

Committee on Government Reform
Oversight Plan
108th 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 108th Congress for the Committee on Government Reform. It details areas in which the committee and subcommittees plan to conduct oversight, but does not preclude investigation into additional matters as the need arises.

Activities for the 108th Congress
Full Committee

Hearing on the National Commission on the Public Service (“Volcker Commission”)

The recent issuance of the Volcker Commission report gives the Committee the opportunity to look into improving the Federal government. The report provides 14 recommendations for reforming government broken into three groups: government organization; government leadership; and operational effectiveness in government. The recommendations range from reauthorizing the executive branch reorganization authority to streamlining the appointments process, to reforming the Federal pay system. Almost all of the recommendations fall within the Committee’s jurisdiction and provide an excellent template for evaluating the organizational structure and effectiveness of the Federal government. An early hearing is contemplated to discuss the findings with the Commission’s members with the intent of developing legislation this spring.

The General Accounting Office “High-Risk” List

At the beginning of each Congress, the General Accounting Office releases its Performance and Accountability and High-Risk Series. These reports highlight those Federal programs and functions that are especially vulnerable to waste, fraud or mismanagement. GAO’s January 2003 high-risk list included 25 high-risk federal programs, up from 23 in 2001. The Committee will use these reports as an oversight guide, focusing on those programs that are perennial high-risks. The Committee will also review those programs that are new to the list and examine the reasons why certain programs were removed from the list.

Office of Management and Budget Circular A-76 (“Circular A-76”)

Circular A-76 provides guidance for conducting cost comparison studies through managed competitions in order to determine whether an agency’s commercial activities should be performed in-house by Federal employees, by another Federal agency or by a contractor. Agencies, employees, and contractors are concerned that, in practice, the current policy results in

a lengthy, complex, and often burdensome process. Therefore, the Administration has recently overhauled the A-76 procedures. The Committee on Government Reform should conduct hearings to examine the new procedures and hear from agencies, employees, and contractors about their perspectives on the revisions.

Transportation Security Administration Contracting

The new Transportation Security Administration (TSA) has faced enormous problems in securing our Nation's airports. The new agency has had to rely on contractors to set up the new airport security infrastructure. Given the critical nature of its mission, TSA had to award large contracts very quickly and often time with a minimum of competition. This presents a fertile pasture for fraud, waste, and mismanagement. The Committee, in its role of overseeing government-wide procurement, will undertake a careful review of the major contracts awarded by TSA over the last year. This will enable the Committee to assess whether TSA exercised appropriate controls over the award process and whether it is providing proper oversight and management control over the performance of its contractors.

NASA Contract Management

NASA spends over \$12 billion per year through its contracting program. For over a decade the GAO has identified NASA's contract management as a high risk area. In addition to maintaining poor financial and management systems, NASA has failed to place emphasis on end results, product performance and cost control. As recent tragic events have shown there is no room for error or poor management in our critical space program. The Committee, under its jurisdiction over government-wide procurement, will delve into NASA's troubled contract management process with an eye towards aiding the agency in transforming its culture and processes so that it will ultimately be able to ensure that its contracts are being efficiently and effectively implemented.

Department of Energy Contract Management

The Department of Energy spends more on contracts than any other agency other than the Department of Defense. Contractors carry out most of the Department's missions and operate its laboratories and other facilities. The GAO has placed Energy's contract management on its high risk list because of ongoing problems in the selection of the appropriate contract types, in using competition in contract awards, incorporating performance-based measures into contracts, and in cost and schedule overruns. The Committee, as part of its jurisdiction over government-wide procurement, will review Energy's procurement function from top to bottom to highlight particular problem "hot spots" and assist the Department in developing improved management and oversight processes.

Department of Veterans Affairs Schedule Procurements

The Department of Veteran's Affairs manages national schedule contracts that are mandatory for pharmaceutical purchases for all VA healthcare facilities. The schedule contracts also are used by other government agencies, particularly the Department of Defense. I have

requested that GAO undertake a review of these critical multi-million dollar schedules, which have operated under the radar screen for years. The Committee will review this program to try to ascertain how prices are established; who within the Federal government is using the schedules; and the extent of competition to obtain a schedule contract.

The Government Performance and Results Act

The Government Performance and Results Act provides Congress with a tool to discover what agencies are accomplishing. It seeks to shift the focus of government decision-making and accountability away from the process of government, and become more focused on what the government is actually doing. Focusing on competition, results and accountability to its customers are the qualities that make a private corporation successful. Therefore, the Federal government needs to become more accountable to its customer, the American taxpayer, in order to ensure its success. During the 108th Congress, the Committee will use the Results Act to ensure that we have a government that works better and costs less. The Committee will utilize the Results Act to: (1) examine agencies' annual performance reports and review whether agencies' goals and objectives are being met; (2) evaluate programs to see if they are duplicative and overlapping; and (3) enforce accountability when goals and objectives are not met by providing information to the appropriate authorizing and appropriations committees. The Committee also intends to work closely with Inspectors General throughout government to verify that the information being provided to Congress and the public is correct. In addition, August 3, 2003, is the ten-year anniversary of the Results Act, and the Committee is working with GAO to answer the following questions: Has government accountability improved since enactment? Is the Results Act losing rather than gaining influence in agency decision making? What are the barriers to successfully implementing the Results Act? Are Results Act reforms needed so that government accountability remains integral in agency decision making (link performance to budget decisions, require a government-wide performance report)?

