

## Union Calendar No. 500

108TH CONGRESS }  
*2d Session*

HOUSE OF REPRESENTATIVES

{ REPORT  
108-815

### ACTIVITIES

OF THE

### HOUSE COMMITTEE ON GOVERNMENT REFORM

ONE HUNDRED EIGHTH CONGRESS

FIRST AND SECOND SESSIONS

2003-2004

(Pursuant to House Rule XI, 1(d)(4))



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JANUARY 3, 2005.—Committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed

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WASHINGTON : 2005

COMMITTEE ON GOVERNMENT REFORM

TOM DAVIS, Virginia, *Chairman*

DAN BURTON, Indiana	HENRY A. WAXMAN, California
CHRISTOPHER SHAYS, Connecticut	TOM LANTOS, California
ILEANA ROS-LEHTINEN, Florida	MAJOR R. OWENS, New York
JOHN M. McHUGH, New York	EDOLPHUS TOWNS, New York
JOHN L. MICA, Florida	PAUL E. KANJORSKI, Pennsylvania
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STEVEN C. LATOURETTE, Ohio	ELIJAH E. CUMMINGS, Maryland
DOUG OSE, California	DENNIS J. KUCINICH, Ohio
RON LEWIS, Kentucky	DANNY K. DAVIS, Illinois
TODD RUSSELL PLATTS, Pennsylvania	JOHN F. TIERNEY, Massachusetts
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EDWARD L. SCHROCK, Virginia	STEPHEN F. LYNCH, Massachusetts
JOHN J. DUNCAN, Jr., Tennessee	CHRIS VAN HOLLEN, Maryland
NATHAN DEAL, Georgia	LINDA T. SANCHEZ, California
CANDICE S. MILLER, Michigan	C.A. "DUTCH" RUPPERSBERGER, Maryland
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MICHAEL R. TURNER, Ohio	JIM COOPER, Tennessee
JOHN R. CARTER, Texas	BETTY MCCOLLUM, Minnesota
MARSHA BLACKBURN, Tennessee	
PATRICK J. TIBERI, Ohio	BERNARD SANDERS, Vermont (Independent)
KATHERINE HARRIS, Florida	
MICHAEL C. BURGESS, Texas	

MELISSA WOJCIAK, *Staff Director*

DAVID MARIN, *Deputy Staff Director/Communications Director*

KEITH AUSBROOK, *Chief Counsel*

ROB BORDEN, *Senior Counsel/Parliamentarian*

TERESA AUSTIN, *Chief Clerk*

PHIL BARNETT, *Minority Chief of Staff/Chief Counsel*

**LETTER OF TRANSMITTAL**

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HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 3, 2005.*

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

DEAR MR. SPEAKER: Pursuant to House Rule XI, clause 1(d)(4),  
I submit the enclosed the activities report of the Committee on  
Government Reform for the 108th Congress.

TOM DAVIS,  
*Chairman.*



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### ACTIVITIES OF THE HOUSE COMMITTEE ON GOVERNMENT REFORM

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JANUARY 3, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

### REPORT

### ACTIVITIES OF THE HOUSE COMMITTEE ON GOVERNMENT REFORM, 108TH CONGRESS, 1ST AND 2D SESSIONS, 2003 AND 2004

#### PART ONE. COMMITTEE ORGANIZATION

##### I. HISTORY AND JURISDICTION OF THE COMMITTEE

The Committee on Government Reform serves both as the House of Representative's government operations committee and also as its chief investigative and oversight body, reviewing allegations of waste, fraud and mismanagement across the Federal Government. Alone among the House committees, the Committee on Government Reform has legislative jurisdiction over the operations of all Federal agencies including, human resources, information technology, procurement, and financial and general management policy. Unlike other House committees, the committee has the authority to conduct oversight and investigations outside of its legislative jurisdiction. The committee's unique legislative jurisdiction and oversight authority make it one of the most influential committees in the House of Representatives.

Congressman Tom Davis (R-VA) served as the chairman of the committee in the 108th Congress. The ranking minority member was Congressman Henry Waxman (D-CA).

The Committee on Government Reform first appeared in 1927 as the Committee on Expenditures in the Executive Departments. It

was created by consolidating the 11 Committees on Expenditures previously responsible for overseeing how taxpayer moneys were spent at each executive branch department.

Under the Legislative Reorganization Act of 1946, the committee was renamed the Committee on Government Operations. The name change was intended to communicate the primary function of the committee to study “the operations of Government activities at all levels with a view to determining their economy and efficiency.” The Government Operations Committee’s oversight jurisdiction over all Federal agencies and departments was unprecedented in the legislative branch.

On January 4, 1995, Republicans assumed control of the House of Representatives for the first time in over 40 years. Republicans immediately implemented several internal reforms, including an initiative to reduce the number of standing committees in the House and cut committee staffs by one-third. The Committee on Government Reform exemplified the changes that took place in the House. Both the Committee on Post Office and Civil Service and the Committee on the District of Columbia were consolidated into the newly named Government Reform and Oversight Committee. The name change highlighted the Republican view that the Federal Government needed reform to ensure accountability. This consolidation of three committees into one resulted in millions of dollars in savings and a nearly 50 percent reduction in staff. At the start of the 107th Congress, the committee’s name was shortened to the Committee on Government Reform.

House Rule X, clause 1(h) sets forth the committee’s jurisdiction, functions, and responsibilities as follows:

1. The Federal Civil Service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.
2. Municipal affairs of the District of Columbia in general (other than appropriations).
3. Federal paperwork reduction.
4. Government management and accounting measures generally.
5. Holidays and celebrations.
6. Overall economy, efficiency, and management of government operations and activities, including Federal procurement.
7. National Archives.
8. Population and demography generally, including the Census.
9. Postal Service generally, including transportation of the mails.
10. Public information and records.
11. Relationship of the Federal Government to the States and municipalities generally.
12. Reorganizations in the executive branch of the Government.

Every standing committee, including the Committee on Government Reform, has general oversight responsibilities pursuant to

House Rule X, clause 2. These responsibilities include the analysis, appraisal, and evaluation of Federal laws including the necessity or desirability of enacting new or additional legislation. The committees are also charged with determining whether laws and programs 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 is required to review and study on a continuing basis the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction as well as the organization and operation of agencies within its jurisdiction.

In addition to its general oversight responsibilities, the Committee on Government Reform has the following special and additional functions:

*Special oversight functions, Rule X, clause 3(e)*

The Committee on Government Reform shall review and study on a continuing basis the operation of Government activities at all levels with a view to determining their economy and efficiency.

*Additional functions of committees, Rule X clause 4(c)*

(1) The Committee on Government Reform shall—

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved.

In the 108th Congress, 44 members served on the committee, including 24 Republicans, 19 Democrats and 1 Independent. The committee had seven subcommittees. The jurisdiction of the subcommittees was established by committee resolution on February 13, 2003 along with the rules of the committee. The committee rules and the subcommittee resolution are reproduced below, followed by the subcommittee rosters for the 108th Congress.

## II. RULES AND ORGANIZATION OF THE COMMITTEE

### U.S. HOUSE OF REPRESENTATIVES

#### 108TH CONGRESS

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Rule XI, clause 1(a)(1)(A) of the House of Representatives provides:

Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

Rule XI, clause 2(a)(1) of the House of Representatives provides, in part:

Each standing committee shall adopt written rules governing its procedure.

In accordance with this, the Committee on Government Reform, on February 13, 2003, adopted the rules of the committee:

#### *Rule 1.—Application of Rules*

Except where the terms “full committee” and “subcommittee” are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

#### *Rule 2.—Meetings*

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be respon-

sible for providing the same information on witnesses whom the minority may request.

*Rule 3.—Quorums*

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

*Rule 4.—Committee Reports*

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2–4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(1) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

*Rule 5.—Proxy Votes*

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

*Rule 6.—Record Votes*

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

*Rule 7.—Record of Committee Actions*

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

*Rule 8.—Subcommittees; Referrals*

There shall be seven subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

*Rule 9.—Ex Officio Members*

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

*Rule 10.—Staff*

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

*Rule 11.—Staff Direction*

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the

chairman of the full committee and shall perform such duties as he may assign.

*Rule 12.—Hearing Dates and Witnesses*

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

*Rule 13.—Open Meetings*

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

*Rule 14.—Five-Minute Rule*

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question

a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

*Rule 15.—Investigative Hearing Procedures*

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

*Rule 16.—Stenographic Record*

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

*Rule 17.—Audio and Visual Coverage of Committee Proceedings*

(1) An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, Internet broadcast, and still photography, unless closed subject to the provisions of House Rule XI, clause 2(g). Any such coverage shall conform with the provisions of House Rule XI, clause 4.

(2) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(3) Personnel providing coverage of an open meeting or hearing of the committee or a subcommittee by Internet broadcast, other than through the Committee Broadcast System, shall be currently accredited to the Radio and Television Correspondents' Galleries.

*Rule 18.—Additional Duties of Chairman*

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Designate a vice chairman from the majority party.

*Rule 19.—Commemorative Stamps*

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

*Rule 20.—Panels and Task Forces*

(a) The chairman of the committee is authorized to appoint panels or task forces to carry out the duties and functions of the committee.

(b) The chairman and ranking minority member of the committee may serve as ex-officio members of each panel or task force.

(c) The chairman of any panel or task force shall be appointed by the chairman of the committee. The ranking minority member shall select a ranking minority member for each panel or task force.

(d) The House and committee rules applicable to subcommittee meetings, hearings, recommendations and reports shall apply to the meetings, hearings, recommendations and reports of panels and task forces.

(e) No panel or task force so appointed shall continue in existence for more than six months. A panel or task force so appointed may, upon the expiration of six months, be reappointed by the chairman.

ESTABLISHMENT OF SUBCOMMITTEES

In order to perform its functions and to carry out its duties as fully and as effectively as possible, the committee, under the leadership of Chairman Tom Davis at the beginning of the 108th Congress, established seven standing subcommittees, which cover the entire field of executive expenditures and operations.

Committee on Government Reform adopted the following resolution on February 13, 2003.

*Resolved,*

**Section One. Subcommittee on National Security, Emerging Threats and International Relations.**

(a) Upon the adoption of this resolution, there is hereby established the Subcommittee on National Security, Emerging Threats and International Relations.

(b) The jurisdiction of the subcommittee shall include all matters relating to national security, emerging threats, veterans affairs, and international relations, including anti-terrorism efforts, both foreign and domestic, and international trade.

(c) There shall be twenty Members appointed to serve on the Subcommittee on National Security, Emerging Threats and International Relations, eleven of whom shall be from the majority party, and nine of whom shall be from the minority party.

**Section Two. Subcommittee on Human Rights and Wellness.**

(a) Upon the adoption of this resolution, there is hereby established the Subcommittee on Human Rights and Wellness.

(b) The jurisdiction of the subcommittee shall include all matters relating to health care, public health policy and human rights. All matters relating to the health and well being of families and children.

(c) There shall be seven Members appointed to serve on the Subcommittee on Human Rights and Wellness, four of whom shall be from the majority party, and three of whom shall be from the minority party.

**Section Three. Subcommittee on Criminal Justice, Drug Policy and Human Resources.**

(a) Upon the adoption of this resolution, there is hereby established the Subcommittee on Criminal Justice, Drug Policy and Human Resources.

(b) The jurisdiction of the subcommittee shall include all matters relating to the criminal justice system, the nation's anti-narcotics programs, both foreign and domestic; and all matters relating to housing, education and welfare.

(c) There shall be sixteen Members appointed to serve on the Subcommittee on Criminal Justice, Drug Policy and Human Resources, nine of whom shall be from the majority party, and seven of whom shall be from the minority party.

**Section Four. Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.**

(a) Upon the adoption of this resolution, there is hereby established the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

(b) The jurisdiction of the subcommittee shall include all matters relating to regulatory reform and paperwork reduction measures; all matters relating to natural resources; and all matters relating to energy policy.

(c) There shall be fourteen Members appointed to serve on the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, eight of whom shall be from the majority party, and six of whom shall be from the minority party.

**Section Five. Subcommittee on the Civil Service and Agency Organization.**

(a) Upon the adoption of this resolution, there is hereby established the Subcommittee on the Civil Service and Agency Organization.

(b) The jurisdiction of the subcommittee shall include all matters relating to the Federal civil service, including personnel, compensation and employee benefits; all matters relating to Federal holidays and celebrations; and all matters relating to reorganizations of the executive branch.

(c) There shall be twelve Members appointed to serve on the Subcommittee on the Civil Service and Agency Organization, seven of whom shall be from the majority party, and five of whom shall be from the minority party.

**Section Six. Subcommittee on Government Efficiency and Financial Management.**

(a) Upon the adoption of this resolution, there is hereby established the Subcommittee on Government Efficiency and Financial Management.

(b) The jurisdiction of the subcommittee shall include all matters relating to financial management of executive departments and agencies; all matters relating to governmental accounting measures; all matters relating to the overall efficiency and management of government operations; and all matters relating to financial services and the nation's economic growth.

(c) There shall be ten Members appointed to serve on the Subcommittee on Government Efficiency and Financial Management, six of whom shall be from the majority party, and four of whom shall be from the minority party.

**Section Seven. Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.**

(a) Upon the adoption of this resolution, there is hereby established the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.

(b) The jurisdiction of the subcommittee shall include all matters relating to information technology; all matters relating to government information policy including information security and the handling of government information, presidential records and the Freedom of Information Act; all matters relating to intergovernmental relations; and all matters relating to population and demography generally, including the Census.

(c) There shall be eight Members appointed to serve on the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, five of whom shall be from the majority party, and three of whom shall be from the minority party.

MEMBERSHIP OF THE SUBCOMMITTEES

The committee appointed the chairmen and members of the subcommittees as follows:

Subcommittee on Civil Service and Agency Organization, Jo Ann Davis, chairwoman; members: Tim Murphy, John L. Mica, Mark E. Souder, Adam H. Putnam, Nathan Deal, Marsha

Blackburn, Danny K. Davis, Major R. Owens, Chris Van Hollen, Eleanor Holmes Norton and Jim Cooper.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, Mark E. Souder, chairman; members: Nathan Deal, John M. McHugh, John L. Mica, Doug Ose, Jo Ann Davis, John R. Carter, Marsha Blackburn, Patrick J. Tiberi, Elijah E. Cummings, Danny K. Davis, Wm. Lacy Clay, Linda T. Sanchez, C.A. Dutch Ruppersberger, Eleanor Holmes Norton and Betty McCollum.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, Doug Ose, chairman; members: Edward L. Schrock, Christopher Shays, John M. McHugh, Chris Cannon, Nathan Deal, Candice S. Miller, Patrick J. Tiberi, John F. Tierney, Tom Lantos, Paul E. Kanjorski, Dennis J. Kucinich, Chris Van Hollen and Jim Cooper.

Subcommittee on Government Efficiency and Financial Management, Todd Russell Platts, chairman; members: Marsha Blackburn, Steven C. LaTourette, Candice S. Miller, Michael R. Turner, Katherine Harris, Edolphus Towns, Paul E. Kanjorski, Major R. Owens and Carolyn B. Maloney.

Subcommittee on Human Rights and Wellness, Dan Burton, chairman; members: Chris Cannon, Christopher Shays, Ileana Ros-Lehtinen, Diane E. Watson, Bernard Sanders and Elijah E. Cummings.

Subcommittee on National Security, Emerging Threats and International Relations, Christopher Shays, chairman; members: Michael R. Turner, Dan Burton, Steven C. LaTourette, Ron Lewis, Todd Russell Platts, Adam H. Putnam, Edward L. Schrock, John J. Duncan, Tim Murphy, Katherine Harris, Dennis J. Kucinich, Tom Lantos, Bernard Sanders, Stephen F. Lynch, Carolyn B. Maloney, Linda T. Sanchez, C.A. Dutch Ruppersberger, John F. Tierney and Diane E. Watson.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, Adam Putnam, chairman; members: Candice S. Miller, Doug Ose, Tim Murphy, Michael R. Turner, Wm. Lacy Clay, Stephen F. Lynch and Betty McCollum.

## **PART TWO. COMMITTEE ACCOMPLISHMENTS**

### **I. LEGISLATIVE ACCOMPLISHMENTS**

The Committee on Government Reform was very successful in the 108th Congress in improving the operations and effectiveness of the Federal Government. Significant reforms were made to modernize the Defense Department's 700,000 employee Civil Service system and reform the Federal acquisition system, enabling the government to fully utilize private sector technology and innovation to make Federal agencies more service and technology-oriented. The committee championed landmark legislation providing families and children in the Nation's Capital with enhanced educational choices, expanding opportunities for students in under-performing D.C. elementary and secondary schools.

#### *Improving Accountability in Federal Employment*

Government Reform, in coordination with the Armed Services Committee, succeeded in bringing the Department of Defense civilian workforce into the 21st century by allowing the Department to shed the shackles of a 50-year old Civil Service system and replace it with a new system that will enable the Department to meet today's diverse national security threats. The committee also succeeded in other agency specific personnel reforms for NASA, the Federal Bureau of Investigation, the Securities and Exchange Commission, the GAO. In terms of government-wide Civil Service reforms, the committee transformed the Senior Executive Service into a pay-for-performance organization, and authorized government-wide Civil Service reforms for all agencies.

#### *Making Better use of Technology in Government*

Holding true to our agenda, the committee championed reforms to the Federal acquisition system as part of the Services Acquisition Reform Act of 2003, building on the critical procurement reform initiatives of the 1990s by recognizing that the economy and the needs of our government have become increasingly service and technology oriented. In improving the way Federal agencies acquire goods, the legislation made the Federal Government leaner, more responsible and more accountable to taxpayers. Further improvements were made to streamline the acquisition system as part of the Acquisition System Improvements Act, which was enacted into law in 2004.

#### *Providing Choices in Education for DC Parents*

The committee also succeeded in providing Federal scholarship funds for children to attend private elementary and high schools, providing parents and kids with an alternative to being condemned to the under-performing public schools in the Nation's Capital. The

committee also worked on other legislative initiatives to improve the operations of the District government and the quality of life in the District. For example, the committee advocated for the first annual DC authorization bill, providing a vehicle for Congress to consider changes to Federal law that would impact the District, without requiring the city to lobby appropriators to consider authorizing issues.

*Improving the Organization and Efficiency of the Government*

The committee also made improvements to the financial management practices of the Department of Homeland Security by strengthening the agency's CFO. Finally, the House passed one of the chairman's top priorities—reauthorization of the Executive Reorganization Authority—as part of the September 11 intelligence reform legislation. Reauthorizing this authority will continue to be a top priority for the committee in the 109th Congress. After all, the deliberations over the creation of a Department of Homeland Security and a National Intelligence Director have clearly demonstrated Congress' inability to overcome its internal turf battles in order to improve the organizational structure and operations of the Federal Government.

The following sections of this report list legislation within the committee's jurisdiction that was considered either in committee or in the House during the 108th Congress. Section A lists the bills that were in some form enacted into public law. Section B lists bills that were considered by the House but were not enacted into law in any form. Section C lists bills that were considered by the committee but did not reach the House floor. Bills designating postal facilities and resolutions are listed separately in sections D and E.

A. LEGISLATION ENACTED INTO LAW

1. *H.R. 10: To provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes*

a. *Sponsor.*—Representative Hastert, J. Dennis [R-IL-14] (introduced September 24, 2004).

b. *Legislative History.*—Referred to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, Education and the Workforce, Energy and Commerce, Financial Services, Government Reform, International Relations, the Judiciary, Rules, Science, Transportation and Infrastructure, Ways and Means, and Homeland Security (Select) on September 24, 2004. Ordered to be reported by the Select Homeland Security Committee on September 28, 2004. Ordered to be reported by the Committees on Intelligence, Armed Services, Financial Services, Government Reform, and the Judiciary on September 29, 2004.

Reported by: the Committee on Intelligence (Permanent) on October 4, 2004. H. Rept. 108-724, Part I; the Committee on Armed Services on October 4, 2004. H. Rept. 108-724, Part II; the Committee on Financial Services on October 4, 2004. H. Rept. 108-724, Part III; the Committee on Government Reform on October 5, 2004. H. Rept. 108-724, Part IV; and by the Committee on Judiciary, on

October 5, 2004. H. Rept. 108–724, Part V. Agreed to in the House on October 8, 2004.

\* The Senate agreed to a similar bill, S. 2845, on October 6, 2004. The House agreed to the conference report on S. 2854 (H. Rept. 108–796) on December 7, 2004, and the Senate agreed to the conference report on December 8, 2004. Public Law 108–458.

2. *H.R. 658: To provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission*

a. *Sponsor.*—Representative Baker, Richard H. [R-LA–6] (introduced February 11, 2003).

b. *Legislative History.*—Referred to committee on February 11, 2003. Ordered to be reported by the Committee on Financial Services on March 26, 2003. Reported to the House by the Committee on Financial Services on April 8, 2003, H. Rept. 108–63. Agreed to by the House on June 17, 2003. Agreed to by the Senate on June 19, 2003. Public Law 108–44.

