associated with the Sustainable Growth Rate formula and will explore alternative payment structures. In addition, the Subcommittee will examine creating incentives to promote physician performance and efficiency and will look at issues surrounding physician resource use. Geographic variations in payments to physicians will also be scrutinized. Finally, the Subcommittee will continue its oversight of payment adequacy for oncology related services, drugs, and biologics, including the changes made by the MMA.

3. Medicare Payment for Hospital Services. The Subcommittee intends to examine pricing transparency for hospital services. In addition, the Subcommittee will conduct oversight of the current reimbursement structure under Medicare, including potential hearings on operation of the wage index and differences between specialty and community based institutions. The Subcommittee intends to hold a hearing on paying for performance and physician resource use in the hospital setting. The Subcommittee intends to hold a hearing on financial reporting for hospitals, including instruments to better reflect costs and to promote the timeliness of data reporting.

4. Medicare Payments for Post-Acute Care. The Subcommittee intends to hold a hearing on payments to post-acute care providers in the Medicare program to determine whether the payment structures create incentives to inappropriately shift site of care to more lucrative settings. In addition, the Subcommittee will study proposals that provide financial security to individuals for long term care costs outside of the traditional Medicare structure.

5. Retiree Health Coverage and Interaction with Medicare. The MMA required the U.S. Government Accountability Office (GAO) to conduct initial and final reports on the trends in retiree health coverage, new options available to employers to subsidize coverage included in the MMA and what impact, if any, these subsidies had on retiree coverage. The Subcommittee will examine implementation of the MMA subsidies as they relate to retiree health coverage.

6. Medicare Waste, Fraud and Abuse. The Subcommittee will examine enforcement of laws to combat waste, fraud and abuse in the Medicare program and what steps might be taken to improve their application. The Subcommittee will also examine the issue of Medicare program solvency.

7. Medically Uninsured. The Subcommittee intends to hold a hearing on options to reduce the number of individuals and families without health insurance. The hearing will include an examination of tax credits, reinsurance of risk and purchasing pools, among other solutions.

8. New Technologies in the Medicare Program. The Subcommittee intends to hold a hearing on CMS policies that foster or hinder the adoption of new technologies in the Medicare program, including coverage and reimbursement policies and national and local coverage determinations.

9. Other Medicare Payments. The Subcommittee intends to hold a hearing on the appropriateness of payments to other Medicare providers, including home health agencies, skilled nursing facilities, end stage renal disease providers, durable medical equipment suppliers and others. Such an examination will include proposals to make Medicare more efficient and responsive.

10. Health Savings Accounts. The Subcommittee intends to hold hearings and conduct other oversight activities on Health Savings Accounts.

11. Medicare Advantage Program. The Subcommittee intends to hold hearings and conduct other oversight activities on the Medicare Advantage program. The Subcommittee intends to examine payment and structural changes to Medicare Advantage plans enacted as a result of the MMA.

12. Other Issues. Further hearings will be scheduled as time permits to examine certain additional aspects of Medicare program management. Matters to be considered may include health care information technology, health care quality issues, Medigap reform, medical liability reform, especially as it affects the Medicare program and patient safety issues.

Subcommittee on Human Resources

1. Welfare Reform. Reauthorizing the Temporary Assistance for Needy Families (TANF) and related programs to amend and improve the 1996 welfare reform law continues to be a priority for the Subcommittee. Issues of particular interest to the Subcommittee include how TANF block grant funds and other HHS efforts to communicate with the public are used to develop strong families and encourage healthy marriage and how welfare reform policies can be strengthened to better promote increased work, reduced poverty, enhanced program integrity, and improved child well-being.

2. Child Support and Fatherhood. The Subcommittee intends to hold hearings on the nation's Federal-State child support system, review the results of program changes made in 1996 and 1998 law, and consider proposals for further improvements. The Subcommittee also will review proposals to encourage responsible fatherhood and closer involvement between fathers, children and families, both as a result of child support and other program policies.