Federal Information Security

The recently enacted Federal Information Security Management Act of 2002 (FISMA) provides an important comprehensive information security framework for federal agencies. The Committee will closely oversee implementation of FISMA, including development of new OMB guidance, the establishment of agency testing and evaluation plans, and the development and promulgation of information security standards.

Electronic Government

The Committee's E-Gov work in 2003 will focus on oversight of two laws. First, the Electronic Government Act of 2002 authorizes a number of initiatives to further the Federal government's use of information technology to improve government services and operations. We will oversee implementation of these initiatives both to review the commitment of agencies to E-Gov, as well as to see what statutory requirements appear to be truly useful in spurring progress. Second, the Government Paperwork Elimination Act (GPEA) of 1998 requires that by October 2003, Federal agencies must be able to provide, when practicable, for the option of electronic maintenance, submission, or disclosure of information, and for the use and acceptance

of electronic signatures. The Committee will examine the agencies' efforts. Also, the General Accounting Office is examining OMB and agency plans to support GPEA implementation.

Digital Tech Corps

Enacted as part of the "E-Gov Act of 2002," this new law creates training opportunities for Federal agency management of complex information technology projects - an area where too many Federal IT procurements continue to fail. These training opportunities come from the exchange of talented staff between the private sector and the Federal government. This program will enable cross-pollination of best practices, invigorate the current IT workforce, and help establish the government as a desirable employer in the IT arena. The Committee will examine the implementation of this program to ensure that the goals of the legislation are met.

Homeland Security

The Homeland Security Act of 2002 included numerous provisions relevant to this Committee's jurisdiction that will require active oversight during the initial five to ten years of the Department's creation. Many of these provisions provide potential templates for future, governmentwide management reforms, and it will be important for this Committee to monitor and evaluate these provisions. The first issue in the Homeland Security Act that the Committee will monitor is the implementation of the human resources management system. The Committee will likely pursue additional governmentwide civil service reforms this Congress, and the new Department's experience could help to shape these reforms. The second Homeland Security Act issue of Committee interest relates to procurement provisions that are unique to the Department of Homeland Security. The procurement provisions provide the Secretary with flexibilities beyond those available to other agencies, and the Committee plans to monitor the effectiveness of these provisions. Third, the new Department will be attempting to integrate over 1,000 field offices within the United States as well as an enormous amount of property and assets. The Committee intends to work with the Department to create an inventory of its property and assets, and to facilitate the disposal of property that is determined to be surplus.

Homeland Security Coordination with State and Local Entities

The Committee will look into the coordination between the various Federal, State and local entities involved in protecting the homeland such as the National Guard and the Air National Guard, governors and State law enforcement groups, NORTHCOM, the Department of Defense's new military command in charge of homeland security, and the Department of Homeland Security. The Committee will also examine training and readiness challenges.

Continuity of Operations -- Homeland Security

Following the attacks of September 11, policymakers began to give some serious thought to making sure that essential Federal government operations could continue if Washington was again attacked. Such essential functions include communication with the Centers for Disease Control and FEMA, the disbursing of benefit checks at the Social Security Administration and even the revenue collection functions of the IRS. It might be worthwhile for the Committee to

work with essential government agencies to make sure they have contingency plans in place in case of a major disruption.

Census Issues

The Census Bureau is seeking to refine and improve on the successful methods and procedures that produced the highly accurate 2000 Census. The Bureau is seeking to improve the response rates and incorporate new technologies into the process where beneficial. The Committee intends to maintain a high level of oversight on this process with the goal of increasing Census accuracy and dependability of the data obtained.

Federal Retirement Thrift Investment Board

Since 1997, the Federal Retirement Thrift Investment Board, which oversees the Thrift Savings Plan, has tried unsuccessfully to launch a computer system to speed up transactions and provide participants with the ability to access their daily account values. The board fired the original contractor and sued for damages. As a result of this lawsuit, the TSP has been caught in a turf battle with the Justice Department over who should represent the TSP in court, and with the Labor Department, over how to properly write off \$41 million paid to the original contractor. Under that law, Congress directed the Labor Department to regularly audit the TSP and assess its compliance with fiduciary and legal standards. More congressional oversight is needed to monitor the TSP's efforts to launch a new computer system.

District of Columbia Child and Family Services and the D.C. Family Court

The Committee has held a number of hearings in recent years on the operations of the District's Child and Family Services Agency (CFSA). The Agency spent years under court receivership, and eventually met the criteria for independence, but reports of child abuse continue to plague the Agency. GAO evaluated the pace of reform at CFSA, following reports of several incidents of sexual abuse at group homes for foster children. Ultimately, Congress passed legislation creating a Family Court for the District. The Committee will continue to monitor the efforts of the CFSA as well as the efforts of the D.C. Superior Court to establish the D.C. Family Court.

Enterprise Zones in the District of Columbia

Expanding the tax base, retaining and attracting businesses to the District and helping D.C. gain financial stability is a priority for the Committee. The Tax Relief Act of 1997 established a District of Columbia Enterprise Zone, allowing businesses located in designated area of the District to receive more than \$1.2 billion in federal tax benefits. The Enterprise Zone will expire in 2003 and the Committee will assess the progress of the Enterprise Zone in preparation for its reauthorization. The Tax Relief Act also created a D.C. Homeowner Tax Credit, giving a \$5,000 tax credit to eligible first-time homeowners in D.C. This tax credit expires in 2004, and the Committee will assess the effectiveness of this program in preparation for its reauthorization.