3. *H.R. 735: To amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the U.S. Postal Service, and for other purposes*

a. *Sponsor.*—Representative McHugh, John M. [R-NY–23] (introduced February 12, 2003).

b. *Legislative History.*—Referred to the House Committee on Government Reform on February 12, 2003. Ordered to be reported by the Committee on Government Reform on March 6, 2003. Reported by the Committee on Government Reform. H. Rept. 108–49.

\* The Senate passed a similar bill, S. 380, on April 2, 2003. The House agreed to S. 380 by voice vote on April 8, 2003. Public Law 108–18.

4. *H.R. 978: To amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes*

a. *Sponsor.*—Representative Davis, Jo Ann [R-VA–1] (introduced February 27, 2003).

b. *Legislative History.*—Referred to the Committee on Government Reform on February 27, 2003. Agreed to by the House under suspension of the rules on September 10, 2003. Passed in the Senate by unanimous consent on September 11, 2003. Public Law 108–92.

5. *H.R. 1836: To make changes to certain areas of the Federal Civil Service in order to improve the flexibility and competitiveness of Federal human resources management*

a. *Sponsor.*—Representative Davis, Tom [R-VA–11] (introduced April 29, 2003).

b. *Legislative History.*—Referred to the Committee on Government Reform and the Committees on Armed Services and Science

on April 29, 2003. Ordered reported as amended by the Committee on Government Reform on May 7, 2003. Reported by the Committee on Government Reform on May 19, 2003. H. Rept. 108–116 Part I. Referred to the Committee on Ways and Means on June 3, 2003.

\* Enacted into law as Title XI, Subtitle A, Department of Defense National Security Personnel System of H.R. 1588. Public Law 108–136.

6. *H.R. 1837: To improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, and for other purposes*

a. *Sponsor*.—Representative Davis, Tom [R–VA–11] (introduced April 29, 2003).

b. *Legislative History*.—Referred to the Committee on Government Reform and the Committee on Armed Services on April 29, 2003. Ordered reported as amended by the Committee on Government Reform on May 7, 2003. Reported by the Committee on Government Reform on May 19, 2003. H. Rept. 108–117 Part I. Referred to the Committee on the Judiciary on May 19, 2003. Reported as amended by the Committee on the Judiciary on September 3, 2003.

\* Enacted into law as Title XIV, Services Acquisition Reform of H.R. 1588. Public Law 108–136.

7. *H.R. 2556: To provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary or secondary schools identified for improvement, corrective action, or restructuring under title I of the Elementary and Secondary Education Act of 1965, with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia, and for other purposes*

a. *Sponsor*.—Representative Davis, Tom [R–VA–11] (introduced June 23, 2003).

b. *Legislative History*.—Referred to the House Committee on Government Reform on June 23, 2003. Ordered reported by the Committee on Government Reform on July 10, 2003.

\* Adopted in the House as an amendment to H.R. 2765, the District of Columbia of Appropriation Act, on September 9, 2003. The provisions was finally enacted into law as H.R. 2673, the Fiscal Year 2004 Consolidated Appropriations Act, Division C, Title III, the DC School Choice Incentive Act of 2003. Public Law 108–199.

8. *H.R. 2751: To provide new human capital flexibilities with respect to the GAO, and for other purposes*

a. *Sponsor*.—Representative Davis, Jo Ann [R–VA–1] (introduced July 16, 2003).

b. *Legislative History*.—Referred to the Committee on Government Reform on July 16, 2003. Ordered reported by the Committee on Government Reform on November 6, 2003. Reported by the Committee on Government Reform on November 19, 2003. H. Rept. 108–380. Agreed to by the House on February 25, 2004. Agreed to in the Senate by unanimous consent on June 24, 2004. Public Law 108–271.

9. *H.R. 3054: To amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police, and the U.S. Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes*

a. *Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced September 10, 2003).

b. *Legislative History.*—Referred to the Committee on Government Reform on September 10, 2003. Ordered reported by the Committee on Government Reform on September 25, 2003. Agreed to by the House under suspension of the rules on October 8, 2003. Agreed to in the Senate by unanimous consent on November 11, 2003. Public Law 108-133.

10. *H.R. 3478: To amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission*

a. *Sponsor.*—Representative Putnam, Adam H. [R-FL-12] (introduced November 7, 2003).

b. *Legislative History.*—Referred to the Committee on Government Reform on November 7, 2003. Ordered reported by the Committee on Government Reform on November 20, 2003. Reported by the Committee on Government Reform on December 8, 2003. H. Rept. 108-403. Agreed to by the House under suspension of the rules on September 13, 2003. Agreed to in the Senate by unanimous consent on October 11, 2003. Public Law 108-383.

11. *H.R. 3751: To require that the Office of Personnel Management study current practices under which dental, vision, and hearing benefits are made available to Federal employees, annuitants, and other classes of individuals, and to require that the Office also present options and recommendations relating to how additional dental, vision, and hearing benefits could be made so available*

a. *Sponsor.*—Representative Davis, Jo Ann [R-VA-1] (introduced January 30, 2004).

b. *Legislative History.*—Referred to the Committee on Government Reform on January 30, 2004. Ordered reported as amended by the Committee on Government Reform on April 1, 2004. Reported by the Committee on Government Reform on June 17, 2004. H. Rept. 108-552. Agreed to by the House under suspension of the rules on June 21, 2004.

\* The Senate passed a similar bill, S. 2657, on November 20, 2004 by unanimous consent. The House agreed to S. 2657 under suspension of the rules on December 6, 2004. Public Law 108-496.

12. *H.R. 3797: To authorize improvements in the operations of the government of the District of Columbia, and for other purposes*

a. *Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced February 11, 2004).

b. *Legislative History.*—Referred to the Committee on Government Reform, Committee on Education and the Workforce, and the Committee on Financial Services on February 11, 2004. Ordered reported by the Committee on Government Reform on February 26, 2004. Reported by the Committee on Government Reform on June 17, 2004. H. Rept. 108-551 Part I. Agreed to by the House under suspension of the rules on June 21, 2004. Ordered reported by the Committee on Governmental Affairs on July 21, 2003. Agreed to in the Senate by unanimous consent on October 11, 2003. Public Law 108-386.

13. *H.R. 4012: A bill to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the act*

a. *Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced March 23, 2004).

b. *Legislative History.*—Referred to the House Committee on Government Reform on March 23, 2004. Ordered reported by the Committee on Government Reform on April 1, 2004. Reported by the Committee on Government Reform on June 8, 2004. H. Rept. 108-527. Agreed to by the House under suspension of the rules on July 19, 2004. Ordered Reported by the Committee on Governmental Affairs on July 22, 2004. Agreed to in the Senate by unanimous consent on November 24, 2004 with an amendment. Senate amendment agreed to in the House under suspension of the rules on December 6, 2004. Public Law 108-457.

14. *H.R. 4259: To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes*

a. *Sponsor.*—Representative Platts, Todd Russell [R-PA-19] (introduced May 4, 2004).

b. *Legislative History.*—Referred to the Committee on Government Reform and the Committee on Homeland Security on May 4, 2004. Ordered reported by the Committee on Government Reform on May 6, 2004. Reported by the Committee on Government Reform on June 9, 2004. H. Rept. 108-533 Part I. Agreed to by the House under suspension of the rules on July 20, 2004. Referred to the Committee on Governmental Affairs on September 7, 2004. Agreed to in the Senate by unanimous consent on September 29, 2004. Public Law 108-330.

15. *H.R. 4302: To amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect*

*a. Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced May 6, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 6, 2004. Ordered to be reported by the Committee on Government Reform on May 12, 2004. Reported by the Committee on Government Reform on October 5, 2004. H. Rept. 108-729. Agreed to in the House under suspension of the rules on October 6, 2004. Agreed to in the Senate by unanimous consent on November 20, 2004. Public Law 108-450.

16. *H.R. 4324: To amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan, and for other purposes*

*a. Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced May 11, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on May 11, 2004. Ordered reported as amended by the Committee on Government Reform on July 21, 2004. Agreed to by the House under suspension of the rules on November 19, 2004. Agreed to in the Senate by unanimous consent on December 7, 2004. Public Law 108-469.

17. *H.R. 4564: To amend title 5, United States Code, to provide for reform relating to employment at the Federal Bureau of Investigation*

*a. Sponsor.*—Representative Wolf, Frank R. [R-VA-10] (introduced June 14, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 14, 2004.

\* Enacted into law as Sections 112-115 of Division B of H.R. 4818. Public Law 108-447.

18. *H.R. 4657: To amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes*

*a. Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced June 23, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 23, 2004. Ordered reported by the Committee on Government Reform on July 21, 2004. Agreed to by the House under suspension of the rules on September 28, 2004. Agreed to in the Senate by unanimous consent on December 8, 2004. Public Law 108-489.

19. *S. 129: A bill to provide for reform relating to Federal employment, and for other purposes*

*a. Sponsor.*—Senator Voinovich, George V. [R-OH] (introduced January 9, 2003).

*b. Legislative History.*—Referred to the Committee on Governmental Affairs on January 9, 2003. Ordered reported by the Committee on Governmental Affairs with an amendment in the nature of a substitute on October 22, 2003. Agreed to in the Senate by unanimous consent on April 8, 2004. Referred to the Committee on Government Reform on April 20, 2004. Ordered reported as amended by the Committee on Government Reform on June 24, 2004. Reported by the Committee on Government Reform on October 5, 2004. H. Rept. 108–733. Agreed to by the House under suspension of the rules on October 7, 2004. Agreed to by the Senate as amended by unanimous consent on October 11, 2004. Public Law 108–411.

20. *S. 858: A bill to extend the Abraham Lincoln Bicentennial Commission, and for other purposes*

*a. Sponsor.*—Senator Durbin, Richard J. [D–IL] (introduced April 10, 2003).

*b. Legislative History.*—Referred to the Committee on the Judiciary on April 10, 2003. Ordered reported by the Committee on Judiciary on May 22, 2003. Agreed to in the Senate by unanimous consent on May 23, 2003. Referred to the Committee on Government Reform on June 2, 2003. Ordered reported as amended by the Committee on Government Reform on June 5, 2003. Agreed to by the House under suspension of the rules on June 25, 2003. Public Law 108–59.

21. *S. 926: A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies*

*a. Sponsor.*—Senator Voinovich, George V. [R–OH] (introduced April 28, 2003).

*b. Legislative History.*—Referred to the Committee on Governmental Affairs on April 28, 2003. Ordered reported by the Committee on Governmental Affairs on June 17, 2003. Agreed to in the Senate by unanimous consent on July 30, 2003. Referred to the Committee on Government Reform on September 3, 2003. Agreed to by the House under suspension of the rules on October 28, 2003. Public Law 108–123.

22. *S. 1683: A bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees*

*a. Sponsor.*—Senator Voinovich, George V. [R–OH] (introduced September 30, 2003).

*b. Legislative History.*—Referred to the Committee on Governmental Affairs on September 30, 2003. Ordered reported by the Committee on Governmental Affairs on October 22, 2003. Agreed to in the Senate by unanimous consent on November 25, 2003. Referred to the Committee on Government Reform on December 8, 2003. Agreed to by the House on December 8, 2004. Public law 108–196.

## B. LEGISLATION CONSIDERED BY THE HOUSE

1. *H.R. 1385: To extend the provision of title 39, United States Code, under which the U.S. Postal Service is authorized to issue a special postage stamp to benefit breast cancer research*

*a. Sponsor.*—Representative Baca, Joe [D-CA-43] (introduced March 20, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform, the Armed Services Committee, and the Committee on Energy and Commerce on March 20, 2003. Agreed to by the House under suspension of the rules on January 27, 2004.

2. *H.R. 2086: To reauthorize the Office of National Drug Control Policy*

*a. Sponsor.*—Representative Souder, Mark E. [R-IN-3] (introduced May 14, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform in addition to the Committees on the Judiciary, Energy and Commerce, and Intelligence on May 14, 2003. Ordered reported as amended by the Committee on Government Reform on June 5, 2003. Reported by the Committee on Government Reform on June 19, 2003. H. Rept. 108-167, Part I. Ordered reported as amended by the Committee on the Judiciary on July 9, 2003. Agreed to by the House under suspension of the rules on September 30, 2003.

3. *H.R. 2119: To provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, NC, to the State of North Carolina*

*a. Sponsor.*—Representative Ballance, Frank W., Jr. [D-NC-1] (introduced May 15, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform and the Committee on Agriculture on May 15, 2003. Ordered reported as amended by the Committee on Agriculture on September 23, 2004. Agreed to by the House under suspension of the rules on October 5, 2004. Agreed to in the Senate by unanimous consent on December 7, 2004.

4. *H.R. 2122: To enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes*

*a. Sponsor.*—Representative Tauzin, W.J. (Billy) [R-LA-3] (introduced May 15, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform in addition to the Committees on Energy, Commerce, and Homeland Security on May 15, 2003. Ordered reported as amended by the Committee on Government Reform on May 22, 2003. Reported by the Committee on Government Reform on June 12, 2003. H. Rept. 108-147 Part II. Reported by the Committee on Energy and Commerce on June 10, 2003. Referred to the Committee on Armed Services on June 10, 2003. Ordered reported as amended by the Committee on Homeland Security on June 26, 2003. Agreed to by the House on July 16, 2003.

5. *H.R. 2249: To amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the U.S. Postal Service, and for other purposes*

*a. Sponsor.*—Representative McHugh, John M. [R-NY-23] (introduced May 22, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on May 22, 2003. Ordered reported by the Committee on Government Reform on June 19, 2003. Agreed to by the House under suspension of the rules on July 21, 2003.

6. *H.R. 2432: To amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes*

*a. Sponsor.*—Representative Ose, Doug [R-CA-3] (introduced June 11, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform, and in addition to the Committee on the Budget on June 11, 2003. Ordered to be reported by the Committee on Government Reform on May 12, 2004. Reported by the Committee on Government Reform on May 14, 2004. H. Rept. 108-490 Part I. Agreed to in the House on May 18, 2004 and incorporated into H.R. 2728.

7. *H.R. 2449: To establish a commission to commemorate the sesquicentennial of the American Civil War*

*a. Sponsor.*—Representative Baker, Richard H. [R-LA-6] (introduced June 12, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 12, 2003. Ordered reported as amended by the Committee on Government Reform on July 21, 2004. Agreed to by the House under suspension of the rules on September 22, 2004.

8. *H.R. 2528: To establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes*

*a. Sponsor.*—Representative Hinchey, Maurice D. [D-NY-22] (introduced June 19, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 19, 2003.

Ordered reported as amended by the Committee on Government Reform on July 21, 2004. Agreed to by the House under suspension of the rules on September 22, 2004.

9. *H.R. 2631: To provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal Employees Health Benefits Program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally*

*a. Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced June 26, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 26, 2003. Agreed to by the House under suspension of the rules on July 8, 2003.

10. *H.R. 3159: To require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing*

*a. Sponsor.*—Representative Waxman, Henry A. [D-CA-30] (introduced September 24, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 24, 2003. Ordered reported by the Committee on Government Reform on September 25, 2004. Reported by the Committee on Government Reform on October 7, 2003. H. Rept. 108-305. Agreed to by the House under suspension of the rules on October 8, 2003. Ordered reported by the Committee on Governmental Affairs on November 10, 2003.

11. *H.R. 3193: To restore second amendment rights in the District of Columbia*

*a. Sponsor.*—Representative Souder, Mark E. [R-IN-3] (introduced September 25, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 25, 2003. Agreed to by the House on September 29, 2004.

12. *H.R. 4060: To amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes*

*a. Sponsor.*—Representative Hyde, Henry J. [R-IL-6] (introduced March 30, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform and the Committee on International Relations on March 30, 2004. Ordered reported by the Committee on International Relations on March 31, 2004. Agreed to by the House under suspension of the rules on June 1, 2004.

13. *H.R. 5295: To amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes*

*a. Sponsor.*—Representative Murphy, Tim [R-PA-18] (introduced October 8, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on October 8, 2004. Agreed to by the House without objection on October 8, 2004.

#### C. LEGISLATION CONSIDERED BY THE COMMITTEE

1. *H.R. 1085: To make certain workforce authorities available to the National Aeronautics and Space Administration, and for other purposes*

*a. Sponsor.*—Representative Boehlert, Sherwood L. [R-NY-24] (introduced March 5, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform and the Committee on Science on March 5, 2003. Or-

dered reported as amended by the Committee on Science on July 22, 2004.

2. *H.R. 1151: To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes*

a. *Sponsor.*—Representative Moran, James P. [D–VA–8] (introduced March 6, 2003).

b. *Legislative History.*—Referred to the Committee on Government Reform on March 6, 2003. Ordered reported by the Committee on Government Reform on September 25, 2003. Reported by the Committee on Government Reform on September 9, 2004. H. Rept. 108–673.

3. *H.R. 1231: To amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums*

a. *Sponsor.*—Representative Davis, Tom [R–VA–11] (introduced March 12, 2003).

b. *Legislative History.*—Referred to the Committee on Ways and Means, and in addition to the Committees on Government Reform, and Armed Services on March 12, 2003. Ordered to be reported by the Committee on Government Reform on September 25, 2003. Reported by the Committee on Government Reform on July 7, 2004. H. Rept. 108–585 Part I.

4. *H.R. 1346: To amend the Office of Federal Procurement Policy Act to provide an additional function of the Administrator for Federal Procurement Policy relating to encouraging Federal procurement policies that enhance energy efficiency*

a. *Sponsor.*—Representative Turner, Michael R. [R–OH–3] (introduced March 19, 2003).

b. *Legislative History.*—Referred to the Committee on Government Reform on March 19, 2003. Ordered reported as amended by the Committee on Government Reform on March 20, 2003. Reported by the Committee on Government Reform on April 29, 2003. H. Rept. 108–78, Part I. Referred to the Committee on Transportation and Infrastructure on April 29, 2003.

5. *H.R. 1644: To enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes*

a. *Sponsor.*—Representative Barton, Joe [R–TX–6] (introduced April 7, 2003).

b. *Legislative History.*—Referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure on April 7, 2003. Reported as amended by the Committee on Energy and Commerce on April 8, 2003. Referred to the

Committee on the Judiciary on April 8, 2003. Referred to the Committee on Government Reform on April 9, 2003.

6. *H.R. 2802: To reauthorize the Small Business Act and the Small Business Investment Act of 1958, and for other purposes*

a. *Sponsor*.—Representative Manzullo, Donald A. [R-IL-16] (introduced July 21, 2003).

b. *Legislative History*.—Referred to the Committee on Small Business on July 21, 2003. Ordered reported by the Committee on Small Business on July 24, 2003. Referred to the Committee on Government Reform on October 21, 2003.

7. *H.R. 3737: To increase the minimum and maximum rates of basic pay payable to administrative law judges, and for other purposes*

a. *Sponsor*.—Representative Davis, Jo Ann [R-VA-1] (introduced January 28, 2004).

b. *Legislative History*.—Referred to the Committee on Government Reform on January 28, 2004. Ordered reported as amended by the Committee on Government Reform on April 1, 2004. Reported by the Committee on Government Reform on July 7, 2004. H. Rept. 108-586.

8. *H.R. 3826: To require the review of Government programs at least once every 5 years for purposes of evaluating their performance*

a. *Sponsor*.—Representative Platts, Todd Russell [R-PA-19] (introduced February 25, 2004).

b. *Legislative History*.—Referred to the Committee on Government Reform on February 25, 2004. Ordered reported as amended by the Committee on Government Reform on June 3, 2004. Reported by the Committee on Government Reform on October 8, 2004. H. Rept. 108-768.

9. *H.R. 4341: To reform the postal laws of the United States*

a. *Sponsor*.—Representative McHugh, John M. [R-NY-23] (introduced May 12, 2004).

b. *Legislative History*.—Referred to the Committee on Government Reform on May 12, 2004. Ordered reported by the Committee on Government Reform on May 12, 2004. Referred to the Committee on the Judiciary on September 8, 2004. Ordered reported as amended by the Committee on the Judiciary on September 15, 2004. Reported by the Committee on Government Reform on September 8, 2004. H. Rept. 108-672 Part I.

D. POSTAL FACILITY DESIGNATIONS CONSIDERED BY THE COMMITTEE OR THE HOUSE

1. *H.R. 480: To redesignate the facility of the U.S. Postal Service located at 747 Broadway in Albany, NY, as the “U.S. Postal Service Henry Johnson Annex”*

a. *Sponsor*.—Representative McNulty, Michael R. [D-NY-21] (introduced January 29, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on January 29, 2003. Ordered to be reported to the House on September 15, 2004. Agreed to by the House on September 22, 2004.

2. *H.R. 825: To redesignate the facility of the U.S. Postal Service located at 7401 West 100th Place in Bridgeview, IL, as the “Michael J. Healy Post Office Building”*

*a. Sponsor.*—Representative Lipinski, William O. [D-IL-3] (introduced February 13, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on February 13, 2003. Agreed to by vote under suspension of the rules on March 26, 2003. Referred to the Committee on Governmental Affairs on March 27, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108-46.