3. Supplemental Security Income. The Supplemental Security Income (SSI) program provides over $30 billion in benefit payments to 7 million disabled needy individuals each year. The Subcommittee will review proposals to reduce fraud and abuse in the program, and examine options for improving program outcomes such as enhancing the ability of individuals to return to work.

4. Child Protection. The Subcommittee held a number of child protection oversight hearings during the 108th Congress, examining the purposes and outcomes of current child protection programs. The Subcommittee will review program improvement proposals for child protection programs broadly, as well as involving distinct issues such as the handling of interstate placements. The Subcommittee also will review the operation of the Promoting Safe and Stable Families program in anticipation of the expected reauthorization of this program prior to the end of fiscal year 2006.

5. Unemployment Compensation. The Subcommittee intends to hold hearings on the Nation's unemployment compensation system. Issues of interest include a more detailed understanding of the characteristics of unemployment benefit recipients over time, and improving the program to better promote work, savings, and program integrity. The Subcommittee also will review reemployment services provided to unemployment benefit recipients, and consider whether better return-to-work outcomes can be achieved through reforms.

Subcommittee on Social Security

1. Strengthening Social Security. The Subcommittee intends to hold hearings to examine the degree to which Social Security programs are meeting the needs of today's and tomorrow's beneficiaries, along with the financial challenges facing the program and proposals to strengthen Social Security.

2. Use of the Social Security Number. The Subcommittee will continue their examination of the integrity of Social Security numbers (SSNs) and Social Security cards as identifiers, including their role in identity theft and other fraud.

3. Disability Program Reform and Oversight. The Subcommittee intends to hold hearings on the Social Security Disability Insurance (DI) program, including: the Social Security Administration's (SSA's) implementation of the Ticket to Work and Work Incentives Improvement Act (P.L. 160-170); oversight of SSA's disability program management, including efforts to improve workload processing at both the initial application and appeals levels.

4. Stewardship of the Social Security Programs. The Subcommittee intends to hold oversight hearings to examine the management of the Social Security programs, including international agreements, to assess their potential vulnerability to waste, fraud, and abuse, and to explore necessary legislative remedies.

5. Service Delivery. The Subcommittee intends to hold oversight hearings to examine SSA's service delivery to the public, including efforts to modernize service delivery to meet the changing expectations of today's customers, and SSA's efforts to communicate with the public about the financing challenges facing Social Security and possible changes to the program.

Subcommittee on Select Revenue Measures

As directed by the Chairman of the full Committee, the Subcommittee on Select Revenue Measures will conduct hearings and develop legislation on a variety of tax issues.

This list is not intended to be exclusive. The Committee anticipates that additional oversight activities will be scheduled as issues arise and/or as time permits.

Sincerely,

Bill Thomas
Chairman

ADDITIONAL VIEWS OF HON. HENRY A. WAXMAN, HON. TOM LANTOS, HON. MAJOR R. OWENS, HON. ELIJAH E. CUMMINGS, HON. DANNY K. DAVIS, HON. BRIAN HIGGINS, AND HON. ELEANOR HOLMES NORTON

The committees' plans describe a number of good oversight proposals. We agree with the majority that Congress should be vigilant in overseeing homeland security and national defense policy. It is important to examine the interactions between the Department of Defense and the Department of Homeland Security. In addition, we agree that it is imperative that Congress continue strong oversight over contract management, especially at the Department of Defense, the Department of Energy and the National Aeronautics and Space Administration.

We also want to thank the chairman for agreeing, when this committee considered its oversight plan, to make a number of document requests, including requesting copies of Federal contracts with members of the media so that we can properly investigate whether administration officials improperly used taxpayer funds to pay for efforts to influence public opinion.

Looking at the oversight plans of the House committees as a whole, however, we are concerned that Congress is not conducting meaningful oversight of the Bush administration. As its actions have repeatedly shown, the current administration likes to operate in secret with little public or congressional oversight. This is not healthy for our democracy.