Additional Oversight Items Relating to the District of Columbia

In addition to the issues discussed in the preceding paragraphs, the Committee will also continue to actively oversee other initiatives that are important to the District and the Congress. For example, the District's Chief Financial Office, created in federal statute, expired when the D.C. Financial Control Board went dormant in 2001 and has relied on appropriations language for its statutory authority ever since. This Committee intends to try to come to agreement on language that would permanently create the office in statute. Also, the District's Medicaid program is one of the fastest growing costs in the District government. The Committee intends to increase its oversight of the District's Medicaid-supported programs, as well as the District's efforts to stabilize those costs. Finally, the District of Columbia Tuition Assistance Program is up for reauthorization in fiscal year 2005. This Committee will study the Program to determine its impact on increasing access to higher education to District youth.

Federal Land Use and Management Regulations

The Committee will continue to study the federal agencies responsible for regulations affecting federal land use and management, particularly as they affect land used for military training. The General Accounting Office is currently studying DOD and other federal landholders' regional management of the Endangered Species Act at the request of the Committee.

Radiocommunications Spectrum and National Policy

The radio frequencies used for broadcasting and wireless communication – collectively known as “radiocommunications spectrum” – constitute a finite resource that is vital for government and business activities alike. Through the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA), the Federal government coordinates, regulates and manages the use of spectrum in the United States. The Committee will oversee the programs, policies and intergovernmental management of these agencies, as well as reform initiatives aimed at improving overall spectrum management. The Committee will work to ensure that the FCC and the NTIA coordinate to balance the needs of national security, homeland security and business and consumer interests. In order to achieve this, the Committee will look at the separate regulations for government and private uses, seeking fair and balanced application of those regulations, promoting efficient usage, and working toward a comprehensive national spectrum agenda for the future. The Committee also will look at the role of the White House and the Department of State in promoting American interests in international spectrum coordination.

Embassy Security Oversight

The Committee will continue to conduct oversight into Executive Branch management and policies associated with the protection of our Embassies and their personnel. Attacks at U.S. embassies abroad during the 1990s prompted numerous reports on the safety of our embassies abroad, and in particular, the security of non-military personnel stationed overseas. In 2001, the State Department reorganized its Foreign Buildings Office into the Overseas Buildings Office,

giving it more autonomy and tasking it with enhancing security at new and existing buildings. GAO, however, still reports deficiencies in State's efforts. The Subcommittee on National Security, Veterans Affairs, and International Relations also has pursued the matter as part of a strategy of "rightsizing" the U.S. presence overseas, the process of putting the right people with the right skill in the right places in an effort to reduce the overall U.S. civilian presence overseas.

Cooperative Threat Reduction: Nonproliferation of Weapons and Material of Mass Destruction

The Committee will investigate the cost of CTR projects, the likelihood the projects will become operational on schedule, and the extent to which the United States is likely to realize the projects' national security objectives. The CTR Program was established in 1991 with the passage of the Soviet Nuclear Threat Reduction Act (the Nunn-Lugar Act) to respond to the threat of proliferation of the former Soviet Union arsenal of nuclear, chemical and biological weapons and materials. The Committee will focus on the proliferation and dangers resulting from the decline and decay in recent years of Russia's nuclear, chemical, and biological weapons enterprises.

OxyContin – Misuse, Abuse, and Diversion

Prescription drug abuse is a growing national problem. In recent years, there has been a dramatic increase in the misuse, abuse, and diversion of the Schedule II controlled substance, OxyContin. OxyContin, manufactured by Purdue Pharmaceuticals, is the only controlled-release form of the narcotic Oxycodone and is currently one of the most prescribed drugs in the United States. The Committee intends to explore the reasons for the increasing availability of OxyContin for illicit use in suburban communities and in metropolitan areas. The Committee will evaluate the roles manufacturers, doctors, pharmacies, law enforcement, and the federal government play regarding this issue and how their roles can be improved to address the problem of OxyContin. In addition, the Committee will also consider possible solutions to eliminate the potential for misuse, abuse, and diversion of OxyContin.

Sale of Prescription Drugs Over the Internet

An increasing variety of prescription medications have become available to the public through the Internet. The use of the Internet as a source for prescription drugs is not necessarily inappropriate, and several correctly licensed Internet pharmacy practice sites are legitimately dispensing prescription drugs pursuant to a valid prescription. However, Internet prescribing creates the danger of eliminating the safeguards that protect consumers from inappropriate use of medications. Another concern raised by Internet prescribing is the ability of consumers to obtain drugs without seeing a physician or a pharmacist. The Committee will examine the effectiveness of traditional regulations in the sale of prescription drugs over the Internet. The Committee will also consider new procedures, on a federal and state level, to eliminate the unlawful prescription of drugs.