3. *H.R. 917: To designate the facility of the U.S. Postal Service located at 1830 South Lake Drive in Lexington, SC, as the “Floyd Spence Post Office Building”*

*a. Sponsor.*—Representative Wilson, Joe [R-SC-2] (introduced February 25, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on February 25, 2003. Agreed to in the House by voice vote under suspension of the rules on March 26, 2003. Referred to the Committee on Governmental Affairs on March 27, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108-47.

4. *H.R. 925: To redesignate the facility of the U.S. Postal Service located at 1859 South Ashland Avenue in Chicago, IL, as the “Cesar Chavez Post Office”*

*a. Sponsor.*—Representative Gutierrez, Luis V. [D-IL-4] (introduced February 26, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on February 26, 2003. Agreed to in the House by voice vote under suspension of the rules on June 10, 2003. Referred to the Committee on Governmental Affairs on June 11, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108-48.

5. *H.R. 981: To designate the facility of the U.S. Postal Service located at 141 Erie Street in Linesville, PA, as the “James R. Merry Post Office”*

*a. Sponsor.*—Representative English, Phil [R-PA-3] (introduced February 27, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on February 27, 2003. Agreed to in the House by voice vote under suspension of the rules on March 26, 2003. Referred to the Committee on Governmental Affairs on March 27, 2003. Ordered to be reported to the Senate on June 20, 2003.

Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–49.

6. *H.R. 985: To designate the facility of the U.S. Postal Service located at 111 West Washington Street in Bowling Green, OH, as the “Delbert L. Latta Post Office Building”*

*a. Sponsor.*—Representative Gillmor, Paul E. [R–OH–5] (introduced February 27, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on February 27, 2003. Agreed to in the House by voice vote under suspension of the rules on May 13, 2003. Referred to the Committee on Governmental Affairs on May 14, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–50.

7. *H.R. 1055: To designate the facility of the U.S. Postal Service located at 1901 West Evans Street in Florence, SC, as the “Dr. Roswell N. Beck Post Office Building”*

*a. Sponsor.*—Representative Clyburn, James E. [D–SC–6] (introduced March 4, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 4, 2003. Agreed to in the House under suspension of the rules by voice vote on April 7, 2003. Referred to the Committee on Governmental Affairs on April 8, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–51.

8. *H.R. 1368: To designate the facility of the U.S. Postal Service located at 7554 Pacific Avenue in Stockton, CA, as the “Norman D. Shumway Post Office Building”*

*a. Sponsor.*—Representative Pombo, Richard W. [R–CA–11] (introduced March 19, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 19, 2003. Agreed to in the House under suspension of the rules by voice vote on April 7, 2003. Referred to the Committee on Governmental Affairs on April 8, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–52.

9. *H.R. 1465: To designate the facility of the U.S. Postal Service located at 4832 East Highway 27 in Iron Station, NC, as the “General Charles Gabriel Post Office”*

*a. Sponsor.*—Representative Ballenger, Cass [R–NC–10] (introduced March 27, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 27, 2003. Ordered to be reported to the House by voice vote on May 22, 2003. Agreed to in the House under suspension of the rules by voice vote on June 2, 2003. Referred to the Committee on Governmental Affairs on June 3, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–53.

10. *H.R. 1505: To designate the facility of the U.S. Postal Service located at 2127 Beatties Ford Road in Charlotte, NC, as the “Jim Richardson Post Office”*

*a. Sponsor.*—Representative Watt, Melvin L. [D–NC–12] (introduced March 27, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 27, 2003. Agreed to by voice vote under suspension of the rules on March 31, 2003. Referred to the Committee on Governmental Affairs on April 1, 2003. Passed the Senate by unanimous consent on April 10, 2003. Public Law 108–17.

11. *H.R. 1596: To designate the facility of the U.S. Postal Service located at 2318 Woodson Road in St. Louis, MO, as the “Timothy Michael Gaffney Post Office Building”*

*a. Sponsor.*—Representative Clay, Wm. Lacy [D–MO–1] (introduced April 3, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 3, 2003. Agreed to in the House under suspension of the rules by voice vote on May 6, 2003. Referred to the Committee on Governmental Affairs on May 7, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–54.

12. *H.R. 1609: To redesignate the facility of the U.S. Postal Service located at 201 West Boston Street in Brookfield, MO, as the “Admiral Donald Davis Post Office Building”*

*a. Sponsor.*—Representative Graves, Sam [R–MO–6] (introduced April 3, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 3, 2003. Agreed to in the House under suspension of the rules by voice vote on May 7, 2003. Referred to the Committee on Governmental Affairs on May 8, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–55.

13. *H.R. 1610: To redesignate the facility of the U.S. Postal Service located at 120 East Ritchie Avenue in Marceline, MO, as the “Walt Disney Post Office Building”*

*a. Sponsor.*—Representative Graves, Sam [R–MO–6] (introduced April 3, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 3, 2003. Ordered to be reported to the House by voice vote on May 22, 2003. Agreed to in the House under suspension of the rules by voice vote on June 9, 2003. Referred to the Committee on Governmental Affairs on June 10, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–110.

14. *H.R. 1625: To designate the facility of the U.S. Postal Service located at 1114 Main Avenue in Clifton, NJ, as the “Robert P. Hammer Post Office Building”*

*a. Sponsor.*—Representative Pascrell, Bill, Jr. [D–NJ–8] (introduced April 3, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 3, 2003. Agreed to in the House under suspension of the rules by voice vote on May 6, 2003. Referred to the Committee on Governmental Affairs on May 7, 2003. Passed the Senate by unanimous consent on June 10, 2003. Public Law 108–33.

15. *H.R. 1740: To designate the facility of the U.S. Postal Service located at 1502 East Kiest Boulevard in Dallas, TX, as the “Dr. Caesar A.W. Clark, Sr. Post Office Building”*

*a. Sponsor.*—Representative Johnson, Eddie Bernice [D–TX–30] (introduced April 10, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 10, 2003. Agreed to in the House under suspension of the rules by voice vote on May 6, 2003. Referred to the Committee on Governmental Affairs on May 7, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–56.

16. *H.R. 1761: To designate the facility of the U.S. Postal Service located at 9350 East Corporate Hill Drive in Wichita, KS, as the “Garner E. Shriver Post Office Building”*

*a. Sponsor.*—Representative Tiahrt, Todd [R–KS–4] (introduced April 10, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 10, 2003. Ordered to be reported to the House by voice vote on June 19, 2003. Agreed to in the House under suspension of the rules by voice vote on July 8, 2003. Referred to the Committee on Governmental Affairs on July 9, 2003. Passed the Senate by unanimous consent on July 31, 2003. Public Law 108–71.

17. *H.R. 1822: To designate the facility of the U.S. Postal Service located at 3751 West 6th Street in Los Angeles, CA, as the “Dosan Ahn Chang Ho Post Office”*

*a. Sponsor.*—Representative Watson, Diane E. [D–CA–33] (introduced April 11, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 11, 2003. Ordered to be reported to the House by unanimous consent on April 1, 2003. Agreed to in the House under suspension of the rules by voice vote on April 20, 2003. Referred to the Committee on Governmental Affairs on April 21, 2003. Ordered to be reported to the Senate on June 7, 2003. Passed the Senate by unanimous consent on June 9, 2003. Public Law 108–239.

18. *H.R. 1882: To designate the facility of the U.S. Postal Service located at 440 South Orange Blossom Trail in Orlando, FL, as the “Arthur ‘Pappy’ Kennedy Post Office”*

*a. Sponsor.*—Representative Brown, Corrine [D–FL–3] (introduced April 30, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 30, 2003. Ordered to be reported to the House by unanimous consent on September 12, 2003. Agreed to in

the House by voice vote under suspension of the rules on September 30, 2003. Referred to the Committee on Governmental Affairs on October 1, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–111.

19. *H.R. 1883: To designate the facility of the U.S. Postal Service located at 1601–1 Main Street in Jacksonville, FL, as the “Eddie Mae Steward Post Office”*

*a. Sponsor.*—Representative Brown, Corrine [D–FL–3] (introduced April 30, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 30, 2003. Ordered to be reported to the House by unanimous consent on September 12, 2003. Agreed to in the House by voice vote under suspension of the rules on October 15, 2003. Referred to the Committee on Governmental Affairs on October 16, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–124.

20. *H.R. 2030: To designate the facility of the U.S. Postal Service located at 120 Baldwin Avenue in Paia, Maui, HI, as the “Patsy Takemoto Mink Post Office Building”*

*a. Sponsor.*—Representative Case, Ed [D–HI–2] (introduced May 8, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 8, 2003. Ordered to be reported to the House by voice vote on May 22, 2003. Agreed to in the House by voice vote under suspension of the rules on June 10, 2003. Referred to the Committee on Governmental Affairs on June 11, 2003. Ordered to be reported to the Senate on June 20, 2003. Passed the Senate by unanimous consent on June 25, 2003. Public Law 108–57.

21. *H.R. 2075: To designate the facility of the U.S. Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, FL, as the “Judge Edward Rodgers Post Office Building”*

*a. Sponsor.*—Representative Hastings, Alcee L. [D–FL–23] (introduced May 13, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 13, 2003. Ordered to be reported to the House by unanimous consent on September 18, 2003. Agreed to in the House by voice vote under suspension of the rules on September 30, 2003. Referred to the Committee on Governmental Affairs on October 1, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–112.

22. *H.R. 2130: To redesignate the facility of the U.S. Postal Service located at 650 Kinderkamack Road in River Edge, NJ, as the “New Bridge Landing Post Office”*

*a. Sponsor.*—Representative Garrett, Scott [R–NJ–5] (introduced May 15, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 15, 2003. Ordered to be reported to the House by unanimous consent on November 6, 2003. Agreed to in the House by voice vote under suspension of the rules on November 18, 2003. Referred to the Committee on Governmental Affairs on November 19, 2003. Ordered to be reported to the Senate on June 7, 2003. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–240.

23. *H.R. 2254: To designate the facility of the U.S. Postal Service located at 1101 Colorado Street in Boulder City, NV, as the “Bruce Woodbury Post Office Building”*

*a. Sponsor.*—Representative Porter, Jon C. [R–NV–3] (introduced May 22, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 22, 2003. Agreed to in the House under suspension of the rules by roll call vote on June 16, 2003. Referred to the Committee on Governmental Affairs on June 17, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–113.

24. *H.R. 2309: To designate the facility of the U.S. Postal Service located at 2300 Redondo Avenue in Signal Hill, CA, as the “J. Stephen Horn Post Office Building”*

*a. Sponsor.*—Representative Millender-McDonald, Juanita [D–CA–37] (introduced June 3, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 3, 2003. Ordered to be reported to the House by voice vote on July 24, 2003. Agreed to in the House under suspension of the rules by voice vote on September 3, 2003. Referred to the Committee on Governmental Affairs on September 4, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–114.

25. *H.R. 2328: To designate the facility of the U.S. Postal Service located at 2001 East Willard Street in Philadelphia, PA, as the “Robert A. Borski Post Office Building”*

*a. Sponsor.*—Representative Hoeffel, Joseph M. [D–PA–13] (introduced June 4, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 4, 2003. Ordered to be reported to the House by voice vote on June 19, 2003. Agreed to in the House by voice vote under suspension of the rules on July 21, 2003. Referred to the Committee on Governmental Affairs on July 22, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–115.

26. *H.R. 2396: To designate the facility of the U.S. Postal Service located at 1210 Highland Avenue in Duarte, CA, as the “Francisco A. Martinez Flores Post Office”*

*a. Sponsor.*—Representative Solis, Hilda L. [D–CA–32] (introduced June 9, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 9, 2003. Ordered to be reported to the House by voice vote on June 19, 2003. Agreed to in the House by voice vote under suspension of the rules on July 8, 2003. Referred to the Committee on Governmental Affairs on July 9, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–116.

27. *H.R. 2438: To designate the facility of the U.S. Postal Service located at 115 West Pine Street in Hattiesburg, MS, as the “Major Henry A. Commiskey, Sr. Post Office Building”*

*a. Sponsor.*—Representative Taylor, Gene [D–MS–4] (introduced June 11, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 11, 2003. Ordered to be reported to the House by unanimous consent on July 10, 2003. Agreed to in the House by voice vote under suspension of the rules on November 4, 2003. Referred to the Committee on Governmental Affairs on November 5, 2003. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–241.

28. *H.R. 2452: To designate the facility of the U.S. Postal Service located at 339 Hicksville Road in Bethpage, NY, as the “Brian C. Hickey Post Office Building”*

*a. Sponsor.*—Representative King, Peter T. [R–NY–3] (introduced June 12, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 13, 2003. Ordered to be reported to the House by unanimous consent on September 12, 2003. Agreed to in the House by voice vote under suspension of the rules on October 8, 2003. Referred to the Committee on Governmental Affairs on October 14, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–117.

29. *H.R. 2533: To designate the facility of the U.S. Postal Service located at 10701 Abercorn Street in Savannah, GA, as the “J.C. Lewis, Jr. Post Office Building”*

*a. Sponsor.*—Representative Kingston, Jack [R–GA–1] (introduced June 19, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 19, 2003. Ordered to be reported to the House by unanimous consent on September 18, 2003. Agreed to in the House by voice vote under suspension of the rules on September 23, 2003. Referred to the Committee on Governmental Affairs on September 24, 2003. Ordered to be reported to the Senate on

October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–118.

30. *H.R. 2744: To designate the facility of the U.S. Postal Service located at 514 17th Street in Moline, IL, as the “David Bybee Post Office Building”*

*a. Sponsor.*—Representative Evans, Lane [D–IL–17] (introduced July 15, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on July 15, 2003. Ordered to be reported to the House by unanimous consent on October 8, 2003. Agreed to in the House by voice vote under suspension of the rules on October 28, 2003. Referred to the Committee on Governmental Affairs on October 29, 2003. Passed the Senate by unanimous consent on October 18, 2003. Public Law 108–149.

31. *H.R. 2746: To designate the facility of the U.S. Postal Service located at 141 Weston Street in Hartford, CT, as the “Barbara B. Kennelly Post Office Building”*

*a. Sponsor.*—Representative Larson, John B. [D–CT–1] (introduced July 15, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on July 15, 2003. Agreed to by voice vote on July 17, 2003. Referred to the Committee on Governmental Affairs on July 28, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–119.

32. *H.R. 2826: To designate the facility of the U.S. Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the “Roberto Clemente Walker Post Office Building”*

*a. Sponsor.*—Representative Acevedo-Vila, Anibal [D–PR] (introduced July 23, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on July 23, 2003. Ordered to be reported to the House by unanimous consent on September 12, 2003. Agreed to in the House by voice vote under suspension of the rules on September 23, 2003. Referred to the Committee on Governmental Affairs on September 24, 2003. Passed the Senate by unanimous consent on October 1, 2003. Public Law 108–97.

33. *H.R. 3011: To designate the facility of the U.S. Postal Service located at 135 East Olive Avenue in Burbank, CA, as the “Bob Hope Post Office Building”*

*a. Sponsor.*—Representative Schiff, Adam B. [D–CA–29] (introduced September 4, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 4, 2003. Ordered to be reported to the House by unanimous consent on September 18, 2003. Agreed to in the House by voice vote under suspension of the rules on September 30, 2003. Referred to the Committee on Governmental Affairs on October 1, 2003. Ordered to be reported to the Senate on October 27, 2003. Passed the Senate by unanimous consent on October 29, 2003. Public Law 108–120.

34. *H.R. 3029: To designate the facility of the U.S. Postal Service located at 255 North Main Street in Jonesboro, GA, as the “S. Truett Cathy Post Office Building”*

*a. Sponsor.*—Representative Scott, David [D-GA-13] (introduced September 5, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 5, 2003. Agreed to in the House by voice vote under suspension of the rules on November 4, 2003. Referred to the Committee on Governmental Affairs on November 5, 2003. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108-242.

35. *H.R. 3059: To designate the facility of the U.S. Postal Service located at 304 West Michigan Street in Stuttgart, AR, as the “Lloyd L. Burke Post Office”*

*a. Sponsor.*—Representative Berry, Marion [D-AR-1] (introduced September 10, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 10, 2003. Ordered to be reported to the House on March 4, 2004. Agreed to in the House under suspension of the rules by voice vote on March 24, 2004. Referred to the Committee on Governmental Affairs on March 25, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108-243.

36. *H.R. 3068: To designate the facility of the U.S. Postal Service located at 2055 Siesta Drive in Sarasota, FL, as the “Brigadier General (AUS-Ret.) John H. McLain Post Office”*

*a. Sponsor.*—Representative Harris, Katherine [R-FL-13] (introduced September 10, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 10, 2003. Ordered to be reported to the House by unanimous consent on September 18, 2003. Agreed to in the House by voice vote under suspension of the rules on October 20, 2003. Referred to the Committee on Governmental Affairs on October 21, 2003. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108-244.

37. *H.R. 3166: To designate the facility of the U.S. Postal Service located at 57 Old Tappan Road in Tappan, NY, as the “John G. Dow Post Office Building”*

*a. Sponsor.*—Representative Engel, Eliot L. [D-NY-17] (introduced September 24, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 24, 2003. Ordered to be reported to the House by unanimous consent on October 8, 2003. Agreed to in the House by voice vote under suspension of the rules on November 4, 2003. Passed the Senate by unanimous consent on November 20, 2003. Public Law 108-165.

38. *H.R. 3175: To designate the facility of the U.S. Postal Service located at 2650 Cleveland Avenue, NW in Canton, OH, as the “Richard D. Watkins Post Office Building”*

*a. Sponsor.*—Representative Regula, Ralph [R–OH–16] (introduced September 24, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 24, 2003. Ordered to be reported to the House by unanimous consent on October 8, 2003. Agreed to in the House by voice vote under suspension of the rules on October 28, 2003. Referred to the Committee on Governmental Affairs on October 28, 2003. Passed the Senate by unanimous consent on November 18, 2003. Public Law 108–150.

39. *H.R. 3185: To designate the facility of the U.S. Postal Service located at 38 Spring Street in Nashua, NH, as the “Hugh Gregg Post Office Building”*

*a. Sponsor.*—Representative Bass, Charles F. [R–NH–2] (introduced September 25, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 25, 2003. Ordered to be reported to the House by unanimous consent on October 8, 2003. Agreed to in the House by voice vote under suspension of the rules on November 17, 2003. Ordered to be reported to the Senate on November 18, 2003. Passed the Senate by unanimous consent on November 20, 2003. Public Law 108–166.

40. *H.R. 3234: To designate the facility of the U.S. Postal Service located at 14 Chestnut Street in Liberty, NY, as the “Ben R. Gerow Post Office Building”*

*a. Sponsor.*—Representative Hinchey, Maurice D. [D–NY–22] (introduced October 2, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on October 2, 2003. Agreed to in the House by voice vote under suspension of the rules on October 28, 2003. Referred to the Committee on Governmental Affairs on October 29, 2003. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–245.

41. *H.R. 3300: To designate the facility of the U.S. Postal Service located at 15500 Pearl Road in Strongsville, OH, as the “Walter F. Ehrnfelt, Jr. Post Office Building”*

*a. Sponsor.*—Representative LaTourette, Steve C. [R–OH–14] (introduced October 15, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on October 15, 2003. Ordered to be reported to the House by unanimous consent on November 6, 2003. Agreed to by roll call vote under suspension of the rules on November 18, 2003. Referred to the Committee on Governmental Affairs on November 19, 2003. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–246.

42. *H.R. 3340: To redesignate the facilities of the U.S. Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, IL, as the “James E. Worsham Post Office” and the “James E. Worsham Carrier Annex Building” respectively, and for other purposes*

*a. Sponsor.*—Representative Rush, Bobby L. [D–IL–1] (introduced October 20, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on October 20, 2003. Ordered to be reported to the House by unanimous consent on June 24, 2004. Agreed to in the House by voice vote under suspension of the rules on July 6, 2004. Referred to the Committee on Governmental Affairs on July 7, 2004. Ordered to be reported to the Senate on July 22, 2004. Passed the Senate by unanimous consent on July 22, 2004. Public Law 108–294.

43. *H.R. 3353: To designate the facility of the U.S. Postal Service located at 525 Main Street in Tarboro, NC, as the “George Henry White Post Office Building”*

*a. Sponsor.*—Representative Ballance, Frank W., Jr. [D–NC–1] (introduced October 21, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on October 21, 2003. Ordered to be reported to the House by unanimous consent on November 6, 2003. Agreed to in the House by voice vote under suspension of the rules on November 17, 2003. Referred to the Committee on Governmental Affairs on November 18, 2003. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–247.

44. *H.R. 3379: To designate the facility of the U.S. Postal Service located at 3210 East 10th Street in Bloomington, IN, as the “Francis X. McCloskey Post Office Building”*

*a. Sponsor.*—Representative Hill, Baron P. [D–IN–9] (introduced October 28, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on October 28, 2003. Agreed to in the House by voice vote under suspension of the rules on November 5, 2003. Referred to the Committee on Governmental Affairs on November 6, 2003. Passed the Senate by unanimous consent on November 18, 2003. Public Law 108–151.