Here are a few examples of congressional oversight that should be conducted:

Abuse of Detainees

After the initial reports of prisoner abuse at Abu Ghraib surfaced, the administration claimed these actions were committed by a few "bad apples" at a single facility. It is now apparent, however, that there is considerable evidence of systematic abuse of detainees in Guantanamo Bay and Afghanistan, as well as Iraq. The new disclosures make it increasingly clear that the abuse of detainees cannot be dismissed as isolated incidents of abuse by low-ranking military and civilian personnel. Yet despite the mounting evidence, there has been no independent oversight to assess where the system has broken down and what officials are responsible. Congress should investigate to identify what went wrong and who should be held accountable.

In addition, articles in leading medical journals have indicated that U.S. Army doctors may have used their medical knowledge to devise coercive interrogation methods for detainees, including sleep deprivation, stress positions, and other abuse. These reports raise fundamental questions—which Congress should examine—about

the proper role of doctors and other medical personnel in intelligence and interrogation settings.

Politicization of Science

Scientific journals, scientific organizations, and leading scientists have called into question the scientific integrity of many Bush administration actions. Examples include applying political litmus tests to appointments to scientific advisory committees, suppressing scientific reports, gagging scientists, misleading the public about scientific issues, and providing misleading or erroneous scientific information to Congress. These problems, which are occurring governmentwide, should be comprehensively investigated.

Executive Branch Conflicts of Interest

There have been repeated reports of conflicts of interest involving high-ranking administration officials, including reports that senior Department of Health and Human Services [HHS] officials negotiated future employment opportunities at the same time they were negotiating the Medicare prescription drug legislation; that Interior Department officials met with former lobbying clients; that members of Federal advisory boards included executives of corporations that won large contracts from the agencies they were advising; and that senior White House advisor Karl Rove had meetings with executives of companies in which he held stock. Although these conflicts of interest appear to be occurring governmentwide, there has been no congressional investigation of any of these abuses.

Abstinence-Only Education Programs

Millions of Federal dollars are spent on abstinence curricula that are inaccurate or are based on outdated stereotypes of men and women. Congress should explore how these curricula came to be so erroneous, why HHS approved tens of millions of dollars of funding for them, and how scientific accuracy can be assured in the future.

Outing of CIA Operative

In a column that appeared in major national newspapers on July 14, 2003, columnist Robert Novak publicly identified Valerie Plame, wife of former Ambassador Joseph Wilson as a covert CIA agent.[1] This article cited "two senior administration officials" as the source. The Washington Post subsequently reported, "two top White House officials called at least six journalists and disclosed the identity and occupation of Wilson's wife."[2] According to press accounts, these actions were part of a White House effort to discredit Ambassador Wilson, who had disputed the President's assertion that Iraq sought uranium from Africa.[3] This leak of a CIA agent's identity potential violated national security laws and raised other serious questions, including whether the White House had an appropriate system for protecting security secrets and whether the White House was seeking to intimidate whistleblowers. Congress should investigate this matter.

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[1] Robert D. Novak, *The Mission to Niger,* Chicago Sun-Times (July 14, 2003).
[2] *Bush Administration Is Focus of Inquiry,* Washington Post (Sept. 28, 2003).
[3] *Id.*

Misleading Medicare Cost Estimates

Both the HHS Inspector General in a cursory review and Government Accountability Office have found that information on the true cost of the 2003 Medicare reform law was suppressed in violation of Federal law. However, HHS still has not provided information related to the cost estimates and why they were withheld. In addition, the White House has refused to comment on the incident. As a result, an investigation remains as necessary today as it was 12 months ago.

These and other important issues warrant review by Congress. Congress has a constitutional responsibility to provide a check on the abuses of the executive branch. We cannot fulfill this responsibility unless we are willing to take on difficult and politically controversial issues and follow the facts where they lead.

HON. HENRY A. WAXMAN.
HON. TOM LANTOS.
HON. MAJOR R. OWENS.
HON. ELIJAH E. CUMMINGS.
HON. DANNY K. DAVIS.
HON. BRIAN HIGGINS.
HON. ELEANOR HOLMES NORTON.

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