Activities for the 108th Congress Subcommittees

Subcommittee on National Security, Emerging Threats and International Relations

In the 108th Congress, the subcommittee will undertake oversight inquiries, reviews, General Accounting Office audits and/or hearings in the following issue areas:

Homeland Security

The economy and efficiency of the integration of agencies and programs into the new Department of Homeland Security (DHS); Public health capacity and first responder preparedness, including a review of pharmaceutical stockpile programs, the administration's BioShield initiative, the DOD Joint Vaccine Acquisition Program, the HHS smallpox vaccine acquisition and deployment system, and disease surveillance systems both nationally and globally; Inter-agency efforts to evaluate proposed technology solutions to homeland security challenges; The DOD role in homeland security and the operations of the new Northern Command; Security and evacuation procedures at civilian and DoE (weapons) nuclear facilities; The extent to which multiple U.S. security strategies are well coordinated and implemented; The biometric visa program and other visa reform efforts; The quality and quantity of homeland security intelligence and threat information shared with state and local responders; Security programs at strategic and commercial ports, including inland waterways.

Emerging Threats

Status of implementation and compliance with the Biological Weapons Convention; Status of implementation and compliance with the Chemical Weapons Convention; Status of implementation and compliance with the Nuclear Non-Proliferation Treaty; Assessment of potential national and subnational sponsors of terrorism; Multi-lateral and bi-lateral cooperative threat reduction efforts.

International Terrorism

Conflicting international definitions of terrorism; Counterterrorism programs in other nations; the status and benefits of multilateral cooperation against terrorism; the economy and efficiency of U.S. counterterrorism programs abroad; the impact of coalition action against Iraq on the incidence of terrorism at home and abroad.

Department of Defense Programs and Spending

The status force health protection programs both medical and non-medical; IT investment and Clinger-Cohen compliance; The adequacy of readiness measures and transformation benchmarks; The efficiency and success of financial management reform efforts; Technology readiness measures used in missile defense development; The economy and efficiency of certain aspect of tactical air (F-22, JSF) procurements; DOD communications

satellite procurements and programs; DOD security clearance adjudication facilities and procedures.

Department of Veterans Affairs Programs and Spending

Status of the VA Hepatitis-C initiative; VA health care access limits, co-pays; Status of research, diagnosis, treatment and compensation for Gulf War veterans; Economy and efficiency of VA utilization of real property.

Department of State and USAID Programs and Spending

Implementation of the rightsizing initiative; Agency cost-sharing for overseas facilities; Status of USAID reorganization; Economy and efficiency of financial management and IT reforms at DoS and USAID; Adequacy of security measures to protect American abroad; DoS counterterrorism coordination and training abroad.

International Trade Programs and Spending

Adequacy of processes and procedures used by the Committee on Foreign Investment in the United States (CFIUS); Effort to control technology transfers, including deemed exports; The impact of increased security and counterterrorism requirements on economic growth and free trade; Inspector General Act provisions as applied to multiple trade agencies.

Subcommittee on Human Rights and Wellness

The subcommittee plans to engage in a number of oversight activities in the 108th Congress, some of which were initiated by the full committee during the 107th Congress. A brief summary of the most significant oversight investigations currently planned by the subcommittee follows.

Investigation into Allegations of Justice Department Misconduct in Boston

The full Committee conducted a two-year investigation of the FBI's misuse of informants in New England over a period of nearly four decades. The following are significant points developed by the Committee's investigation:

In the mid-1960s, a cooperating witness developed by the Justice Department provided false testimony against four men in a death penalty case. Three of these men were sentenced to death and one was sentenced to life in prison. Joseph Salvati spent thirty years in prison for a crime he did not commit, two died in prison and the other man served 34 years. The Committee obtained documents indicating that federal law enforcement personnel had clear evidence that a miscarriage of justice had occurred, and that they did nothing to correct this injustice.

Joseph Salvati was falsely accused of involvement in the murder to protect Jimmy "The Bear" Flemmi, who was an FBI informant and notorious mob hitman. FBI Director Hoover was informed that Jimmy Flemmi had murdered seven individuals and would continue to commit murders. Nevertheless, the FBI decided to continue to use him as an informant, even though it was anticipated that he would continue his career as an assassin.

Jimmy Flemmi's brother, Stephen "The Rifleman" Flemmi, was also an FBI informant. He committed numerous homicides and was protected from prosecution by the Justice Department for decades.

Federal law enforcement officials obstructed homicide investigations in a number of states in order to protect informants Stephen Flemmi and James "Whitey" Bulger.

The FBI's drug crimes supervisor in Boston, John Connolly, was Whitey Bulger's handler. Bulger was one of the principal drug smugglers in New England. Connolly repeatedly warned Bulger of investigations that might have led to his arrest. When he finally was indicted, Bulger was given advance warning by Connolly and fled. As recently as the late 1990s the FBI appears to have failed to take adequate steps to capture Bulger, who was number two on its own '10 Most Wanted' list behind Usama bin Laden.

Federal corruption investigations of Massachusetts Senate President William Bulger were conducted by personnel who were being paid money by Whitey Bulger.

The federal government faces lawsuits in excess of two billion dollars for its misuse of mob informants in New England.

The pattern of misconduct in New England over a forty-year period can fairly be described as the greatest failure in the history of Federal law enforcement. The subcommittee intends to pursue this investigation further.

Investigation into Abductions to Saudi Arabia of American Children

During the 107th Congress, the full Committee conducted an investigation into the Saudi government's lack of cooperation in returning to the United States American citizens who had been illegally abducted to Saudi Arabia. During five hearings held in 2002, the Committee heard testimony from numerous U.S. parents that their Saudi ex-spouses had abducted their American children to Saudi Arabia in violation of custody agreements and court orders. In some cases, these illegal abductions occurred with the complicity of the Saudi embassy. While arrest warrants were issued in many of these cases, the Saudi government has never returned a kidnapped American citizen.