45. *H.R. 3536: To designate the facility of the U.S. Postal Service located at 210 Main Street in Malden, IL, as the “Army Staff Sgt. Lincoln Hollinsaid Malden Post Office”*

*a. Sponsor.*—Representative Weller, Jerry [R–IL–11] (introduced November 19, 2003).

*b. Legislative History.*—Referred to the House Committee on Government Reform on November 19, 2003. Ordered to be reported to the House by unanimous consent on February 12, 2004. Agreed to in the House by voice vote under suspension of the rules on March 9, 2004. Referred to the Committee on Governmental Affairs on March 10, 2004. Ordered to be reported to the Senate on June 7,

2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–248.

46. *H.R. 3537: To designate the facility of the U.S. Postal Service located at 185 State Street in Manhattan, IL, as the “Army Pvt. Shawn Pahnke Manhattan Post Office”*

a. *Sponsor.*—Representative Weller, Jerry [R–IL–11] (introduced November 19, 2003).

b. *Legislative History.*—Referred to the House Committee on Government Reform on November 19, 2003. Ordered to be reported to the House by unanimous consent on February 12, 2004. Agreed to in the House by voice vote under suspension of the rules on March 9, 2004. Referred to the Committee on Governmental Affairs on March 10, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–249.

47. *H.R. 3538: To designate the facility of the U.S. Postal Service located at 201 South Chicago Avenue in Saint Anne, IL, as the “Marine Capt. Ryan Beaupre Saint Anne Post Office”*

a. *Sponsor.*—Representative Weller, Jerry [R–IL–11] (introduced November 19, 2003).

b. *Legislative History.*—Referred to the House Committee on Government Reform on November 19, 2003. Ordered to be reported to the House by unanimous consent on February 12, 2004. Agreed to in the House by voice vote under suspension of the rules on March 9, 2004. Referred to the Committee on Governmental Affairs on March 10, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–250.

48. *H.R. 3690: To designate the facility of the U.S. Postal Service located at 2 West Main Street in Batavia, NY, as the “Barber Conable Post Office Building”*

a. *Sponsor.*—Representative Reynolds, Thomas M. [R–NY–26] (introduced December 8, 2003).

b. *Legislative History.*—Referred to the House Committee on Government Reform on December 8, 2003. Ordered to be reported to the House by unanimous consent on February 12, 2004. Agreed to in the House by voice vote under suspension of the rules on February 25, 2004. Referred to the Committee on Governmental Affairs on February 26, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–251.

49. *H.R. 3723: To designate the facility of the U.S. Postal Service located at 8135 Forest Lane in Dallas, TX, as the “Vaughn Gross Post Office Building”*

a. *Sponsor.*—Representative Sessions, Pete [R–TX–32] (introduced January 21, 2004).

b. *Legislative History.*—Referred to the House Committee on Government Reform on January 21, 2004. Ordered to be reported to the House by unanimous consent on March 4, 2004. Agreed to in the House under suspension of the rules by roll call vote on March

29, 2004. Referred to the Committee on Governmental Affairs on March 30, 2004.

50. *H.R. 3733: To designate the facility of the U.S. Postal Service located at 410 Huston Street in Altamont, KS, as the "Myron V. George Post Office"*

*a. Sponsor.*—Representative Ryun, Jim [R-KS-2] (introduced January 27, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on January 27, 2004. Ordered to be reported to the House by unanimous consent on February 26, 2004. Agreed to in the House under suspension of the rules by roll call vote on March 16, 2004. Referred to the Committee on Governmental Affairs on March 22, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108-252.

51. *H.R. 3740: To designate the facility of the U.S. Postal Service located at 223 South Main Street in Roxboro, NC, as the "Oscar Scott Woody Post Office Building"*

*a. Sponsor.*—Representative Miller, Brad [D-NC-13] (introduced January 28, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on January 28, 2004. Ordered to be reported to the House by unanimous consent on May 6, 2004. Agreed to in the House under suspension of the rules by roll call vote on May 18, 2004. Referred to the Committee on Governmental Affairs on May 19, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108-253.

52. *H.R. 3769: To designate the facility of the U.S. Postal Service located at 137 East Young High Pike in Knoxville, TN, as the "Ben Atchley Post Office Building"*

*a. Sponsor.*—Representative Duncan, John J., Jr. [R-TN-2] (introduced February 4, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on February 4, 2004. Ordered to be reported to the House by unanimous consent on February 12, 2004. Agreed to in the House under suspension of the rules by roll call vote on March 2, 2004. Referred to the Committee on Governmental Affairs on March 3, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108-254.

53. *H.R. 3855: To designate the facility of the U.S. Postal Service located at 607 Pershing Drive in Laclede, MO, as the "General John J. Pershing Post Office"*

*a. Sponsor.*—Representative Graves, Sam [R-MO-6] (introduced February 26, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on February 26, 2004. Ordered to be reported to the House by unanimous consent on March 4, 2004. Agreed to in the House under suspension of the rules by roll call vote on April

20, 2004. Referred to the Committee on Governmental Affairs on April 21, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–255.

54. *H.R. 3917: To designate the facility of the U.S. Postal Service located at 695 Marconi Boulevard in Copiague, NY, as the “Maxine S. Postal U.S. Post Office”*

*a. Sponsor.*—Representative Israel, Steve [D–NY–2] (introduced March 9, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 9, 2004. Ordered to be reported to the House by unanimous consent on March 18, 2004. Agreed to in the House under suspension of the rules by voice vote on March 29, 2004. Referred to the Committee on Governmental Affairs on March 30, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–256.

55. *H.R. 3939: To redesignate the facility of the U.S. Postal Service located at 14–24 Abbott Road in Fair Lawn, NJ, as the “Mary Ann Collura Post Office Building”*

*a. Sponsor.*—Representative Rothman, Steve R. [D–NJ–9] (introduced March 11, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 11, 2004. Ordered to be reported to the House by unanimous consent on April 1, 2004. Agreed to in the House under suspension of the rules by voice vote on May 11, 2004. Referred to the Committee on Governmental Affairs on May 12, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–257.

56. *H.R. 3942: To redesignate the facility of the U.S. Postal Service located at 7 Commercial Boulevard in Middletown, RI, as the “Rhode Island Veterans Post Office Building”*

*a. Sponsor.*—Representative Kennedy, Patrick J. [D–RI–1] (introduced March 11, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 11, 2004. Ordered to be reported to the House by unanimous consent on April 1, 2004. Agreed to in the House under suspension of the rules by roll call vote on April 27, 2004. Referred to the Committee on Governmental Affairs on April 28, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–258.

57. *H.R. 4037: To designate the facility of the U.S. Postal Service located at 475 Kell Farm Drive in Cape Girardeau, MO, as the “Richard G. Wilson Processing and Distribution Facility”*

*a. Sponsor.*—Representative Emerson, Jo Ann [R–MO–8] (introduced March 25, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 25, 2004. Ordered to be reported to the

House by unanimous consent on April 1, 2004. Agreed to in the House under suspension of the rules by roll call vote on April 20, 2004. Referred to the Committee on Governmental Affairs on April 21, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–259.

58. *H.R. 4046: To designate the facility of the U.S. Postal Service located at 555 West 180th Street in New York, NY, as the “Sergeant Riayan A. Tejada Post Office”*

*a. Sponsor.*—Representative Rangel, Charles B. [D–NY–15] (introduced March 25, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on March 25, 2004. Ordered to be reported to the House by unanimous consent on September 15, 2004. Agreed to in the House by voice vote under suspension of the rules on September 28, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108–388.

59. *H.R. 4176: To designate the facility of the U.S. Postal Service located at 122 West Elwood Avenue in Raeford, NC, as the “Bobby Marshall Gentry Post Office Building”*

*a. Sponsor.*—Representative Hayes, Robin [R–NC–8] (introduced April 20, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 20, 2004. Ordered to be reported to the House by unanimous consent on May 6, 2004. Agreed to in the House under suspension of the rules by roll call vote on May 18, 2004. Referred to the Committee on Governmental Affairs on May 19, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–260.

60. *H.R. 4222: To designate the facility of the U.S. Postal Service located at 550 Nebraska Avenue in Kansas City, KS, as the “Newell George Post Office Building”*

*a. Sponsor.*—Representative Moore, Dennis [D–KS–3] (introduced April 27, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 27, 2004. Ordered to be reported to the House by unanimous consent on June 3, 2004. Agreed to in the House by voice vote under suspension of the rules on June 21, 2004. Referred to the Committee on Governmental Affairs on June 22, 2004. Ordered to be reported to the Senate on July 22, 2004. Passed the Senate by unanimous consent on June 22, 2004. Public Law 108–296.

61. *H.R. 4232: To redesignate the facility of the U.S. Postal Service located at 4025 Feather Lakes Way in Kingwood, TX, as the “Congressman Jack Fields Post Office”*

*a. Sponsor.*—Representative Brady, Kevin [R–TX–8] (introduced April 28, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on April 28, 2004. Agreed to in the House by voice

vote under suspension of the rules on October 6, 2004. Passed the Senate by unanimous consent on December 7, 2004.

62. *H.R. 4299: To designate the facility of the U.S. Postal Service located at 410 South Jackson Road in Edinburg, TX, as the “Dr. Miguel A. Nevarez Post Office Building”*

*a. Sponsor.*—Representative Hinojosa, Ruben [D–TX–15] (introduced May 6, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 6, 2004. Agreed to in the House under suspension of the rules by roll call vote on May 11, 2004. Referred to the Committee on Governmental Affairs on May 12, 2004. Ordered to be reported to the Senate on June 7, 2004. Passed the Senate by unanimous consent on June 9, 2004. Public Law 108–261.

63. *H.R. 4327: To designate the facility of the U.S. Postal Service located at 7450 Natural Bridge Road in St. Louis, MO, as the “Vitalas ‘Veto’ Reid Post Office Building”*

*a. Sponsor.*—Representative Clay, Wm. Lacy [D–MO–1] (introduced May 11, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 11, 2004. Ordered to be reported to the House on June 24, 2004. Agreed to in the House by voice vote under suspension of the rules on July 6, 2004. Referred to the Committee on Governmental Affairs on July 7, 2004. Ordered to be reported to the Senate on July 22, 2004. Passed the Senate by unanimous consent on July 22, 2004. Public Law 108–298.

64. *H.R. 4380: To designate the facility of the U.S. Postal Service located at 4737 Mile Stretch Drive in Holiday, FL, as the “Sergeant First Class Paul Ray Smith Post Office Building”*

*a. Sponsor.*—Representative Bilirakis, Michael [R–FL–9] (introduced May 18, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 18, 2004. Ordered to be reported to the House by unanimous consent on July 8, 2004. Agreed to in the House by voice vote under suspension of the rules on July 12, 2004. Referred to the Committee on Governmental Affairs on July 13, 2004. Passed the Senate by unanimous consent on July 19, 2004. Public Law 108–292.

65. *H.R. 4381: To designate the facility of the U.S. Postal Service located at 2811 Springdale Avenue in Springdale, AR, as the “Harvey and Bernice Jones Post Office Building”*

*a. Sponsor.*—Representative Boozman, John [R–AR–3] (introduced May 18, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 18, 2004. Ordered to be reported to the House on July 8, 2004. Agreed to the House under suspension of the rules by roll call vote on September 7, 2004. Referred to the Committee on Governmental Affairs on September 8, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108–392.

66. *H.R. 4427: To designate the facility of the U.S. Postal Service located at 73 South Euclid Avenue in Montauk, NY, as the “Perry B. Duryea, Jr. Post Office”*

*a. Sponsor.*—Representative Bishop, Timothy H. [D–NY–1] (introduced May 20, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 20, 2004. Ordered to be reported by unanimous consent on June 24, 2004. Agreed to in the House under suspension of the rules by voice vote on July 6, 2004. Referred to the Committee on Governmental Affairs on July 7, 2004. Reported and without written report on July 22, 2004. Passed the Senate by unanimous consent on July 22, 2004. Public Law 108–300.

67. *H.R. 4442: To designate the facility of the U.S. Postal Service located at 1050 North Hills Boulevard in Reno, NV, as the “Guardians of Freedom Memorial Post Office Building” and to authorize the installation of a plaque at such site, and for other purposes*

*a. Sponsor.*—Representative Gibbons, Jim [R–NV–2] (introduced May 20, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on May 20, 2004. Ordered to be reported by unanimous consent on July 8, 2004. Agreed to in the House under suspension of the rules by voice vote on September 7, 2004. Referred to the Committee on Governmental Affairs on September 8, 2004.

68. *H.R. 4556: To designate the facility of the U.S. Postal Service located at 1115 South Clinton Avenue in Dunn, NC, as the “General William Carey Lee Post Office Building”*

*a. Sponsor.*—Representative Etheridge, Bob [D–NC–2] (introduced June 14, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 14, 2004. Ordered to be reported by unanimous consent on July 21, 2004. Agreed to in the House under suspension of the rules by the roll call vote on September 7, 2004. Referred to the Committee on Governmental Affairs on September 8, 2004. Committee discharged by unanimous consent on October 10, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108–395.

69. *H.R. 4618: To designate the facility of the U.S. Postal Service located at 10 West Prospect Street in Nanuet, NY, as the “Anthony I. Lombardi Memorial Post Office Building”*

*a. Sponsor.*—Representative Engel, Eliot L. [D–NY–17] (introduced June 18, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 18, 2004. Ordered to be reported by unanimous consent on July 21, 2004. On motion to suspend the rules and pass the bill agreed by voice vote on September 7, 2004. Referred to the Committee on Governmental Affairs on September 8, 2004. The Committee discharged by unanimous consent on October 10, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law. 108–397.

70. *H.R. 4632: To designate the facility of the U.S. Postal Service located at 19504 Linden Boulevard in St. Albans, NY, as the "Archie Spigner Post Office Building"*

*a. Sponsor.*—Representative Meeks, Gregory W. [D-NY-6] (introduced June 21, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on June 21, 2004. Ordered to be reported by unanimous consent on July 21, 2004. Agreed to in the House under suspension of the rules by voice vote on September 13, 2004. Referred to the Committee on Governmental Affairs on September 14, 2004. The Committee discharged by unanimous consent and on October 10, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108-398.

71. *H.R. 4807: To designate the facility of the U.S. Postal Service located at 140 Sacramento Street in Rio Vista, CA, as the "Adam G. Kinser Post Office Building"*

*a. Sponsor.*—Representative Ose, Doug [R-CA-3] (introduced July 9, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on July 9, 2004. Ordered to be reported by unanimous consent September 15, 2004. Agreed to in the House under suspension of the rules by voice vote on October 6, 2004. Received in the Senate on October 7, 2004. Passed the Senate by unanimous consent on December 7, 2004.

72. *H.R. 4829: To designate the facility of the U.S. Postal Service located at 103 East Kleberg in Kingsville, TX, as the "Irma Rangel Post Office Building"*

*a. Sponsor.*—Representative Hinojosa, Ruben [D-TX-15] (introduced July 14, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on July 14, 2004. Agreed to in the House under suspension of the rules by voice vote on October 6, 2004. Passed the Senate by unanimous consent on December 7, 2004.

73. *H.R. 4847: To designate the facility of the U.S. Postal Service located at 560 Bay Isles Road in Longboat Key, FL, as the "Lieutenant General James V. Edmundson Post Office Building"*

*a. Sponsor.*—Representative Harris, Katherine [R-FL-13] (introduced July 15, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on July 15, 2004. Ordered to be reported by unanimous consent on September 15, 2004. Agreed to in the House under suspension of the rules by voice vote on October 6, 2004. Passed the Senate by unanimous consent on December 7, 2004.

74. *H.R. 4968: To designate the facility of the U.S. Postal Service located at 25 McHenry Street in Rosine, KY, as the "Bill Monroe Post Office"*

*a. Sponsor.*—Representative Lewis, Ron [R-KY-2] (introduced July 22, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on July 22, 2004. Ordered to be reported by unanimous consent on September 15, 2004. Agreed to in the House under suspension of the rules by voice vote on October 6, 2004. Passed the Senate by unanimous consent on December 7, 2004.

75. *H.R. 5027: To designate the facility of the U.S. Postal Service located at 411 Midway Avenue in Mascotte, FL, as the “Specialist Eric Ramirez Post Office”*

*a. Sponsor.*—Representative Brown-Waite, Ginny [R-FL-5] (introduced September 8, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 8, 2004. Ordered to be reported by unanimous consent on September 15, 2004. Agreed to in the House under suspension of the rules by voice vote on September 28, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108-402.

76. *H.R. 5039: To designate the facility of the U.S. Postal Service located at U.S. Route 1 in Ridgeway, NC, as the “Eva Holtzman Post Office”*

*a. Sponsor.*—Representative Butterfield, G.K. [D-NC-1] (introduced September 9, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 9, 2004. Ordered to be reported by unanimous consent on September 15, 2004. Agreed to in the House under suspension of the rules by voice vote on September 22, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108-403.

77. *H.R. 5051: To designate the facility of the U.S. Postal Service located at 1001 Williams Street in Ignacio, CO, as the “Leonard C. Burch Post Office Building”*

*a. Sponsor.*—Representative McInnis, Scott [R-CO-3] (introduced September 9, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 9, 2004. Agreed to in the House under suspension of the rules by voice vote on October 6, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108-404.

78. *H.R. 5053: To designate the facility of the U.S. Postal Service located at 1475 Western Avenue, Suite 45, in Albany, NY, as the “Lieutenant John F. Finn Post Office”*

*a. Sponsor.*—Representative McNulty, Michael R. [D-NY-21] (introduced September 9, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 9, 2004. Agreed to in the House under suspension of the rules by voice vote on October 6, 2004.

79. *H.R. 5133: To designate the facility of the U.S. Postal Service located at 11110 Sunset Hills Road in Reston, VA, as the “Martha Pennino Post Office Building”*

*a. Sponsor.*—Representative Moran, James P. [D–VA–8] (introduced September 23, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 23, 2004. Agreed to in the House under suspension of the rules by voice vote on September 28, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108–407.

80. *H.R. 5147: To designate the facility of the U.S. Postal Service located at 23055 Sherman Way in West Hills, CA, as the “Evan Asa Ashcraft Post Office Building”*

*a. Sponsor.*—Representative Waxman, Henry A. [D–CA–30] (introduced September 24, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on September 24, 2004. Agreed to in the House under suspension of the rules by voice vote on September 28, 2004. Passed the Senate by unanimous consent on October 10, 2004. Public Law 108–408

81. *H.R. 5364: To designate the facility of the U.S. Postal Service located at 5505 Stevens Way in San Diego, CA, as the “Earl B. Gilliam/Imperial Avenue Post Office Building”*

*a. Sponsor.*—Representative Filner, Bob [D–CA–51] (introduced November 16, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform on November 16, 2004. Agreed to in the House under suspension of rules by voice vote on November 17, 2004. Passed the Senate by unanimous consent on December 7, 2004.

82. *H.R. 5370: To designate the facility of the U.S. Postal Service located at 4985 Moorhead Avenue in Boulder, CO, as the “Donald G. Brotzman Post Office Building”*

*a. Sponsor.*—Representative Udall, Mark [D–CO–2] (introduced November 16, 2004).

*b. Legislative History.*—Referred to the House Committee on Government Reform November 16, 2004. Agreed to in the House by unanimous consent on November 19, 2004. Passed the Senate by unanimous consent on December 7, 2004.

83. *S. 867: A bill to designate the facility of the U.S. Postal Service located at 710 Wick Lane in Billings, MT, as the “Ronald Reagan Post Office Building”*

*a. Sponsor.*—Senator Burns, Conrad R. [R–MT] (introduced April 10, 2003).

*b. Legislative History.*—Referred to the Senate Committee on Governmental Affairs on April 10, 2003. Passed the Senate by unanimous consent on June 25, 2003. Referred to the Committee on Government Reform on June 26, 2003. Agreed to in the House under suspension of the rules by voice vote on November 18, 2003. Public Law 108–143.

84. *S. 1399: A bill to redesignate the facility of the U.S. Postal Service located at 101 South Vine Street in Glenwood, IA, as the "William J. Scherle Post Office Building"*

*a. Sponsor.*—Senator Harkin, Tom [D-IA] (introduced July 14, 2003).

*b. Legislative History.*—Referred to the Senate Committee on Governmental Affairs on July 14, 2003. Passed the Senate by unanimous consent on July 17, 2003. Referred to the Committee on Government Reform on July 18, 2003. Agreed to in the House under suspension of the rules by voice vote on July 21, 2004. Public Law 108–65.

85. *S. 1590: A bill to redesignate the facility of the U.S. Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, NY, as the "James E. Davis Post Office Building"*

*a. Sponsor.*—Senator Schumer, Charles E. [D-NY] (introduced September 8, 2003).

*b. Legislative History.*—Referred to the Senate Committee on Governmental Affairs on September 8, 2003. Passed the Senate by unanimous consent on October 29, 2003. Referred to the Committee on Government Reform on October 30, 2003. Agreed to in the House under suspension of the rules by voice vote on November 17, 2003. Public Law 108–141.