Then-Chairman Burton led a Congressional delegation to Saudi Arabia to urge the Saudi Royal family to resolve outstanding cases, a mission which proved fruitless. The Committee also examined the performance of the State Department in attempting to resolve these cases. The subcommittee will continue to pursue this matter in the 108th Congress.

Oversight of the Vaccine Injury Compensation Program

The full Committee held three hearings on the Vaccine Injury Compensation Program (VICP) during the 107th Congress. The VICP was designed to be a no-fault program to compensate victims of vaccine injuries quickly and compassionately, with less-adversarial procedures than those used in civil litigation. While more than 1,000 families have been compensated during the program's fifteen year history, some without lengthy delays, the Committee found too many instances in which the government had engaged in highly adversarial tactics never envisioned by Congress. By utilizing such tactics, the government delayed compensation to some deserving families for as long as a decade.

During the last Congress, Congressman Burton, Congressman Henry Waxman, Congressman Dave Weldon and others introduced legislation to reform the VICP. This legislation will be reintroduced this year.

The subcommittee will continue to oversee the VICP to ensure that it operates in the manner intended by Congress – fairly, compassionately, and in the best interests of victims of vaccine injuries and their families.

Oversight of Vaccine Safety

The subcommittee will continue activities begun at the full Committee four years ago to examine Federal vaccine policy. The goals of the subcommittee's oversight will be to ensure that vaccines are safe and effective; that the Federal government engages in a vigorous research program to continuously improve our ability to prevent vaccine injuries; and that Federal vaccine policies are not swayed by conflicts of interest.

Many of today's vaccines are safer than ever. The replacement of the oral polio vaccine and the cellular pertussis vaccine with more reliable alternatives has reduced the number of unintended injuries caused by those vaccines. The removal of thimerosal, a mercury-based preservative, from most childhood vaccines has also helped to restore the confidence of the American people in vaccines. However, several troublesome questions remain. These include: 1) why thimerosal is still used in the infant influenza vaccine and many adult vaccines, 2) why the FDA did not move more forcefully to remove thimerosal from vaccines in the 1990s, and 3) how questions about the safety of the MMR vaccine are being addressed. In addition, the Federal government has a responsibility to make a concerted effort to determine what the public health impact was of the decision to increase the number of thimerosal-containing vaccines on the recommended schedule in the 1990s. The subcommittee will continue to review these issues in the 108th Congress.

Oversight of the Implementation of the Dietary Supplement Health and Education Act of 1994

The Full Committee conducted four hearings during the 107th Congress related to the implementation of the Dietary Supplement Health and Education Act of 1994. In over six years, the FDA has failed to publish proposed regulations on good manufacturing practices for dietary supplements (GMPs) and has fostered an adversarial relationship with supplement manufacturers on many topics. Research is increasingly showing the benefit of nutritional supplements for improved health, and a majority of the American public regularly use dietary supplements. The subcommittee will continue to oversee the implementation of DSHEA and dietary supplement regulation.

Oversight of Complementary and Alternative Medicine and Wellness-Focused Activities of the Federal Government

The Full Committee has held numerous hearings on the role of complementary and alternative medicine (CAM) in our health care system over the last several years. Many CAM approaches stress the importance of diet, physical activity, and healthy choices. With the President's Healthier US Initiative, a broadened focus on the cost savings potential of healthy lifestyles and natural healing techniques will be included in the subcommittee's oversight activities.

Oversight of Conflicts of Interest of the FDA's Special Government Employees/Advisory Committee Members

The Department of Health and Human Services frequently employs advisory committees to give it expert advice on subjects such as new drug approvals and vaccine schedules. Historically, the Department has been very lax in policing committee members' conflicts of interest. In August 2002, the Committee on Government Reform published a majority staff report identifying a series of financial conflicts of interest that affected the approval of the Rotashield vaccine, which had to be withdrawn from the market in less than a year. The subcommittee will continue to conduct oversight in this area.

Oversight of FDA Regulation of Medical Devices

The Center for Devices and Radiological Health (CDRH) is responsible for regulating medical devices and radiation-emitting products. With an aging population, orthopedic implants are an increasingly familiar option in the treatment of osteoarthritis, and the deterioration of hips, knees, and other joints. The subcommittee will initiate a review of long-term safety concerns in this area and the FDA's approval process for medical devices.

Human Rights

The subcommittee will initiate a review of human rights around the world, and will conduct oversight of the State Department's efforts to promote human rights.

Subcommittee on Criminal Justice, Drug Policy and Human Resources

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 and its programs during the 108th Congress. The current authorization of the office (\$523 million in FY '03) expires at the end of the fiscal year. In addition to the office itself, many of its subsidiary programs will require authorization, most notably the HIDTA program and the National Youth Anti-Drug Media Campaign.

State Drug Legalization Initiatives: Despite past successes and the intense efforts of the drug legalization movement in several states, ballot initiatives to legalize or decriminalize certain drug uses under state laws were easily defeated nationwide last November. What is the best and most appropriate approach to continue strong opposition at the federal level to drug legalization and decriminalization?

International and Interdiction Issues: Airbridge Denial Program – The United States assists foreign governments under the Airbridge Denial program to intercept suspected drug trafficking aircraft. The program was suspended after the Peruvian government shutdown of an innocent missionary plane and resulting loss of life. What practical and residual obstacles does the Administration believe still must be met before the resumption of this program, which plays an important role in our overall drug interdiction efforts? 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. How do we best heighten public awareness of these cases and the demonstrable links between the drug trade and terrorism? Department of Homeland Security/Subordinate Budgets – The Office of Management and Budget has directed the Customs Service and other agencies to make certain remaining FY '02 funds available to the Department of Homeland Security for startup costs and administrative activities. From the Customs Service, \$30 million was taken directly from Air/Marine interdiction, which has forced a cut in flight hours and aircraft procurement. What action can be taken to ensure that DHS startup does not hinder interdiction activities? Status of Colombia Programs and the Andean Counterdrug Initiative – President Uribe has significantly increased his support for US eradication programs in Colombia, which has led to a fairly significant increase in activity and effectiveness. In addition, the Plan Colombia equipment provided for by Congress in earlier years is starting to arrive in significant amounts. Has it begun to make a tangible difference, is the program effective, and what changes are necessary to ensure the continuance of robust source country programs? The subcommittee's oversight activities in the area of international and interdiction issues will also include a careful examination of U.S. support for Mexico's recent shift toward military enforcement of domestic anti-drug laws in the wake of President Fox's dissolution of the civilian Mexican counterpart to the U.S. Drug Enforcement Administration.

Prevention and Treatment: Treatment Initiatives – The President recently announced his “Recovery Now” initiative to increase the availability and effectiveness of drug treatment. How will the program be implemented and what is likely to be the immediate impact for Americans seeking treatment? *Status of Federal Prevention Programs* – The Federal government continues to have a largely uncoordinated and frequently unfocused group of drug prevention programs. How can we 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 Director Walters. How can we 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 late last year in New York City and Massachusetts essentially held that participants in needle exchange programs could not be arrested for drug use. Will the Justice Department be aggressively appealing the federal decision, and how can we work to continue effective law enforcement in these areas? *Witness Protection*: Last year, the Dawson family in Baltimore (Ranking Member Cummings’ district) was firebombed and murdered by drug dealers in response to Mrs. Dawson’s efforts to shed light on their activities in her community. What programs can be developed or supported to provide protection for witnesses or anti-drug activists in neighborhoods with heavy drug use?

Justice

Effect of Homeland Security on Federal Law Enforcement: During the last Congress, the subcommittee conducted a number of hearings on the impact which the creation of a Department of Homeland Security might have on other federal law enforcement agencies – primarily examining whether the intense focus on that single goal would adversely affect the resources, focus, or personnel available to more traditional law enforcement missions which did not disappear after 9/11. As the Department begins to operate, these issues will require ongoing attention to ensure the continued effectiveness of the overall system.

Border: During the last Congress, the subcommittee also carried out an exhaustive review of U.S. border agencies and policies, as well as the multitude of diverse and distinct issues represented at individual crossings, both north and south. These activities and field hearings were summarized in a lengthy interim Committee report. This review needs to be completed; field hearings may be conducted in New Mexico, Texas, Michigan, New York, and other states, and a final report prepared and issued. In addition, the subcommittee expects to continue careful oversight of the Container Security Initiative and the modernization of border programs.

Immigration: Both the creation of the Department of Homeland Security and the unprecedented demands placed on the United States after 9/11 have raised several significant immigration issues that require continued oversight. In addition to ensuring that the U.S. immigration system remains open and accessible to those who legitimately seek entry, oversight is also necessary to ensure that effective means are in place to ensure the security of our country

from those who seek to enter to do harm, and that security measures protect appropriate civil and individual rights. The balance is delicate, difficult, and complicated and is likely to require continued scrutiny.

Justice Policy: Similarly, the Department of Justice has taken aggressive stances to protect national security that have in some respects made significant changes to long-held practices in such areas as bypassing the federal court system for certain defendants, detentions without charge or trial, significant change in focus of the FBI, and enhanced sharing of foreign and wiretap intelligence with law enforcement agencies. Again, the rapidly evolving new policy represents a delicate balance that requires careful oversight.

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 impacts 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, health issues impacting illegal drug policy, and department handling of the West Nile virus. Two hearings on these topics received extensive national attention. These oversight activities are planned to continue at the same intensity in the 108th 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 108th Congress as President Bush renews his push for legislation addressing faith-based issues incident to welfare reform legislation.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs

During the 107th Congress, the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held 22 hearings on a range of issues. They included a variety of subjects in each of the three principle areas within the subcommittee's jurisdiction. For example, in Energy Policy, the subcommittee addressed the California energy crisis and governance by the Federal Energy Regulatory Commission (FERC) and the California Independent System Operator (CAISO). In Natural Resources, the subcommittee addressed several subjects, such as environmental streamlining, the gasoline supply, and Federal implementation of the Supreme Court's SWANCC decision relating to wetlands. Lastly, in Regulatory Affairs, the subcommittee reviewed implementation of the Congressional Review Act, Paperwork Reduction Act (PRA), Unfunded Mandates Reform Act, and the required annual regulatory accounting report, as well as regulations under development, such as to implement the new air security law.

In addition, the subcommittee considered various legislative proposals, including possible elevation of the Environmental Protection Agency (EPA) to a cabinet-level department and improvements to increase accountability and transparency in the Presidential gifts system. Last year, the subcommittee's multi-year initiative to provide paperwork relief to small businesses became law in the Small Business Paperwork Relief Act of 2002 (P.L. 107-198).