86. *S. 1591: A bill to redesignate the facility of the U.S. Postal Service located at 48 South Broadway, Nyack, NY, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building"*

*a. Sponsor.*—Senator Schumer, Charles E. [D-NY] (introduced September 8, 2003).

*b. Legislative History.*—Referred to the Committee on Governmental Affairs on September 8, 2003. Passed the Senate by unanimous consent on September 25, 2003. Referred to the Committee on Government Reform on September 30, 2003. Agreed to in the House under suspension of the rules by voice vote on October 20, 2003. Public Law 108–103.

87. *S. 1718: A bill to designate the facility of the U.S. Postal Service located at 3710 West 73rd Terrace in Prairie Village, KS, as the "Senator James B. Pearson Post Office"*

*a. Sponsor.*—Senator Roberts, Pat [R-KS] (introduced October 14, 2003).

*b. Legislative History.*—Referred to the Senate Committee on Governmental Affairs on October 14, 2003. Passed the Senate by unanimous consent on October 29, 2003. Referred to the Committee on Government Reform on October 30, 2003. Ordered to be reported by unanimous consent on November 6, 2003. Agreed to in the House under suspension of the rules by voice vote on November 18, 2003. Public Law 108–144.

88. *S. 2214: A bill to designate the facility of the U.S. Postal Service located at 3150 Great Northern Avenue in Missoula, MT, as the "Mike Mansfield Post Office"*

*a. Sponsor.*—Senator Burns, Conrad R. [R-MT] (introduced March 12, 2004).

*b. Legislative History.*—Referred to the Senate Committee on Governmental Affairs on March 12, 2004. Passed the Senate by unanimous consent on June 9, 2004. Referred to the House Committee on Government Reform on June 14, 2004. Agreed to in the House under suspension of the rules by voice vote on November 16, 2004. Public Law 108–440.

89. *S. 2415: A bill to designate the facility of the U.S. Postal Service located at 4141 Postmark Drive, Anchorage, AK, as the “Robert J. Opinsky Post Office Building”*

*a. Sponsor.*—Senator Stevens, Ted [R–AK] (introduced May 13, 2004).

*b. Legislative History.*—Referred to the Senate Committee on Governmental Affairs on May 13, 2004. Passed through the Senate by unanimous consent on June 9, 2004. Referred to the Committee on Government Reform on June 14, 2004. Ordered to be reported by unanimous consent on July 21, 2004. Agreed to in the House under suspension of the rules by voice vote on October 6, 2004. Public Law 108–353.

90. *S. 2693: A bill to designate the facility of the U.S. Postal Service located at 1475 Western Avenue, Suite 45, in Albany, NY, as the “Lieutenant John F. Finn Post Office”*

*a. Sponsor.*—Senator Schumer, Charles E. [D–NY] (introduced July 20, 2004).

*b. Legislative History.*—Referred to the Senate Committee on Governmental Affairs on July 20, 2004. Passed through the Senate Committee on Governmental Affairs by unanimous consent on October 10, 2004. Referred to the Committee on Government Reform on November 16, 2004. Agreed to in the House under suspension of the rules by voice vote on November 16, 2004. Public Law 108–443.

#### E. RESOLUTIONS CONSIDERED BY THE COMMITTEE OR THE HOUSE

1. *H. Con. Res. 6: Supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month*

*a. Sponsor.*—Representative Stearns, Cliff [R–FL–6] (introduced January 7, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform January 7, 2003. Ordered to be reported by the Committee on Government Reform on June 19, 2003. Agreed to by the House on July 16, 2003.

2. *H. Con. Res. 36: Encouraging the people of the United States to honor and celebrate the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln’s efforts to end slavery*

*a. Sponsor.*—Representative Davis, Danny K. [D–IL–7] (introduced February 12, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on February 12, 2003. Agreed to under suspension of the rules by the House on February 26, 2003.

3. *H. Con. Res. 44: To express support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854*
- a. Sponsor.*—Representative Leach, James A. [R-IA-2] (introduced February 13, 2004).
- b. Legislative History.*—Referred to Committee on Government Reform February 13, 2003. Agreed to under suspension of the rules by the House on March 26, 2003.
4. *H. Con. Res. 54: Expressing the sense of the Congress that there should be established an annual National Visiting Nurse Association Week*
- a. Sponsor.*—Representative Markey, Edward J. [D-MA-7] (introduced February 25, 2004).
- b. Legislative History.*—Referred to Committee on Government Reform on February 25, 2003. Agreed to under suspension of the rules by the House on March 4, 2003.
5. *H. Con. Res. 58: Honoring the city of Fayetteville, NC, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history*
- a. Sponsor.*—Representative Etheridge, Bob [D-NC-2] (introduced February 27, 2004).
- b. Legislative History.*—Referred to Committee on Government Reform on February 27, 2003. Agreed to under suspension of the rules by the House on March 31, 2003. Agreed to by unanimous consent by the Senate on May 16, 2003.
6. *H. Con. Res. 69: Expressing the sense of Congress that Althea Gibson should be recognized for her ground breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports*
- a. Sponsor.*—Representative Rangel, Charles B. [D-NY-15] (introduced February 27, 2004).
- b. Legislative History.*—Referred to Committee on Government Reform on February 27, 2003. Ordered reported by the Committee on Government Reform on November 6, 2003. Agreed to under suspension of the rules by the House on November 18, 2003. Agreed to in the Senate by unanimous consent on November 22, 2003.
7. *H. Con. Res. 71: Recognizing the importance of Ralph Bunche as one of the great leaders of the United States, the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner of civil rights for people throughout the world*
- a. Sponsor.*—Representative Rangel, Charles B. [D-NY-15] (introduced February 27, 2004).
- b. Legislative History.*—Referred to Committee on Government Reform on February 27, 2003. Ordered Reported by unanimous consent on September 12, 2003. Agreed to under suspension of the rules by the House on October 8, 2003. Agreed to in the Senate by unanimous consent on November 22, 2003.

8. *H. Con. Res. 85: Expressing the sense of the Congress with regard to the need for improved fire safety in nonresidential buildings in the aftermath of the tragic fire on February 20, 2003, at a nightclub in West Warwick, RI*

a. *Sponsor.*—Representative Langevin, James R. [D-RI-2] (introduced March 10, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on March 10, 2003. Agreed to under suspension of the rules by the House on March 12, 2003

9. *H. Con. Res. 106: Recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month," and for other purposes*

a. *Sponsor.*—Representative Chabot, Steve [R-OH-1] (introduced March 20, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on March 20, 2003. Ordered reported by the Committee on Government Reform on September 18, 2003. Agreed to under suspension of the rules by the House on October 15, 2003. Agreed to by Senate on November 21, 2003.

10. *H. Con. Res. 149: Expressing support for the celebration of Patriots' Day and honoring the Nation's first patriots*

a. *Sponsor.*—Representative Markey, Edward J. [D-MA-7] (introduced April 10, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on April 10, 2003. Agreed to under suspension of the rules by the House on April 29, 2003.

11. *H. Con. Res. 162: Honoring the city of Dayton, OH, and its many partners, for hosting "Inventing Flight: The Centennial Celebration," a celebration of the centennial of Wilbur and Orville Wright's first flight*

a. *Sponsor.*—Representative Turner, Michael R. [R-OH-3] (introduced May 6, 2004).

b. *Legislative History.*—Referred to House Committee on Government Reform on May 6, 2003. Ordered reported by the Committee on Government Reform on May 22, 2003. Agreed to under suspension of the rules by the House on June 9, 2003.

12. *H. Con. Res. 172: Supporting the 20th Annual National Tourism Week*

a. *Sponsor.*—Representative Foley, Mark [R-FL-16] (introduced May 9, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on May 9, 2003. Agreed to under suspension of the rules by the House on June 2, 2003.

13. *H. Con. Res. 176: Supporting the goals and ideals of Financial Planning Week, recognizing the significant impact of sound financial planning on achieving life's goals, and honoring American families and the financial planning profession for their adherence and dedication to the financial planning process*

*a. Sponsor.*—Representative Platts, Todd Russell [R-PA-19] (introduced May 9, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on May 9, 2003. Ordered reported by unanimous consent on September 18, 2003. Agreed to under suspension of the rules by the House on November 4, 2003.

14. *H. Con. Res. 208: Supporting National Men's Health Week*

*a. Sponsor.*—Representative Cummings, Elijah E. [D-MD-7] (introduced June 5, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on June 5, 2003. Ordered reported on June 19, 2003. Agreed to under suspension of the rules by the House on July 16, 2003.

15. *H. Con. Res. 220: Commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments*

*a. Sponsor.*—Representative Thompson, Bennie G. [D-MS-2] (introduced June 12, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on June 12, 2003. Agreed to under suspension of the rules by the House on June 16, 2003.

16. *H. Con. Res. 230: Honoring the 10 communities selected to receive the 2003 All-America City Award*

*a. Sponsor.*—Representative Hayes, Robin [R-NC-8] (introduced June 25, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on June 25, 2003. Ordered reported by unanimous consent on July 10, 2003. Agreed to under suspension of the rules by the House on July 21, 2003.

17. *H. Con. Res. 235: Celebrating the life and achievements of Lawrence Eugene "Larry" Doby*

*a. Sponsor.*—Representative Pascrell, Bill, Jr. [D-NJ-8] (introduced June 26, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on June 26, 2003. Ordered reported on July 24, 2003. Agreed to under suspension of the rules by the House on September 16, 2003. Agreed to in the Senate by unanimous consent on September 17, 2003.

18. *H. Con. Res. 257: Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery*

*a. Sponsor.*—Representative Ryun, Jim [R-KS-2] (introduced July 24, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on July 24, 2003. Ordered reported by unanimous consent on June 3, 2004. Agreed to under suspension of the rules by the House on July 6, 2004.

19. *H. Con. Res. 262: Expressing the sense of the Congress in support of the National Anthem “SingAmerica” project*

*a. Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced July 25, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on July 25, 2003. Ordered reported by unanimous consent on September 12, 2003. Agreed to under suspension of the rules by the House on November 4, 2003.

20. *H. Con. Res. 264: Authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi*

*a. Sponsor.*—Representative Mica, John L. [R-FL-7] (introduced July 25, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on July 25, 2003. Ordered reported by unanimous consent on October 2, 2003. Agreed to under suspension of the rules by the House on February 10, 2004. Agreed to by the Senate on February 24, 2004.

21. *H. Con. Res. 270: Supporting the goals and ideals of College Savings Month*

*a. Sponsor.*—Representative Rogers, Mike [R-MI-8] (introduced September 3, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on September 3, 2003. Ordered reported by unanimous consent on September 18, 2003. Agreed to under suspension of the rules by the House on October 15, 2003.

22. *H. Con. Res. 273: Recognizing and congratulating the East Boynton Beach, FL, Little League team as the 2003 U.S. Little League Champions*

*a. Sponsor.*—Representative Shaw, E. Clay, Jr. [R-FL-22] (introduced September 4, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 4, 2003. Ordered reported by unanimous consent on September 25, 2003. Agreed to under suspension of the rules by the House on October 15, 2003. Agreed to in the Senate by unanimous consent on January 21, 2004.

23. *H. Con. Res. 287: Recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts*

*a. Sponsor.*—Representative Gutierrez, Luis V. [D-IL-4] (introduced September 23, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on September 23, 2003. Ordered reported by unanimous consent on February 12, 2004. Agreed to under suspension of the

rules by the House on February 25, 2004. Referred to the Senate Committee on the Judiciary on February 26, 2004.

24. *H. Con. Res. 295: Congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States*

*a. Sponsor.*—Representative Conyers, John, Jr. [D–MI–14] (introduced October 7, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on October 7, 2003. Ordered reported by unanimous consent on May 6, 2004. Agreed to under suspension of the rules by the House on June 1, 2004.

25. *H. Con. Res. 299: Honoring Mr. Sargent Shriver for his dedication and service to the United States of America, for his service in the U.S. Navy, and for his lifetime of work as an ambassador for the poor and powerless citizens of the United States of America, and for other purposes*

*a. Sponsor.*—Representative McKeon, Howard P. (Buck) [R–CA–25] (introduced October 8, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on October 8, 2003. Ordered Reported by unanimous consent on November 6, 2003. Agreed to under suspension of the rules by the House on November 17, 2003.

26. *H. Con. Res. 313: To urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church*

*a. Sponsor.*—Representative Sensenbrenner, F. James, Jr. [R–WI–5] (introduced October 28, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on October 28, 2003. Ordered reported by unanimous consent on November 6, 2004. Agreed to under suspension of the rules by the House on November 18, 2003. Agreed to in the Senate by unanimous consent on November 19, 2003.

27. *H. Con. Res. 320: Expressing the sense of the Congress regarding the importance of motorsports*

*a. Sponsor.*—Representative Feeney, Tom [R–FL–24] (introduced November 4, 2004).

*b. Legislative History.*—Referred to Committee on Government Reform on November 4, 2003. Agreed to under suspension of the rules by the House on November 19, 2003. Agreed to in the Senate by unanimous consent on November 20, 2004.

28. *H. Con. Res. 328: Recognizing and honoring the U.S. Armed Forces and supporting the goals and objectives of a National Military Appreciation Month*

a. *Sponsor.*—Representative Davis, Tom [R–VA–11] (introduced November 18, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on November 18, 2003. Ordered reported as amended by unanimous consent on February 26, 2004. Agreed to under suspension of the rules by the House on March 24, 2004. Referred to the Senate Committee on the Judiciary on March 25, 2004. Ordered reported by the Committee on the Judiciary on April 22, 2004. Agreed to in the Senate by unanimous consent on April 26, 2004.

29. *H. Con. Res. 450: Recognizing the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States and encouraging all Americans to observe the anniversary of the deaths of the three men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people*

a. *Sponsor.*—Representative Owens, Major R. [D–NY–11] (introduced June 15, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on June 15, 2004. Agreed to under suspension of the rules by the House on June 21, 2004.

30. *H. Con. Res. 461: Expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month*

a. *Sponsor.*—Representative Biggert, Judy [R–IL–13] (introduced June 22, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on June 22, 2004. Ordered reported by the Committee on Government Reform on September 15, 2004. Agreed to under suspension of the rules by the House on September 28, 2004.

31. *H. Con. Res. 464: Honoring the 10 communities selected to receive the 2004 All-America City Award*

a. *Sponsor.*—Representative Hayes, Robin [R–NC–8] (introduced June 23, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on June 23, 2004. Ordered reported by unanimous consent on September 15, 2004. Agreed to under suspension of the rules by the House on October 6, 2004. Agreed to in the Senate by unanimous consent on November 18, 2004.

32. *H. Con. Res. 473: Expressing the sense of Congress that the President should designate September 11 as a National Day of voluntary service, charity and compassion*

a. *Sponsor.*—Representative King, Peter T. [R–NY–3] (introduced July 14, 2004).

b. *Legislative History.*—Referred to Committee on Government Reform on July 14, 2004. Agreed to under suspension of the rules

amended by the House on September 22, 2004. Referred to the Committee on Health, Education, Labor, and Pensions on September 23, 2004. Agreed to in the Senate by unanimous consent on October 10, 2004.

33. *H. Con. Res. 489: Supporting the goals and ideals of National Preparedness Month*

a. *Sponsor*.—Representative Cox, Christopher [R-CA-48] (introduced September 9, 2004).

b. *Legislative History*.—Referred to Committee on Government Reform on September 9, 2004. Ordered reported by unanimous consent on September 15, 2004. Agreed to under suspension of the rules by the House on September 22, 2004. Referred to Committee on Governmental Affairs on September 23, 2004.

34. *H. Res. 31: Congratulating the Tampa Bay Buccaneers for winning Super Bowl XXXVII*

a. *Sponsor*.—Representative Davis, Jim [D-FL-11] (introduced January 27, 2003).

b. *Legislative History*.—Referred to Committee on Government Reform on January 27, 2003. Agreed to under suspension of the rules by the House on January 29, 2003.

35. *H. Res. 46: Honoring the life of Al Hirschfeld and his legacy*

a. *Sponsor*.—Representative Nadler, Jerrold [D-NY-8] (introduced January 29, 2003).

b. *Legislative History*.—Referred to Committee on Government Reform on January 29, 2003. Agreed to under suspension of the rules by the House on February 25, 2003.

36. *H. Res. 57: Recognizing and supporting the goals and ideals of "National Runaway Prevention Month"*

a. *Sponsor*.—Representative Israel, Steve [D-NY-2] (introduced February 5, 2003).

b. *Legislative History*.—Referred to Committee on Government Reform on February 5, 2003. Agreed to under suspension of the rules by the House on March 26, 2003.

37. *H. Res. 111: Honoring the legacy of Fred Rogers and his dedication to creating a more compassionate, kind, and loving world for children and adults*

a. *Sponsor*.—Representative Doyle, Michael F. [D-PA-14] (introduced February 27, 2003).

b. *Legislative History*.—Referred to Committee on Government Reform on February 27, 2003. Agreed to under suspension of the rules by the House on March 4, 2003.

38. *H. Res. 122: Recognizing the bicentennial of the admission of Ohio into the Union and the contributions of Ohio residents to the economic, social, and cultural development of the United States*

a. *Sponsor*.—Representative Regula, Ralph [R-OH-16] (introduced March 4, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on March 4, 2003. Agreed to under suspension of the rules by the House on March 12, 2003.

39. *H. Res. 127: Recognizing and supporting the goals and ideals of “Financial Literacy for Youth Month”*

*a. Sponsor.*—Representative Dreier, David [R-CA-26] (introduced March 5, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on March 5, 2003. Agreed to under suspension of the rules by the House on April 7, 2003.

40. *H. Res. 153: Recognizing the public need for fasting and prayer in order to secure the blessings and protection of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home*

*a. Sponsor.*—Representative Akin, W. Todd [R-MO-2] (introduced March 20, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on March 20, 2003. Agreed to under suspension of the rules by the House on March 27, 2003.

41. *H. Res. 159: Expressing profound sorrow on the occasion of the death of Irma Rangel*

*a. Sponsor.*—Representative Hinojosa, Ruben [D-TX-15] (introduced March 25, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on March 25, 2003. Ordered reported by voice vote on May 22, 2003. Agreed to under suspension of the rules by the House on June 2, 2003.

42. *H. Res. 178: Honoring the life and work of former Speaker of the Pennsylvania House of Representatives Matthew J. Ryan and offering the deepest condolences of the U.S. House of Representatives to his wife and family on his death*

*a. Sponsor.*—Representative Weldon, Curt [R-PA-7] (introduced April 3, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on April 3, 2003. Agreed to under suspension of the rules by the House on May 13, 2003.

43. *H. Res. 195: Congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs*

*a. Sponsor.*—Representative Gutierrez, Luis V. [D-IL-4] (introduced April 10, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on April 10, 2003. Ordered reported by voice vote on May 22, 2003. Agreed to under suspension of the rules by the House on June 2, 2003.

44. *H. Res. 213: Expressing the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week*

*a. Sponsor.*—Representative Davis, Danny K. [D–IL–7] (introduced May 1, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on May 1, 2003. Agreed to under suspension of the rules by the House on May 8, 2003.

45. *H. Res. 231: Supporting the goals and ideals of Peace Officers Memorial Day*

*a. Sponsor.*—Representative Hefley, Joel [R–CO–5] (introduced May 13, 2003).

*b. Legislative History.*—Referred to Committee on Government Reform on May 13, 2003. Agreed to under suspension of the rules by the House on June 3, 2003.

46. *H. Res. 240: Expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes*

*a. Sponsor.*—Representative Davis, Danny K. [D–IL–7] (introduced May 19, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on May 19, 2003. Ordered reported by voice vote on June 19, 2003. Agreed to under suspension of the rules by the House on July 21, 2003.

47. *H. Res. 262: Supporting the goals and ideals of Pancreatic Cancer Awareness Month*

*a. Sponsor.*—Representative Platts, Todd Russell [R–PA–19] (introduced June 9, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 9, 2003. Ordered reported by unanimous consent on September 12, 2003. Agreed to under suspension of the rules by the House on October 8, 2003.

48. *H. Res. 274: Honoring John Stockton for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to basketball, to the State of Utah, and to the Nation*

*a. Sponsor.*—Representative Matheson, Jim [D–UT–2] (introduced June 12, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 12, 2003. Ordered reported by unanimous consent on November 6, 2003. Agreed to under suspension of the rules by the House on February 3, 2004.

49. *H. Res. 279: Congratulating the San Antonio Spurs for winning the 2003 NBA Championship*

*a. Sponsor.*—Representative Smith, Lamar [R–TX–21] (introduced June 16, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 16, 2003. Agreed to under suspension of the rules by the House on June 19, 2003.

50. *H. Res. 303: Honoring Maynard Holbrook Jackson, Jr., former mayor of the city of Atlanta, and extending the condolences of the House of Representatives on his death*

*a. Sponsor.*—Representative Lewis, John [D-GA-5] (introduced June 26, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 26, 2003. Ordered reported by unanimous consent on July 10, 2003. Agreed to under suspension of the rules by the House on July 16, 2003.