During the 107th Congress, the subcommittee conducted an extensive investigation of the current multi-agency system for managing Presidential gifts. The result was House Report 107-768, "Problems with the Presidential Gifts System."

During the 108th Congress, the subcommittee plans to continue to hold hearings in all three principal areas within its jurisdiction: Energy Policy, Natural Resources, and Regulatory Affairs. In addition, the subcommittee plans to continue its oversight of the Administration's efforts to achieve meaningful paperwork reduction and useful regulatory accounting and its implementation of the new Small Business Paperwork Relief Act. Lastly, the subcommittee plans to consider legislation to make additional improvements in the existing laws governing paperwork reduction and regulatory management.

Agency Compliance with the Paperwork Reduction Act (PRA): The subcommittee will continue oversight of the role of the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) in enforcing the PRA and agency compliance with the PRA. Since the Internal Revenue Service (IRS) accounts for over 80 percent of the government-wide paperwork burden, the subcommittee will continue to work with the Treasury-Postal Appropriations Committee to increase OIRA efforts devoted to reducing IRS paperwork.

Oversight of OMB/OIRA's Regulatory Accounting Reports: 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 requires OMB to include aggregate estimates by agency and by agency program, the subcommittee will continue its efforts for OIRA to systematically seek agency input.

Oversight of Individual Regulations: The subcommittee will continue oversight of individual regulations, such as the proposed SWANCC wetlands rule, and interim final rules to implement new legislation, such as port security.

Oversight of Energy Policy and Natural Resources: The subcommittee will continue its oversight in certain areas, such as governance by FERC and CAISO and gasoline markets, and will initiate oversight in some areas, such as water quality trading and access to wilderness areas for recreation purposes.

Subcommittee on the Civil Service and Agency Organization

The subcommittee will oversee various programs and issues within the jurisdiction of the Office of Personnel Management (OPM) and title 5 of the United States Code. These may include, but are not limited to: the Federal Employee Health Benefits Program, including the advantages or disadvantages of including a medical savings component within the selection of plans available to federal employees and retirees, and premium contributions by federal retirees being deducted with pre-tax dollars, in line with contributions by federal employees; pre-funding retirement benefits such as required of the United States Postal Service; telecommuting by federal employees; Digital Tech Corps Act of 2002 implementation; OPM's implementation of the Long-Term Care Insurance Program; human capital management, including pay for performance and pay banding methodologies; pay comparability between the public and private sector and how that affects recruitment and retention of well qualified public employees; the federal job application process; mentoring by volunteer senior employees of new and junior employees as a management tool, a technique used by many successful private sector enterprises; OPM processing of security clearances for other agencies, including the transfer of 1,800 security clearance employees to OPM from the Department of Defense; outsourcing and privatization of certain federal jobs; the Whistle-Blower Protection Act, equal employment opportunity statutes, and the federal employees' appeals process; agency organization initiatives; senior executive compensation; recommendations of the National Commission on the Public Service; veterans' preference.

Subcommittee on Government Efficiency and Financial Management

The subcommittee will examine financial and performance management practices at departments and agencies within the executive branch of the federal government with the goal of determining whether they comply with existing federal financial laws. In addition, the subcommittee will focus on agencies' efforts to eliminate waste, fraud and mismanagement in taxpayer-funded federal programs.

As part of the subcommittee's efforts to improve government performance and accountability, the subcommittee intends to monitor the implementation of the President's Management Agenda, in particular the President's scorecard on government-wide, management-related initiatives such as human capital management, competitive sourcing, financial performance, electronic government, and budget and performance integration. In addition, the subcommittee intends to hold hearings on the President's "Program Assessment Rating Tool," focusing in particular on progress made by the Administration to integrate performance information into budget decisions.

The subcommittee plans to oversee the implementation of Public Law 107-289, the "Accountability of Tax Dollars Act of 2002," which was signed into law last November. 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, beginning with FY03. 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 the 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 \$20 billion in FY2001, but explained that the actual amount was 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.

In addition, with the 10-year anniversary of the Government Performance and Results Act coming up in August, the subcommittee intends to evaluate the progress that GPRA has made over the past decade in improving government performance, and where the government should be headed in the future. Being able to measure progress made from the investment of taxpayer funds is important to this subcommittee. Working with the Administration to tie funding to performance will be an important element of this subcommittee's agenda.

The subcommittee will oversee the government's implementation of the Cash Management Improvement Act; the Chief Financial Officers Act; the Computer Matching and Privacy Protection 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 Technology, Information Policy, Intergovernmental Relations and the Census

The subcommittee intends to be active in the exercise of oversight in a variety of subject areas that fall within the purview of its jurisdiction. The results of this oversight activity may produce legislative initiatives that address opportunities to improve communication, coordination, cooperation and efficiency within the Federal government, and between Federal, State and Local governments.

Legislative Implementation Oversight

The following are examples of specific pieces of legislation whose implementation will be reviewed: Census Act; Electronic Government Act; Federal Advisory Committee Act; Federal Information Security Management Act; Freedom of Information Act; Government Paperwork Elimination Act; Intergovernmental Cooperation Act; Single Audit Act; Unfunded Mandates Reform Act; Presidential Records Act; Privacy Act.