51. *H. Res. 306: Congratulating the New York Yankees on the occasion of their 100th anniversary*

*a. Sponsor.*—Representative Serrano, Jose E. [D-NY-16] (introduced June 26, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 26, 2003. Ordered reported by unanimous consent on September 12, 2003. Agreed to under suspension of the rules by the House on September 30, 2003.

52. *H. Res. 315: Congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans*

*a. Sponsor.*—Representative Sessions, Pete [R-TX-32] (introduced July 9, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on July 9, 2003. Ordered reported by voice vote on July 24, 2003. Agreed to under suspension of the rules by the House on September 10, 2003.

53. *H. Res. 350: Congratulating Lance Armstrong for winning the 2003 Tour de France*

*a. Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced September 3, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 3, 2003. Agreed to under suspension of the rules by the House on September 3, 2003.

54. *H. Res. 352: Remembering and honoring the March on Washington of August 28, 1963*

*a. Sponsor.*—Representative Bishop, Sanford D., Jr. [D-GA-2] (introduced September 3, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 3, 2003. Ordered reported by unanimous consent on September 12, 2003. Agreed to under suspension of the rules by the House on September 16, 2003.

55. *H. Res. 357: Honoring the life and legacy of Bob Hope*

*a. Sponsor.*—Representative Miller, Jeff [R-FL-1] (introduced September 5, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 5, 2003. Ordered reported by unanimous consent on September 18, 2003. Agreed to under suspension of the rules by the House on September 30, 2003.

56. *H. Res. 369: Expressing the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones*

*a. Sponsor.*—Representative Burton, Dan [R-IN-5] (introduced September 16, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 16, 2003. Agreed to under suspension of the rules by the House on September 16, 2003.

57. *H. Res. 392: Congratulating the Detroit Shock for winning the 2003 Women's National Basketball Association championship*

*a. Sponsor.*—Representative Conyers, John, Jr. [D-MI-14] (introduced October 8, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on October 8, 2003. Ordered reported by unanimous consent on February 12, 2004. Agreed to under suspension of the rules by the House on March 9, 2004.

58. *H. Res. 399: Honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International*

*a. Sponsor.*—Representative Kennedy, Mark R. [R-MN-6] (introduced October 15, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on October 15, 2003. Ordered reported by unanimous consent on April 1, 2004. Agreed to under suspension of the rules by the House on April 27, 2004.

59. *H. Res. 415: Congratulating the Florida Marlins for winning the 2003 World Series*

*a. Sponsor.*—Representative Meek, Kendrick B. [D-FL-17] (introduced October 28, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on October 28, 2003. Agreed to under suspension of the rules by the House on October 29, 2003.

60. *H. Res. 425: Recognizing and honoring the firefighters and other public servants who responded to the October 2003, historically devastating, outbreak of wildfires in southern California*

*a. Sponsor.*—Representative Davis, Susan A. [D-CA-53] (introduced October 30, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on October 30, 2003. Agreed to under suspension of the rules by the House on November 5, 2003.

61. *H. Res. 433: Honoring the life and legacy of Luis A. Ferre*

*a. Sponsor.*—Representative Serrano, Jose E. [D-NY-16] (introduced November 5, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on November 5, 2003. Ordered reported by unanimous consent on February 26, 2004. Agreed to under suspension of the rules by the House on March 16, 2004.

62. *H. Res. 439: Honoring the life and career of Willie Shoemaker and expressing the condolences of the House of Representatives to his family and friends on his death*

*a. Sponsor.*—Representative Reyes, Silvestre [D–TX–16] (introduced November 10, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on November 10, 2003. Ordered reported by unanimous consent on February 12, 2004. Agreed to under suspension of the rules by the House on March 2, 2004.

63. *H. Res. 475: Congratulating the San Jose Earthquakes for winning the 2003 Major League Soccer Cup*

*a. Sponsor.*—Representative Honda, Michael M. [D–CA–15] (introduced December 8, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on December 8, 2003. Ordered reported by unanimous consent on February 26, 2004. Agreed to under suspension of the rules by the House on March 9, 2004.

64. *H. Res. 512: Congratulating the New England Patriots for winning Super Bowl XXXVIII*

*a. Sponsor.*—Representative Frank, Barney [D–MA–4] (introduced February 3, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on February 3, 2004. Agreed to under suspension of the rules by the House on February 4, 2004.

65. *H. Res. 519: Expressing the sense of the House of Representatives with respect to the earthquake that occurred in San Luis Obispo County, CA, on December 22, 2003*

*a. Sponsor.*—Representative Thomas, William M. [R–CA–22] (introduced February 4, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on February 4, 2004. Ordered reported by unanimous consent on February 12, 2004. Agreed to under suspension of the rules by the House on March 9, 2004.

66. *H. Res. 578: Supporting the goals and ideals of Financial Literacy Month, and for other purposes*

*a. Sponsor.*—Representative Biggert, Judy [R–IL–13] (introduced March 25, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on March 25, 2004. Ordered reported by unanimous consent on April 1, 2004. Agreed to under suspension of the rules by the House on April 27, 2004.

67. *H. Res. 581: Expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States*

*a. Sponsor.*—Representative Davis, Tom [R–VA–11] (introduced March 29, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on March 29, 2004. Agreed to under suspension of the rules by the House on March 31, 2004.

68. *H. Res. 612: Recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, VA, on March 26, 2004*

*a. Sponsor.*—Representative Cantor, Eric [R–VA–7] (introduced April 29, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on April 29, 2004. Ordered reported as amended by unanimous consent on May 12, 2004. Agreed to under suspension of the rules by the House on June 1, 2004.

69. *H. Res. 613: Recognizing and honoring the 10th anniversary of Vietnam Human Rights Day*

*a. Sponsor.*—Representative Davis, Tom [R–VA–11] (introduced April 30, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on April 30, 2004. Ordered reported by unanimous consent on May 6, 2004. Agreed to under suspension of the rules by the House on May 11, 2004.

70. *H. Res. 622: Supporting the goals and ideals of Peace Officers Memorial Day*

*a. Sponsor.*—Representative Hefley, Joel [R–CO–5] (introduced May 4, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on May 4, 2004. Ordered reported by unanimous consent on May 6, 2004. Agreed to under suspension of the rules by the House on May 11, 2004.

71. *H. Res. 641: Supporting the goals and ideals of Pancreatic Cancer Awareness Month*

*a. Sponsor.*—Representative Platts, Todd Russell [R–PA–19] (introduced May 12, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on May 12, 2004. Ordered reported by unanimous consent on September 15, 2004. Agreed to under suspension of the rules by the House on November 16, 2004.

72. *H. Res. 646: Expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers*

*a. Sponsor.*—Representative Davis, Danny K. [D–IL–7] (introduced May 18, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on May 18, 2004. Ordered reported by unanimous consent on July 8, 2004. Agreed to under suspension of the rules by the House on July 12, 2004.

73. *H. Res. 653: Honoring former President George Herbert Walker Bush on the occasion of his 80th birthday*

*a. Sponsor.*—Representative Hall, Ralph M. [R-TX-4] (introduced May 20, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on May 20, 2004. Ordered reported by unanimous consent on June 3, 2004. Agreed to under suspension of the rules by the House on June 14, 2004.

74. *H. Res. 660: Congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004*

*a. Sponsor.*—Representative Shadegg, John B. [R-AZ-3] (introduced June 2, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 2, 2004. Agreed to under suspension of the rules by the House on June 21, 2004.

75. *H. Res. 664: Mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world*

*a. Sponsor.*—Representative Lewis, Jerry [R-CA-41] (introduced June 8, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 8, 2004. Agreed to under suspension of the rules by the House on June 9, 2004.

76. *H. Res. 668: Congratulating the Tampa Bay Lightning for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003–2004 season*

*a. Sponsor.*—Representative Davis, Jim [D-FL-11] (introduced June 9, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 9, 2004. Agreed to under suspension of the rules by the House on June 14, 2004.

77. *H. Res. 679: Congratulating the Detroit Pistons on winning the 2004 National Basketball Association Championship*

*a. Sponsor.*—Representative Conyers, John, Jr. [D-MI-14] (introduced June 16, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 16, 2004. Agreed to under suspension of the rules by the House on June 21, 2004.

78. *H. Res. 684: Honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion*

*a. Sponsor.*—Representative Chocola, Chris [R-IN-2] (introduced June 21, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 21, 2004. Ordered reported by unanimous consent on July 8, 2004. Agreed to under suspension of the rules by the House on July 12, 2004.

79. *H. Res. 695: Expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy*

*a. Sponsor.*—Representative Cardin, Benjamin L. [D-MD-3] (introduced June 24, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on June 24, 2004. Ordered reported by unanimous consent on July 21, 2004. Agreed to under suspension of the rules by the House on July 22, 2004.

80. *H. Res. 702: Honoring former President Gerald R. Ford on the occasion of his 91st birthday and extending the best wishes of the House of Representatives to former President Ford and his family*

*a. Sponsor.*—Representative Dingell, John D. [D-MI-15] (introduced July 6, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on July 6, 2004. Ordered reported by unanimous consent on July 8, 2004. Agreed to under suspension of the rules by the House on July 12, 2004.

81. *H. Res. 717: Honoring former President William Jefferson Clinton on the occasion of his 58th birthday*

*a. Sponsor.*—Representative Maloney, Carolyn B. [D-NY-14] (introduced July 14, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on July 14, 2004. Ordered reported by unanimous consent on July 21, 2004. Agreed to under suspension of the rules by the House on September 13, 2004.

82. *H. Res. 761: Congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France*

*a. Sponsor.*—Representative Doggett, Lloyd [D-TX-10] (introduced September 9, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 9, 2004. Ordered reported by unanimous consent on September 15, 2004. Agreed to under suspension of the rules by the House on September 22, 2004.

83. *H. Res. 772: Supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities*

*a. Sponsor.*—Representative Waxman, Henry A. [D-CA-30] (introduced September 14, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 14, 2004. Ordered reported by unani-

mous consent on September 15, 2004. Agreed to under suspension of the rules by the House on September 22, 2004.

84. *H. Res. 784: Commending the resiliency of the people of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, Ivan, and Jeanne*

*a. Sponsor.*—Representative Foley, Mark [R-FL-16] (introduced September 22, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 22, 2004. Agreed to under suspension of the rules by the House on September 28, 2004.

85. *H. Res. 798: Honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday*

*a. Sponsor.*—Representative Lewis, John [D-GA-5] (introduced September 23, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 23, 2004. Agreed to under suspension of the rules by the House on October 6, 2004.

86. *H. Res. 815: Congratulating Andrew Wojtanik for winning the 16th Annual National Geographic Bee, conducted by the National Geographic Society*

*a. Sponsor.*—Representative Moore, Dennis [D-KS-3] (introduced October 4, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on October 4, 2004. Agreed to under suspension of the rules by the House on October 6, 2004.

87. *H. Res. 854: Congratulating the Boston Red Sox on winning the 2004 World Series*

*a. Sponsor.*—Representative Capuano, Michael E. [D-MA-8] (introduced November 16, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on November 16, 2004. Agreed to under suspension of the rules by the House on November 18, 2004.

88. *H.J. Res. 19: Recognizing the 92d birthday of Ronald Reagan*

*a. Sponsor.*—Representative Cox, Christopher [R-CA-48] (introduced February 4, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on February 4, 2003. Agreed to under suspension of the rules by the House on February 11, 2003. Agreed to in the Senate by unanimous consent on February 13, 2003. Public Law 108-9.

89. *H.J. Res. 70: Commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years*

*a. Sponsor.*—Representative Davis, Tom [R-VA-11] (introduced September 29, 2003).

*b. Legislative History.*—Referred to the Committee on Government Reform on September 29, 2003. Ordered reported by the Committee on Government Reform on October 2, 2003. Agreed to by the House under suspension of the rules on October 15, 2003.

\* The Senate passed a similar bill, S.J. Res. 18, on October 14, 2003. The House agreed to S.J. Res. 18 under suspension of the rules on November 17, 2003. Public Law 108–139.

90. *H.J. Res. 84: Recognizing the 93d birthday of Ronald Reagan*

*a. Sponsor.*—Representative Gibbons, Jim [R–NV–2] (introduced January 20, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on January 20, 2004. Agreed to under suspension of the rules by the House on February 3, 2004. Referred to the Senate Committee on the Judiciary on March 25, 2004.

91. *H.J. Res. 87: Honoring the life and legacy of President Franklin Delano Roosevelt and recognizing his contributions on the anniversary of the date of his birth*

*a. Sponsor.*—Representative Slaughter, Louise McIntosh [D–NY–28] (introduced January 28, 2004).

*b. Legislative History.*—Referred to the Committee on Government Reform on January 28, 2004. Ordered reported by unanimous consent on February 26, 2004. Agreed to under suspension of the rules by the House on March 17, 2004. Referred to the Senate Committee on the Judiciary on March 22, 2004.

92. *S. Con. Res. 97: A concurrent resolution recognizing the 91st annual meeting of the Garden Club of America*

*a. Sponsor.*—Senator Sarbanes, Paul S. [D–MD] (introduced March 9, 2004).

*b. Legislative History.*—Referred to the Committee on the Judiciary on March 9, 2004. Agreed to in the Senate by unanimous consent on March 22, 2004. Referred to the Committee on Government Reform on March 23, 2004. Ordered reported by the Committee on Government Reform on April 1, 2004. Agreed to under suspension of the rules by the House on April 20, 2004.

## II. OVERSIGHT AND INVESTIGATIVE ACCOMPLISHMENTS

The committee has conducted oversight on and investigated matters related to the effective administration of government programs of great public interest. These programs included government contracting in support of the war in Iraq, the Agriculture Department's handling of the discovery of Mad Cow Disease in the United States, the flu vaccine shortage, the role of the National Guard in national security and homeland defense, and management of the Department of Homeland Security. The committee's exposure of these matters to public scrutiny has enhanced public confidence in government, ensured accountability of public officials, and contributed to efforts to address serious problems facing America today.

### *Iraq Contracting*

The committee held a series of four hearings that looked into the contracting of goods and services and the Iraqi conflict. In preparing for these hearings, Chairman Tom Davis led two bipartisan delegations to Iraq and Kuwait. Both of these trips were designed to obtain insight into the complexities surrounding the coalition's situation and the role of contractors in the larger scheme of the Iraq situation.

The hearings focused on, in order, the overall situation in Iraq, the U.S. Government contracting apparatus in the war theater, large sustainment contracts, and finally, specific allegations of wrongdoing by so called whistleblowers. These high profile hearings acted as a window on how the intricacies of government contracting work in a wartime environment. Government contracting is not black and white. There are many actors; each with different roles to ensure that goods and services are delivered in accordance with law and that in the end the taxpayer is protected.

These hearings accomplished much. The hearings brought to light a better understanding of the impact of the security situation in Iraq on contracting. The security in Iraq is tenuous at best and it inhibits rebuilding and resupply efforts and impacts the day-to-day living conditions of our military and civilians in the country. Furthermore, the hearings revealed how difficult it is to deliver goods and services necessary to sustain a military and civilian presence in a war theater and how the government tries to maintain, at best, some resemblance of an audit chain, while at the same time ensuring that the mission is accomplished.

The hearings established that the "fog of war" not only affects the military mission but it also affects the contractor and contract management structure on the battlefield. The committee understands that in both peace and war there are contractors that will try to take advantage of the situation. Unfortunately, the security situation causes a lag in the contract management system, which

in turn caused many to think that contractors in Iraq were enriching themselves by abusing the system.

The hearings provided a strong record that the system is/was working. Auditing agencies have done their jobs. Where criminal investigations are necessary, they are being conducted. The laws put in place by Congress carefully balance affordability, accountability, and accessibility and have been able to ensure that goods and services can be delivered, when needed, even in emergencies, while protecting the taxpayer. And we established that there was no evidence that the contracts were awarded improperly.

Government contracting is difficult. Government contracting in a war zone is nearly impossible. What the committee learned is that despite the security situation and the difficulties of the Iraq war, goods and services are being delivered and that in the end, the oversight process will ensure that the costs of those goods and services are reasonable and appropriate and the taxpayer will be protected. There will be times of trouble but all in all, if our mission in Iraq is to succeed, it will do so in large part because the acquisition system is functioning as it should.

#### *Mad Cow*

After the December 23, 2003, USDA announcement of the discovery of the first U.S. case of Bovine Spongiform Encephalopathy [BSE], commonly known as “mad cow disease,” the committee initiated a 7-month investigation into concerns about the process for identification of BSE-infected cows and USDA’s actions upon discovery of the cow. Committee investigators traveled to Washington State to interview the owner of the slaughterhouse where the BSE-infected cow was identified; requested documents from USDA; and held several meetings with USDA representatives and representatives of the cattle industry.

As a result of the committee’s investigation, USDA established written protocols to be followed in case of discovery of another BSE-infected cow. USDA also implemented an expanded BSE surveillance plan to better determine whether BSE is actually present in the U.S. cattle population, and if so, at what level. The committee held a joint hearing with the Committee on Agriculture to examine USDA’s expanded surveillance plan, including concerns regarding the written protocols and management of the plan. The committee will continue to conduct oversight over USDA’s surveillance plan during the 109th Congress.

#### *Flu Vaccine Shortage*

The committee began its investigation into the flu vaccine shortage in February 2004, where the committee raised concerns over the possibility that the United States could lose half its supply of the flu vaccine if the United Kingdom, in a flu pandemic, nationalized the vaccine supply of Chiron Corp., the largest supplier of flu vaccine to the U.S. market. Then on October 5, 2004, the UK’s Medicines and Healthcare Products Regulatory Agency [MHRA] suspended Chiron’s influenza vaccine-manufacturing license effective immediately for 3 months because of manufacturing problems.

As a result of the suspension, the United States did not receive Chiron’s 46–48 million flu shots for this year’s flu season. The com-

mittee subsequently held an emergency hearing on October 8, 2004, where the discussion centered on contributing factors to the flu vaccine shortage, the government's and vaccine manufacturers' responses to and management of the crisis, and the steps to be taken to prepare for next year's flu season. In addition, the committee requested official documents from FDA to ascertain whether FDA had knowledge prior to October 5, 2004, of Chiron's impending suspension. In November, Chairman Davis and staff traveled to London to hold meetings with officials from MHRA and Chiron.

The committee also conducted an extensive meeting with FDA officials in Washington to discuss FDA documents and the results of the committee's meetings in London. On November 17, 2004, the committee held its third flu vaccine shortage hearing. The testimony from previous hearings, FDA documents, and meetings with Chairman Davis appear to establish that FDA followed standard protocol in dealing with Chiron. The committee will continue to monitor the subsequent inspections of the Chiron facility to ensure that they are able to produce vaccine for next year's flu season, as well as determine whether any appropriate legislative action is necessary to prevent a similar situation in the future.

#### *FDA's Safety And Efficacy of Drugs*

The committee has begun an investigation into FDA's approval and post-marketing surveillance of drugs, especially in light of questions surrounding the safety and efficacy of anti-depressant drugs prescribed for use by adolescents, and the voluntary withdrawal by Merck of Vioxx, an arthritis and acute pain medication taken by more than 2 million people worldwide. The committee's review is intended to ensure that FDA adequately monitors drug safety.

#### *National Guard*

The committee focused on the role and resourcing of the National Guard in our country's growing and evolving national and homeland defense missions. We have held hearings on Army Guard and Reserve pay systems that have resulted in changes in Army policies effecting administration and customer services for the Army reserve component. The committee is also examining the relationship between the States and the Federal Government in use of the National Guard for homeland defense missions. The committee's April 2004 hearing resulted in changes in Title 32 allowing for homeland defense operations under Governor control. The committee will continue to work on intergovernmental coordination between State and Federal Government and the Department of Defense in helping define the homeland role of the National Guard.

The committee will also continue to examine the resourcing of the Army and Air National Guard for overseas and homeland missions, particularly in the areas of equipment and training. The committee is also looking at the Air Force Future Total Force transformation as it is affecting the equipping and positioning of the Air National Guard.

The committee also has done extensive work on Army medical processing of injured Guard and Reserve, focusing on the lack of in-

tegrated systems and processes of oversight that create problems for injured reservists and their families.

*Department of Homeland Security*

During the 108th Congress, the committee conducted extensive oversight into the newly created Department of Homeland Security. In addition to thorough oversight over aviation security, mass transportation security, and information management challenges facing a new department that combined 22 agencies and 170,000 employees, the committee has also spent considerable time examining visa policy and US VISIT.

The committee maintained a strong focus on conducting oversight over the protection of the homeland through our embassies and consulates overseas. The newly created Department of Homeland Security [DHS] has primary responsibility for the visa issuing function and has infused an increased security interest into the process. Along with these additional precautions, however, come delays and frustrations that have seriously affected American businesses, educational institutions, the scientific community, and the tourism industry. The committee has encouraged DHS and the State Department to facilitate travel while maintaining homeland security through the efficient use of information technology, inter-agency cooperation, and human capital and resource management.