E-Government

The subcommittee will examine the progress of the implementation of E-Government initiatives identified by the subcommittee in the 107th Congress. Within that context, the subcommittee will consider the development of an evaluation/grading system for various Federal agencies in terms of their compliance with e-Government and other IT provisions. This would include an examination and review of user-friendliness and customer service aspects of the Federal government's public web presence and accessibility to the citizenry.

IT Management

The subcommittee will continue to review Federal government IT management to examine compatibility with State and Local government IT systems; to improve Federal cross-agency communication and coordination in an effort to foster and facilitate innovation; and to ensure leadership and coordination in IT research and development.

Technology Security

The subcommittee will examine the progress of efforts to address technology security to ensure the safety of Federal employees and their workplaces. Further, the sharing and transmittal of critical information between various Federal agencies, along with State and Local governments, is imperative to the identification and response to threats or acts of terrorism against this nation. Accordingly, the subcommittee will examine the progress to improve information technologies and procedures that will achieve greater protections for the American people. As part of this investigation, the subcommittee will examine the issue of data mining, and may review the progress and appropriateness of the Department of Defense's Total Information Awareness Project. The subcommittee will also be interested in new technologies being developed by the Defense Advanced Research Projects Agency (DARPA).

In addition, the subcommittee will review threats to telecommunications networks in an effort to determine whether more needs to be done to protect high-priority vulnerabilities.

Internet

New technologies have resulted in the explosive growth of the Internet. The increasing reliance on the Internet by millions of Americans makes it a critical part of our national infrastructure. The subcommittee will review developing trends of the Internet and will explore several problem areas, including security breaches and issues associated with the fraudulent use of domain names.

Technological Impact on Research and Development

The federal government spends billions of dollars each year on research and development. The subcommittee is concerned by the historical decline of the federal share of overall research and development (R&D). The subcommittee will seek a national R&D strategy with methods for evaluation, and will examine the impact of technology on research programs, looking particularly at ongoing efforts at the National Institutes of Health and the Human Genome Project.

Intergovernmental Relations

The continued examination of the Federal government's relationship with other governmental entities will be a main objective of the subcommittee. Specifically, the subcommittee wishes to identify initiatives that will produce more efficient and effective delivery of services and application of Federal funds. In the same context, the subcommittee will continue to examine the role and responsibility of the Federal government to communicate, coordinate, and cooperate with State and Local governments on the response to any acts of terrorism.

Federal/State Coordination of Homeland Security

The subcommittee will hold field hearings to explore the success or failure of coordinative efforts between the Federal and state governments in the area of homeland security.

Disaster Management

The subcommittee will examine the collaboration of state, local and federal agencies in dealing with natural disasters, such as tornadoes, hurricanes and floods.

First Responders

The subcommittee will investigate the manner in which governmental agencies coordinate and communicate with first responders. In addition, the subcommittee will review the procedures by which agencies such as the Centers for Disease Control coordinate in emergency situations.

Border Controls

The subcommittee will examine the cooperation of governmental departments and agencies in protecting America's borders. As part of this investigation, the subcommittee will review the coordination of intergovernmental efforts to ensure the safety of its airports and seaports.

Information Policy

The subcommittee will also utilize its oversight authority to continue to seek the appropriate balance between the needs of the Federal government to collect and distribute necessary information, with the privacy expectations and rights of the citizenry. Concurrently, it is important to continue to seek an appropriate balance between the need for government to protect and secure certain information while insuring public access to the activities and operations of government.

Of particular interest will be the privacy of medical records and the sharing of financial information, particularly among business organizations sharing a common corporate parent.

Census

The subcommittee will continue the effort to facilitate replacement of the Long Form from the 2010 Census process, and replace it with the American Community Survey (ACS), which provides for an annual sampling of 3 million households. This effort will include review and monitoring of a current study being conducted by the Census Bureau with oversight being provided by GAO. The result will likely be a legislative initiative to authorize implementation of the American Community Survey.

Further, the subcommittee will continue to provide oversight for the Economic Census being conducted in 2003.

Frequency Spectrum Encroachment

Uncertainty in the world in several strategic areas makes it imperative that America is positioned to aggressively protect its communications systems. The use of spectrum by defense agencies can greatly impact the availability of spectrum for commercial uses, and the subcommittee will explore the implications of restricting frequency spectrum.

Space Technology

America's commitment to the exploration of the heavens is undiminished. The subcommittee intends to review the status of the space program and explore technological advances concerning both manned and unmanned flights.

Export Control

The subcommittee is committed to the security of technological innovations and advances, and will review intergovernmental efforts to control the export of these technologies overseas.

Environmental Technologies

Technological advances will encourage new ways in which to preserve and protect the environment. The subcommittee is interested in examining the manner in which technology is assisting environmental restoration efforts in such places as the Everglades.

Alternative Energy Research

With natural resources being depleted at an ever-increasing rate, America must continue to explore new ways to provide energy. The subcommittee will investigate efforts to develop new sources of energy, along with problems associated with these technologies. Of particular focus will be the problems associated with the storage of nuclear waste.

Patent/Trademark

The subcommittee will investigate the manner in which new technologies impacts patent and trademark issues in the 21st century.

Land Management

The subcommittee will evaluate state, local and federal land acquisition plans, their impact on local services and tax bases, while identifying successful land management strategies.

Demography

The subcommittee will examine population shifts in areas of emerging regional threats, such as the view of America and American values by other nations.

Preservation of Archival Material

The subcommittee will monitor efforts to preserve historical data and records through new technologies, such as digitization.