The committee also documented the development of the US VISIT program examining, in particular, the inter-agency aspects of the new initiative. US VISIT will never meet its potential until agencies with applicable information freely and proactively share data so that government officials can make effective decisions no matter which Department they represent. Where necessary, the committee urged agencies to set aside parochial concerns to achieve the congressional vision of a seamless border entry system that actually facilitates U.S. border travel while protecting the Nation.

## PART THREE. FULL COMMITTEE MEETINGS

### I. FULL COMMITTEE HEARINGS

1. *“From Reorganization to Recruitment: Bringing the Federal Government into the 21st Century,” March 6, 2003; Serial No. 108-2*

*a. Summary.*—The purpose of the hearing was to begin a dialog on the 14 recommendations made by the Commission, and to give members of the committee the opportunity to evaluate those recommendations and discuss which ones are feasible in the near future and which are longer term goals. The Commission’s report—much of which mirrors elements of the administration’s management agenda—provides an excellent overview of some of the challenges we face in improving the operations of the Federal Government, and the hearing set the stage for much of the work this committee will do during the 108th Congress to reform and improve the Federal Government.

*b. Witnesses.*—Paul A. Volcker, chairman of the National Commission on the Public Service; Frank C. Carlucci, member of the National Commission on the Public Service; and Donna Shalala, member of the National Commission on the Public Service.

2. *“Energy Efficiency Improvements in Federal Buildings and Vehicles,” March 12, 2003; Serial No. 108-1*

*a. Summary.*—The purpose of this hearing was to gain a better understanding of the government’s progress in reducing energy consumption and adopting more energy efficient facilities as the committee begins to consider provisions in upcoming energy policy legislation within its jurisdiction.

*b. Witnesses.*—David Garman, Assistant Secretary for Energy Efficiency and Renewable Energy, U.S. Department of Energy; Paul Lynch, Assistant Commissioner of Business Operations for the Public Buildings Service, General Services Administration; and William Rivers, Director of the Federal Vehicle Policy Division in the Office of Government-wide Policy, General Services Administration, accompanied by Barney Brasseaux of the Federal Supply Service.

3. *“Stumbling onto Smut: The Alarming Ease of Access to Pornography on Peer-to-Peer Networks,” March 13, 2003; Serial No. 108-8*

*a. Summary.*—The purpose of this hearing was to examine the growing problem of the availability of pornography, including child pornography, through file sharing programs, on peer-to-peer computer networks. The committee also examined the risk of inadvertent exposure to children to pornographic materials on these networks. Seemingly harmless search terms likely to be used by chil-

dren involving cartoon characters or popular singers produce a high proportion of pornographic images.

*b. Witnesses.*—Linda Koontz, Director of Information Management Issues, U.S. General Accounting Office; John M. Netherland, Acting Director of the CyberSmuggling Center, Bureau of Immigration and Customs Enforcement, Department of Homeland Security; Randy Saaf, president of MediaDefender, Inc.; Daniel Rung, chief executive officer of Grokster Limited; Patricia Greenfield, Department of Psychology, University of California at Los Angeles; Mistress Shelley, 9th grade; and Master Rob, 10th grade.

4. *“Breathing Fumes: A Decade of Failure in Energy Department Acquisitions,” March 20, 2003; Serial No. 108–4*

*a. Summary.*—The committee held this oversight hearing to examine the Department of Energy’s [DOE] troubled acquisition management function. DOE depends on contractors to operate its sites and carry out its varied missions, such as ensuring that America’s nuclear weapons stockpile is safe and reliable, cleaning up radioactive and hazardous wastes, fostering a secure and reliable energy system, and performing world-class scientific research.

For over a decade, GAO and the DOE IG have criticized the Department’s acquisition practices, particularly the Department’s inadequate contract management and oversight and its failure to hold its contractors accountable for results. Poor performance of DOE contractors has led to schedule delays and cost increases on many of the Department’s projects. Some of these difficulties have been rooted in the Department’s failure to seek competition for its large “management and operating” contracts for running its government-owned plants and laboratories and its failure to structure these contracts so as to encourage results rather than the method of performance.

*b. Witnesses.*—Gregory H. Friedman, Inspector General of the U.S. Department of Energy; Robin M. Nazzaro, Director of Natural Resources and Environment, U.S. Department of Energy; and James A. Rispoli, Director of the Office of Engineering and Construction Management, U.S. Department of Energy.

5. *“Point, Click, Self-Medicare: A Review of Consumer Safeguards on Internet Pharmacy Sites,” March 27, 2003; Serial No. 108–5*

*a. Summary.*—The purpose of this hearing was to examine regulatory gaps pertaining to domestic Internet sites that sell medications without a valid prescription. The committee heard testimony regarding public health and consumer safety issues that stem from the sale of prescription drugs without a valid prescription or adequate physician supervision. The Food and Drug Administration, Federal Trade Commission, Federation of State Medical Boards, National Association of Boards of Pharmacy, and National Association of Attorneys General appeared before the committee to convey their concerns and suggest possible solutions to the problem of unlawful Internet prescribing.

*b. Witnesses.*—Howard J. Beales, Director of the Bureau of Consumer Protection, Federal Trade Commission; William Hubbard, Senior Associate Commissioner for Policy Planning and Legislation,

Food and Drug Administration; Dr. James Thompson, M.D., executive vice president and chief executive officer of the Federation of State Medical Boards; Carmen Catizone, executive director of the National Association of Boards of Pharmacy; and Richard Blumenthal, attorney general of the State of Connecticut, on behalf of the National Association of Attorneys General.

6. *“Toward a Logical Governing Structure: Restoring Executive Reorganization Authority,” April 3, 2003; Serial No. 108–33*

*a. Summary.*—The purpose of the hearing was to discuss the reauthorization of the Executive Reorganization Authority, which expired in 1984. The hearing discussed the merits of restoring reorganization authority to the President and concerns regarding the proposal to restore them.

Examining this authority is a critical component of the President’s management agenda and the Government Reform Committee’s goal of moving the Federal Government into the future. Reauthorization of executive reorganization authority is also a top priority in the Volcker Report on the public service. New technology, work-force training and retention, and organizational streamlining, mentioned in the proposal, will not only provide savings to the American taxpayer, but also make our government more efficient for all citizens.

*b. Witnesses.*—Tom DeLay, Majority Leader of the U.S. House of Representatives; David M. Walker, Comptroller General of the General Accounting Office; Nancy Dorn, Deputy Director of the Office of Management and Budget; Dwight Ink, president emeritus of the Institute of Public Administration; Dr. Paul C. Light, Director of the Center for Public Service at the Brookings Institution; Colleen M. Kelley, president of the National Treasury Employees Union; and Mark D. Roth, general counsel for the American Federation of Government Employees.

7. *“Project BioShield: Contracting for the Health and Security of the American Public,” April 4, 2003; Serial No. 108–10*

*a. Summary.*—The purpose of this hearing was to examine the merits of the “Project Bioshield Act,” a legislative proposal designed to protect Americans from the threat of a bio-terrorist attack. The proposal, first announced by President Bush in his 2003 State of the Union address, would enable the Federal Government to develop, procure, and make available countermeasures to biological, chemical, nuclear, and radiological agents that could cause public health emergencies affecting national security.

*b. Witnesses.*—Dr. Anthony S. Fauci, Director of the National Institute of Allergy and Infectious Diseases, National Institutes of Health, Department of Health and Human Services; Dr. Mark McClellan, Commissioner of the Food and Drug Administration, Department of Health and Human Services; Michael Brown, Under Secretary for Emergency Preparedness and Response, Department of Homeland Security; Dr. Dale Klein, Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs, Department of Defense; Frank Rapoport, attorney at law for McKenna Long & Aldridge, on behalf of Aventis Pasteur; Michael Friedman, chief medical officer for biomedical preparedness, Phar-

maceutical Research and Manufacturers of America; Una Ryan, president of Avant Immunotherapeutics; Katherine Bowdish, Ph.D., president of Alexion Antibody Technologies; and John Edwards, chief of infectious diseases at the Harbor-UCLA Medical Center, on behalf of the Infectious Diseases Society of America.

8. *“The SARS Threat: Is the Nation’s Public Health Network Prepared for a Possible Epidemic?” April 9, 2003; Serial No. 108–9*

*a. Summary.*—This oversight hearing assessed our public health system’s response capabilities to manage an emerging infectious disease at the Federal, State, and local level. The global outbreak of severe acute respiratory syndrome [SARS], offered a valid test of the Nation’s preparedness to handle any public health threat, whether it is caused by a naturally occurring infectious outbreak or a bioterrorist attack. In 2002, The Public Health Security and Bioterrorism Preparedness and Response Act provided substantial new funding for States, localities, and hospitals to boost preparedness to respond to a highly contagious disease. The SARS threat was the first challenge to our Nation’s health network’s capabilities since the enactment of the bill and provided the committee with a chance to evaluate existing procedures and safeguards.

*b. Witnesses.*—Janet Heinrich, Director of Public Health Issues, U.S. General Accounting Office; Dr. Margaret Hamburg, vice president of Biological Programs, the Nuclear Threat Initiative; Dr. David Goodfriend, director of the Loudoun County Health Department; and Tommy G. Thompson, Secretary of the Department of Health and Human Services, accompanied by General Phil Russell (retired), Commander, U.S.M., and Steve Ostroff, Centers for Disease Control.

9. *“Are We Ready for Prime Time? Assessing the State of Emergency Readiness in the Nation’s Capital,” April 10, 2003; Serial No. 108–18*

*a. Summary.*—The purpose of this hearing was to examine the ability of the District of Columbia to cope with a major emergency. The National Capital Region faces some unique challenges in its emergency preparation and response planning. It is an area governed by two States, the District of Columbia, and the Federal Government; each with its own police forces and emergency plans, but closely connected by roads, bridges, and mass transit systems. The District of Columbia also is the seat of the Federal Government and employs close to 370,000 Federal employees, many who live in Maryland and Virginia. The District requires a multitude of local, State, and Federal Governments and agencies to coordinate their efforts to respond effectively to emergencies. The Federal, local, and State governments have taken a number of actions to improve coordination of emergency preparedness efforts.

However, several incidents in the capital region have shown that there is much to be done in the way of planning, coordination, communication, and informing the public. For example, a disgruntled tobacco farmer drove a tractor onto the Mall, threatened to detonate explosives, and effectively held the area hostage for 47 hours. The incident seriously disrupted life and work in the region when

traffic in the capital's vital thoroughfares came to a standstill. Law enforcement agencies attempted to negotiate with the disgruntled farmer, but there was no escalation of control strategies. This lack of control was occurring even after the homeland security risk condition had been upgraded to code orange because the Nation was on the eve of war. For all the planning to prepare for emergencies, the perception was that the numerous agencies and jurisdictions could not resolve the situation in a timely manner.

Government leaders, law enforcement agencies, and the private and public sectors were asked to address the sufficiency of resources to handle security threats, coordination of emergency responses, and other issues regarding emergency preparedness and response.

As a follow-up to the hearing, a GAO report has been requested to examine the emergency budget and spending plan for the National Capital Region. The report will help Congress identify whether the region is sufficiently funded and using the funds to its fullest capacity.

*b. Witnesses.*—Van Harp, Director of the Washington Field Office, Federal Bureau of Investigation; Teresa Chambers, Chief of the U.S. Park Police; Charles Ramsey, chief of the Metropolitan Police Department; Richard White, general manager of the Washington Metropolitan Area Transit Authority; David Robertson, interim executive director of the Metropolitan Washington Council of Governments; Mary K. Hill, Chair of the Board of Directors, Metropolitan Washington Council of Governments; Bob Peck, president of the Washington Board of Trade; Anthony A. Williams, Mayor of the District of Columbia; Mark Warner, Governor of the Commonwealth of Virginia; Bruce Tuxill, adjutant general of the Maryland State Police; Edward T. Norris, secretary of State Police, State of Maryland; and Michael Byrne, Director of the Office of National Capitol Region Coordination, U.S. Department of Homeland Security.

10. *"Better Training, Efficiency and Accountability: Services Acquisition Reform for the 21st Century," April 30, 2003; Serial No. 108-29*

*a. Summary.*—The committee conducted a legislative hearing on H.R. 1837, the Services Acquisition Reform Act [SARA] of 2003. The hearing followed up on other hearings conducted during the 107th Congress on H.R. 3832, the Services Acquisition Reform Act of 2002, to address the barriers government agencies face in acquiring the goods and services necessary to meet mission objectives.

The goal of the hearing was to discuss ways to provide the Federal Government greater access to the commercial marketplace. The current system, although much improved by the reforms of the 1990s, is simply inadequate to leverage the best and most innovative services and products our vigorous private-sector economy has to offer. Today's acquisition processes do not keep up with the dynamics of an economy that has over the last few years become increasingly service and technology oriented.

SARA addresses the multiple deficiencies plaguing government acquisition today; (1) the lack of up-to-date comprehensive training for our acquisition professionals, (2) the inability of the current

government structure to reflect business-like practices by facilitating cross-agency acquisitions and information sharing, and (3) the lack of good tools and incentives to encourage the participation of the best commercial firms in the government market.

SARA was passed into law as part of the fiscal year 2004 Department of Defense Appropriations bill.

*b. Witnesses.*—William Woods, Director of Contracting Issues, GAO; Stephen Perry, Administrator of GSA; Angela Styles, Administrator of Office of Federal Procurement Policy, OMB; Charles Tiefer, University of Baltimore Law School; Bruce Leinster, chairman of the Information Technology Association of America; Mark F. Wagner, chairman of the Public Policy Council for the CSA; and Edward Legasey, vice chairman of the Professional Service Council.

11. *“Instilling Agility, Flexibility and a Culture of Achievement in Critical Federal Agencies: Review of H.R. 1836, the Civil Service and National Security Personnel Improvement Act of 2003,”* May 6, 2003; Serial No. 108–25

*a. Summary.*—The committee hosted a legislative hearing on H.R. 1836, which seeks to address the human capital management challenges facing three key Federal agencies: the Department of Defense, the Securities and Exchange Commission, and the National Aeronautics and Space Administration.

*b. Witnesses.*—Paul Wolfowitz, Deputy Secretary of the Department of Defense, accompanied by General Peter Pace, vice chairman of the Joint Chiefs of Staff, Department of Defense; Kay Cole James, Director of the Office of Personnel Management; Sean O’Keefe, Administrator of the National Aeronautics and Space Administration; William Donaldson, chairman of the Securities and Exchange Commission; Dr. Paul Light, director of the Center for Public Service at the Brookings Institution; Bobby Harnage, Sr., national president of the American Federation of Government Employees; Colleen Kelly, president of the National Treasury Employees Union; and Mille Turner, member of the U.S. Department of Agriculture Conference of the Federal Managers Association.

12. *“Out of Many, One: Assessing Barriers to Information Sharing in the Department of Homeland Security,”* May 8, 2003; Serial No. 108–31

*a. Summary.*—The purpose of this hearing was to examine the current status of the Department of Homeland Security’s efforts to integrate information sharing functions both among the 22 agencies comprising the new Department, as well as between the Department and other Federal, State, and local entities and private sector stakeholders.

*b. Witnesses.*—Greg Baroni, president of Global Public Sector, Unisys Corp.; Steven Perkins, senior vice president of Public Sector and Homeland Security, Oracle Corp.; Mark Bisnow, senior vice president of WebMethods, Inc.; Steven Cooper, Chief Information Officer of the Department of Homeland Security; Mark Forman, Associate Director for Information Technology, and e-Government, Office of Management and Budget; Robert Dacey, Director of Information Security Issues and Information Technology Team, General Accounting Office; Randolph C. Hite, Director of Architecture and

Systems Issues and Information Technology Team, General Accounting Office; and Charles Rossotti, Senior Advisor of the Carlyle Group, former Commissioner, Internal Revenue Service.

13. *"In Search of Educational Excellence in the Nation's Capital: A Review of Academic Options for Students and Parents in the District of Columbia," May 9, 2003; Serial No. 108-30*

*a. Summary.*—The intent of the hearing was to begin an open dialog regarding school scholarships in the District of Columbia and whether there was a need for Federal legislation to address education performance and school choice in the District of Columbia. The committee will continue to examine school choice initiatives for the disadvantaged.

*b. Witnesses.*—Jeff Flake, (R-AZ); Elijah Cummings, (D-MD); Eugene Hickok, Ph.D., Under Secretary, U.S. Department of Education; Anthony Williams, Mayor of the District of Columbia; Linda Cropp, chairman of the D.C. Council; Kevin Chavous, member of the D.C. Council; Peggy Cooper Cafritz, president of the D.C. Board of Education; Josephine Baker, executive director of the D.C. Public Charter School Board; Casey Lartigue, Jr., education policy analyst at the Cato Institute; Dr. Helen Ladd, researcher at Duke University, Jackie Pinckney-Hackett, public school parent at Jefferson Junior High School; and Iris Tover, transformation school parent at Stanton Elementary School.

14. *"Overexposed: The Threats to Privacy and Security on Filesharing Networks," May 15, 2003; Serial No. 108-26*

*a. Summary.*—The purpose of the hearing was for the committee to assess the security and privacy risks posed by the use of peer-to-peer file sharing programs. Witnesses at the hearing included computer security experts and representatives from academia. Witnesses expressed significant concern about security vulnerabilities associated with peer-to-peer file-sharing programs. At the hearing the committee released a staff report entitled "File-Sharing Programs and Peer-to-Peer Networks: Privacy and Security Risks." This report summarized the results of the committee's staff investigation into the potential privacy and security risks associated with the use of peer-to-peer file-sharing programs. Committee staff found that users of file-sharing programs have inadvertently made highly personal information available to other users and that file-sharing software can spread viruses, worms, and other malicious computer files.

*b. Witnesses.*—Nathaniel S. Good, University of California, Berkeley; Dr. John Hale, assistant professor of Computer Science at the University of Tulsa; Jeffrey I. Schiller, network manager at the Massachusetts Institute of Technology; Derek S. Broes, executive vice president of Worldwide Operations, Brilliant Digital Entertainment; Alan B. Davidson, associate director of the Center for Democracy and Technology; and Mari J. Frank, esq., Mari J. Frank, Esq. & Associates.

15. *“Protecting Our Most Valuable Residents: A Review of Reform Efforts at the District of Columbia Child and Family Services Agency,” May 16, 2003; Serial No. 108-24*

*a. Summary.*—The committee held an oversight hearing to examine the status of the District of Columbia’s Child and Family Services Agency [CFSA]. A series of highly publicized incidents last year, including the abuse of underage children placed in group homes, prompted the committee to request a GAO followup report to examine CFSA’s performance measures and compliance with the Adoption and Safe Families Act [ASFA], the implementation of key foster care policies, and the relationship between the agency and the family court. The committee learned that CFSA is developing written plans to help it comply with some of the ASFA requirements and performance measures. The agency has developed numerous foster care policies and, in the case of face-to-face intake interviews, their standards even exceed accepted best practices. Furthermore, CFSA has lowered the number of underage children who are placed in group homes. The vital relationship between CFSA and the family court is improving and includes regular meetings between the heads of both organizations. However, the hearing also highlighted challenges that CFSA still faces such as (1) compliance with ASFA requirements regarding the termination of parental rights, permanency hearings, and notification to participants about hearings and reviews, (2) delay in establishing policies related to a child’s permanency goals, (3) the licensing of foster homes, (4) ensuring social worker visitation, (5) ensuring parental visitation in reunification cases, (6) maintaining up-to-date information in the FACES automated case management system, and (7) the recruitment and retention of case workers, foster families, and adoptive families. The committee will follow-up on CFSA’s progress in improving its performance in these areas.

*b. Witnesses.*—Cornelia M. Ashby, Director of Education, Workforce and Income Security Issues, GAO; Dr. Olivia A. Golden, director of the D.C. Child and Family Services Agency; Judith W. Meltzer, deputy director of the Center for the Study of Social Policy; Anne Schneiders, esq., LISW, chairman of the Washington Chapter of the National Association of Counsel for Children; Jennifer Massengale, acting executive director of Safe Shores at the D.C. Children’s Advocacy Center; Marilyn Egerton, deputy director of the Foster & Adoptive Parent Advocacy Center; and Judith Sandalow, executive director of the Children’s Law Center of Washington, DC.

16. *“H.R. 2086, the Office of National Drug Control Policy Reauthorization Act of 2003,” May 22, 2003; Serial No. 108-27*

*a. Summary.*—The purpose of this legislative hearing was to provide committee members with an opportunity to discuss our national drug control policy and the administration’s general views and priorities for reauthorization with the Director of the Office of National Drug Control Policy [ONDCP], John P. Walters. Specifically, the committee discussed H.R. 2086 the “Office of National Drug Control Policy Reauthorization of 2003,” the purpose of which is to reauthorize ONDCP. It also renews congressional authorization for national programs administered by ONDCP, including the

National Youth Anti-Drug Media Campaign and the High Intensity Drug Trafficking Areas [HIDTA] program. The committee also requested the Partnership for Drug Free America and the Office of Management and Budget to submit statements for the record regarding the National Youth Anti-Drug Media Campaign and the High Intensity Drug Trafficking Areas program.

*b. Witnesses.*—John P. Walters, Director, Office of National Drug Control Policy.

17. *“Potential Reduced Exposure/Reduced Risk Tobacco Products: An Examination of the Possible Public Health Impact and Regulatory Challenges,” June 3, 2003; Serial No. 108–38*

*a. Summary.*—The purpose of this hearing was to provide an overview of the effects of the use of reduced exposure/reduced-risk tobacco products on the public health. The hearing also examined what type of regulatory structure would best ensure the development of products designed to provide tobacco users with less dangerous sources of nicotine than conventional cigarettes.

Many questions remain regarding the value of these types of products to the public health, and much research still needs to be done. However, several witnesses did express the opinion that modified tobacco products have the potential, if used appropriately and regulated stringently, to significantly affect individual and public health by reducing the level of toxins in these products. As a result of this hearing, the committee continues to actively follow tobacco related issues.

*b. Witnesses.*—Dr. Scott Leischow, Chief of the Tobacco Control Research Branch, National Cancer Institute, NIH; Dr. Robert Wallace, vice-chairman of the Committee to Assess the Science Base for Tobacco Harm Reduction, Institute of Medicine, NAS; Lee Peeler, Deputy Director of the Bureau of Consumer Protection, FTC; Michael E. Szymanczyk, chairman and CEO of Phillip Morris USA, Inc.; Dorothy K. Hatsukami, professor at the University of Minnesota Medical School; Jack Henningfield, professor at the Johns Hopkins University School of Medicine; Dr. Lynn T. Kozlowski, professor at the Pennsylvania State University; David T. Sweanor, senior legal counsel for the Non-Smokers’ Rights Association; Dr. David M. Burns, professor at the San Diego School of Medicine, University of California; and Richard H. Verheji, executive vice president of the U.S. Smokeless Tobacco Co.

18. *“Wasted Space, Wasted Dollars: Reforming Federal Real Property to Meet 21st Century Needs,” June 5, 2003; Serial No. 108–35*

*a. Summary.*—The committee held a hearing on the current condition of the Federal Government’s real property holdings and the reforms that could be implemented to revitalize these extensive assets. The Federal Government spends literally millions of dollars each year just to maintain these extensive properties. Many Federal properties are in disrepair, lack up-to-date technological infrastructure, are ill equipped for adequate security protection, and pose health and safety threats to workers and visitors alike. Other properties are no longer suitable to meet the Federal Government’s changing mission. This situation has led the GAO to include va-

cant, underutilized, and deteriorating Federal real property on its High Risk Series. In March 2000, GAO reported that GSA has struggled over the years to meet the repair and alteration requirements identified at its buildings and that billions of dollars will be required to satisfy the repair and alteration needs at Federal buildings.

The Federal Government is faced with a critical situation in Federal real property management. The degraded condition of so many Federal buildings has a tremendous negative impact on the government's ability to perform its critical mission. It has negative budget ramifications and results in negative workforce productivity. It adversely affects the health and well being of government workers and citizens. Action must be taken to stem this tide of deterioration of Federal buildings. Throwing more money at the problem is not the answer. Fiscal responsibility requires that the Federal Government look to alternatives, that Federal agencies be given property management tools, incentives to dispose of unneeded properties, and authority to enter into partnerships with the private sector.

GSA and other agencies need broader management authority in order to efficiently and cost-effectively manage their properties. The provision found in H.R. 2548, "The Federal Property Asset Management Reform Act of 2003," offers agencies the tools needed to stem this growing problem. The first step is to require an accurate and updated inventory of all Federal real property and to establish a Real Property Officer in each agency. Next, agencies must be given expanded authority to exchange or transfer property with other Federal agencies. GSA, acting on behalf of landholding, must be able to sublease unexpired portions of leased property, and outlease underutilized property. In addition, agencies should be permitted to retain the proceeds from disposition of excess real property, subject to appropriations, to meet the agency's capital asset needs.

*b. Witnesses.*—Stephen A. Perry, Administrator of GSA; Linda M. Springer, Controller of the Office of Federal Financial Management, OMB; Bernard L. Ungar, Director of Physical Infrastructure Issues, GAO; D. Mark Catlett, Principal Deputy Assistant Secretary for Management, Department of Veterans' Affairs; Major General (Retired) Charles E. Williams, Director and COO of Overseas Buildings Operations, U.S. Department of State; and Brent W. Bitz, representing the Building Owners and Managers Association International.

19. *"Budget Autonomy for the District of Columbia: Restoring Trust in our Nation's Capital," June 13, 2003; Serial No. 108-36*

*a. Summary.*—The purpose of this hearing was to discuss options for providing budget autonomy for the District of Columbia. After issuing six consecutive balanced budgets, receiving clean, unqualified financial audits and building up a general surplus and cash reserves of over \$1 billion, it is appropriate for Congress to consider relaxing some of its oversight controls over the Nation's Capital. During the hearing discussion centered on how to develop legislation that would allow the District of Columbia to submit its local budget to Congress for congressional review and consideration under an expedited review process that would ensure that the Dis-

trict can begin utilizing the next fiscal year's funds when the fiscal year begins. The committee sought from the witnesses their expectations of how they thought the expedited congressional consideration of the local budget would work.

*b. Witnesses.*—Anthony Williams, Mayor of the District of Columbia Government; Linda Cropp, chairman of the District of Columbia Council; and Dr. Natwar Gandhi, chief financial officer of the District of Columbia Government.

20. *“The Next Step in the Investigation of the Use of Informants by the Department of Justice: The Testimony of William Bulger,” June 19, 2003; Serial No. 108–41*

*a. Summary.*—During the 107th Congress, the committee conducted an investigation of the use of informants by the Department of Justice. The committee held a number of hearings and conducted hundreds of interviews.

The next step of the committee's investigation was to receive testimony from William Bulger. The committee wanted information pertaining to Mr. Bulger's interaction with Federal law enforcement officials, the effect of the FBI's misuse of informants on public confidence in State government, and his knowledge of law enforcement's efforts to apprehend his fugitive brother, James “Whitey” Bulger.

To obtain William Bulger's full cooperation, the committee conferred immunity on him in April 2003. When William Bulger appeared before the committee on December 6, 2002, he asserted his rights under the fifth amendment of the U.S. Constitution.

*b. Witnesses.*—William Bulger, president of the University of Massachusetts.

21. *“H.R. 2556, School Choice in the District of Columbia: Opening Doors for Parents and Students,” June 24, 2003; Serial No. 108–37*

*a. Summary.*—The committee held this hearing to further explore options to provide greater school choice and scholarships for District of Columbia school children. Witnesses were asked to discuss how increasing school choice would benefit both children who participate in the program as well as parents who choose to keep their children in public schools in the District. Witnesses were also asked how a school choice program would improve overall education in the Nation's Capital.

After hearing testimony from witnesses and further legislative research, Chairman Tom Davis, along with Education and the Workforce Committee Chairman John Boehner introduced H.R. 2556, legislation that would expand educational opportunities to D.C. students in under-performing elementary and secondary schools.

*b. Witnesses.*—John A. Boehner, chairman of the Committee on Education and the Workforce; Rod Paige, Secretary of Education; and Anthony A. Williams, Mayor of the District of Columbia.

22. *“New Century, New Process: A Preview of Competitive Sourcing for the 21st Century,”* June 26, 2003; Serial No. 108–42

a. *Summary.*—The committee hosted this hearing to examine the revised Office of Management Budget [OMB] Circular A–76 (the Circular). The Circular sets forth the policies and procedures Federal agencies must follow when conducting public-private competitions to determine whether Federal or contractor employees should perform the government’s commercial jobs. The revised Circular, which became effective on May 29, 2003, extensively reforms the existing competitive sourcing process. Specifically, the new rules establish tight deadlines for competitions, require competitions to be based on the government’s Federal Acquisition Regulation [FAR], permit certain competitions to be evaluated using a “best value” standard, and mandate close monitoring of the winner’s performance. At the hearing, the committee heard from the administration as well as representatives from contractor groups and Federal employee unions.

b. *Witnesses.*—David M. Walker, Comptroller General of GAO; Angela Styles, Director of the Office of Federal Procurement Policy, OMB; Philip W. Grone, Principal Assistant Deputy Under Secretary of Defense (Installations and Environment); Scott J. Cameron, Deputy Assistant Secretary for Performance and Management, DOI; Bobby L. Harnage, Sr., national president of AFGE; Colleen M. Kelley, president of NTEU; Donald D. Dilks, president of the DDD Co.; and Stan Z. Soloway, president of PSC.

23. *“Smooth Sailing or an Impending Wreck? The Impact of New Visa and Passport Requirements on Foreign Travel to the United States,”* July 10, 2003; Serial No. 108–51

a. *Summary.*—The purpose of this hearing was to gain insight on the important security measures the State Department, the Department of Homeland Security, and the Federal Bureau of Investigation are implementing to protect the homeland from foreign visitors who would do us harm. The committee also learned about ways in which potential damage to American business and tourism from these measures can be avoided or mitigated.

b. *Witnesses.*—Janice L. Jacobs, Deputy Assistant Secretary for Visa Services, U.S. State Department; Michael Cronin, Associate Commissioner for Immigration Policy and Programs at the Bureau of Customs and Border Protection, Department of Homeland Security; Robert J. Garrity, Jr., Acting Assistant Director of the Records Management Division, Federal Bureau of Investigation; John A. Marks, national chair of the Travel Industry Association of America; Randel K. Johnson, vice president of labor, Immigration and Employee Benefits, U.S. Chamber of Commerce; and Richard J. Pettler, partner at Fragomen, Del Rey, Bernsen & Loewy, P.C.

24. *“Cutting Out Waste, Fraud, Mismanagement, Overlap, and Duplication: Exploring Ideas for Improving Federal Reorganization, Management and Spending,”* July 16, 2003; Serial No. 108–69

a. *Summary.*—The Conference Report accompanying the fiscal year 2004 budget resolution (House Report 108–71) requires House and Senate authorizing committees to identify means of eliminat-

ing waste, fraud, and abuse in mandatory spending programs (programs not subject to annual appropriations) in their jurisdictions. Committees are required to submit to their respective Budget Committee, findings as to the changes in law needed to eliminate specified amounts of waste, fraud, and abuse.

The specified amount is based on 1 percent of the total level of mandatory spending under each committee's jurisdiction. The committee on Government Reform has been directed to find savings of \$827 million in fiscal year 2004, \$4.5 billion over the 2004–08 period, and \$9.9 billion over the 2004–13 period.

The Office of Personnel Management [OPM] administers the majority of mandatory spending under the Committee on Government Reform's jurisdiction (\$57 billion out of a total \$78 billion in fiscal year 2004, according to the March 2003 Congressional Budget Office baseline). Therefore, the purpose of this hearing is to receive testimony on the subject of waste, fraud, and abuse in mandatory spending programs administered by OPM.

*b. Witnesses.*—Patrick E. McFarland, Inspector General of the Office of Personnel Management, accompanied by Dennis K. Black, Deputy Assistant Inspector General for Audits, Office of Personnel Management, and Norbert Vint, Assistant Inspector General for Investigations, Office of Personnel Management; and Paul L. Posner, Managing Director for Federal Budget and Intergovernmental Issues, Strategic Issues, General Accounting Office, accompanied by Ralph Block, Tax Group, General Accounting Office.

25. *“H.R. 2432, Paperwork and Regulatory Improvements Act of 2003,” July 22, 2003; Serial No. 108–68*

*a. Summary.*—The Paperwork and Regulatory Improvements Act of 2003 makes improvements in processes governing both paperwork and regulations. The goal of this legislation is to ensure additional paperwork reduction and regulatory relief to benefit average Americans. This bill also seeks to make information available to Congress that will allow Members to make intelligent decisions to decrease the heavy burden of Federal paperwork and regulations on America's small businesses and families.

The Office of Management and Budget [OMB] estimates the Federal paperwork burden on the public at over 8 billion man-hours. The Internal Revenue Service [IRS] accounts for over 80 percent of the total. In its June 2003 task force report to implement the Small Business Paperwork Relief Act, OMB estimated that the cost imposed on the public for all government-required paperwork is \$320 billion a year. This amount does not include the cost of the underlying regulations for which the paperwork is required.

The bipartisan Paperwork and Regulatory Improvements Act of 2003 was introduced by Representative Doug Ose (R-CA), chairman of the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

*b. Witnesses.*—John D. Graham, Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget; Thomas M. Sullivan, Chief Counsel for Advocacy, Small Business Administration; Fred L. Smith, Jr., president and founder of Competitive Enterprise Institute; Wendy Lee Gramm, director of the Regulatory Studies Program, Mercatus Center, George Mason

University, and former Administrator of the Office of Information and Regulatory Affairs, OMB; John Sample, vice president of sales and marketing at Peake Printers, Inc. on behalf of the National Association of Manufacturers; Raymond Arth, president and CEO of Phoenix Products, Inc. and first vice chairman, National Small Business Association; and Lisa Heinzerling, professor of law at the Georgetown University Law Center.

26. *“The Thrift Savings Plan: Putting Customers First?” July 24, 2003; Serial No. 108-71*

*a. Summary.*—During the summer, the customer service provided to Federal employees by the Federal Retirement Thrift Investment Board [FRTIB] came into question as a consequence of the June 16, 2003 launch of the new Thrift Savings Plan [TSP] recordkeeping system, which is accessible to Federal employees and retirees through its internet site. The TSP is a retirement savings and investment plan available to all Federal employees and civilian members of the uniformed services. It was designed to be similar to 401(k) plans provided by many private sector employers. The TSP is a particularly important part of the Federal Employees Retirement System [FERS] because of the inadequacy to provide sufficient retirement income from the combination of Social Security, the FERS basic annuity and the government’s automatic contribution of 1 percent of pay to the TSP. Each agency contributes a specific dollar amount or percentage of pay into employees’ accounts, which is invested in five different funds.

The committee received many complaints during the summer that the TSP Web site remained difficult to access months after its launch. Many participants found it impossible to make loan requests and contribution allocations. Numerous people discovered that their contribution allocations were delivered to the wrong funds or even a different person’s account, and several even missed home purchases because loans were not processed. To make matters worse, many participants have complained that too often the TSP phone lines have been busy and attempts to send applications via U.S. mail to the TSP Service Office have also yielded no response. This oversight hearing aimed to determine how FRTIB can improve its service to TSP participants, and how participants should proceed when they have exhausted all communication options with the FRTIB.

*b. Witnesses.*—Andrew Saul, chairman of FRTIB; Ted McPherson, CFO of the U.S. Dept. of Agriculture; Alan Lebowitz, Deputy Assistant Secretary for Program Operations, EBSA, U.S. Dept. of Labor; Michelle Corridon, co-chair, FMA–USDA Conference; and Keith Rauschenbach, VP, Eastern Division, TIAA–CREF.

27. *“Black Men and Boys in the District of Columbia and Their Impact on the Future of the Black Family,” September 12, 2003; Serial No. 108-74*

*a. Summary.*—In an effort to address problems facing young African American men in the District of Columbia and other metropolitan areas, the committee examined social, economic, and health-related problems of African American men and boys. The purpose of the hearing was to examine issues the District of Columbia Com-

mission on Black Men and Boys has been exploring and to help the Commission develop a final action plan to be carried out by the District's government, businesses, and community. Black men and boys in the District of Columbia and across the country face an unprecedented combination of serious social, economic, and health challenges.

Witnesses concluded that there are countless African American men with the potential to become leaders of the District of Columbia and cities and States around the country—but too few of them get to the point where they can exercise that potential. It is important for the community and the government to foster an environment in which they can succeed and positively influence the course of events pertinent to African Americans, and to us all.

The Commission will produce an action plan that aims to be useful not only to Federal agencies, but also to local jurisdictions that may want to establish similar commissions. The goal of the Commission is to identify problems affecting African-Americans and build awareness about these issues.

*b. Witnesses.*—George Starke, chairman of the D.C. Black Men and Boys Commission; Charles Mann, Good Samaritan Foundation; William Julius Wilson, Ph.D., Harvard University; Paul A. Quander, director of the D.C. Court Services and Offender Supervision Agency; Jay R. Cummings, Ph.D., Texas Southern University; and Robin Gwalthney, Rutgers University.

28. *“Holocaust Era Insurance Restitution After AIA v. Garamendi: Where Do We Go From Here?”* September 16, 2003; Serial No. 108–79

*a. Summary.*—This was the third hearing held by the committee to examine the ability of the Holocaust victims and their heirs to receive restitution on insurance policies obtained during the Holocaust era. At the previous hearings, witnesses complained about a low claims approval rate and poor management and oversight of the process by the International Commission on Holocaust-Era Insurance Claims [ICHEIC]. ICHEIC is a nonprofit organization comprised of representatives of Holocaust survivors, United States and European insurance regulators, the Israeli Government, and five insurance companies. At the hearing, the committee examined the impact of the recent Supreme Court decision in *AIA v. Garamendi*, which overturned a California State law proposing sanctions against insurance companies that fail to publish information about Holocaust-era policies. The committee also focused on whether ICHEIC is fulfilling its mission to address the insurance claims of Holocaust victims and their heirs and beneficiaries. Other issues that were discussed during the hearing included the cooperation of insurance companies to provide documentation of holocaust-era insurance policies, the role of the Congress in light of the recent Supreme Court decision, and needed improvements to ensure that ICHEIC is accountable to its stakeholders. The committee heard from the State Department, ICHEIC, the National Association of Insurance Commissioners, and Holocaust survivors.

*b. Witnesses.*—Ambassador Randolph M. Bell, Special Envoy for Holocaust Issues, U.S. Department of State; Lawrence S. Eagleburger, chairman of ICHEIC; Gregory V. Serio, NAIC; Gideon

Taylor, executive VP of the Conference of Jewish Material Claims Against Germany; Israel Arbeiter, president of the American Association of Jewish Holocaust Survivors of Greater Boston; and Daniel Kaden, Ph.D., Holocaust Survivor Advocate.

29. *“What Happened to GPRA? A Retrospective Look at Government Performance and Results,” September 18, 2003; Serial No. 108–75*

*a. Summary.*—This hearing assessed the overall effectiveness of the Government Performance and Results Act of 1993 in shifting the focus of government from process to results. In addition, the hearing provided Members an opportunity to discuss legislative options for improving the Results Act and integrating performance information more closely into the budget process.

*b. Witnesses.*—Richard Arme, former Majority Leader of the House of Representatives; Clay Johnson III, Deputy Director for Management at OMB; David M. Walker, Comptroller General of the GAO; and Patricia McGinnis of the Council for Excellence in Government.

30. *“Entrepreneurial Government Run Amok? A Review of FSS/ FTS Organizational and Management Challenges,” October 2, 2003; Serial No. 108–80*

*a. Summary.*—The Committee on Government Reform conducted an oversight hearing on General Services Administration [GSA] efforts to restructure the organization of the Federal Supply Service [FSS] and Federal Technology Service [FTS], the impact of recent GSA Inspector General [IG] investigations of FTS contract mismanagement, and GSA’s plans for a new government-wide telecommunications program.

The hearing built on the information on structural and management challenges faced by the two services developed in a hearing held last Congress by the Subcommittee on Technology and Procurement Policy and supplemented by General Accounting Office [GAO] work.

The committee intends to conduct more hearings on FSS and FTS current structural challenges. The committee will continue its oversight of FTS’s contract mismanagement in the second session.

*b. Witnesses.*—Stephen Perry, Administrator of GSA; William T. Woods, Director of Acquisition and Sourcing Management, GAO; Larry Allen, executive vice president of the Coalition for Government Procurement; and Donald Scott, senior vice president of EDS, Inc., on behalf of the International Technology Association of America.

31. *“What if Isabel Met Tractor Man? A Post-Hurricane Reassessment of Emergency Readiness in the Capital Region,” October 3, 2003; Serial No. 108–89*

*a. Summary.*—This was a followup hearing to examine the state of emergency preparedness in the Nation’s Capital. A multitude of local, State, and Federal agencies must coordinate their efforts to respond effectively to emergencies because the capital region faces unique challenges in its incidence preparation and response planning. The region’s response to the Hurricane Isabel gave the par-

ties involved in oversight and planning an opportunity to reassess the region's readiness for potential disasters of all types. The aftermath of Isabel created problems that contributed to public safety concerns. Hurricane Isabel tested many systems in the region—particularly transportation, electrical power, and water systems. Witnesses were asked to share their experiences and lessons they learned in terms of overall emergency readiness in the capitol region. The committee is dedicated to make sure emergency plans are effective, coordinated, and communicated. The committee will continue to monitor emergency preparedness in the National Capital Region.

*b. Witnesses.*—Eric Tolbert, Director of the Response Division at FEMA, DHS; John Marshall, Secretary of Public Safety, Commonwealth of Virginia; Dennis R. Schrader, director of the Governor's Office of Homeland Security, State of Maryland; Peter G. LaPorte, director of the Emergency Management Agency, District of Columbia; Richard White, CEO of WMATA; William J. Sim, president of Pepco; Admiral Jay Johnson, president and CEO of Dominion Delivery, Dominion Virginia Power; Jerry N. Johnson, general manager of the D.C. Water and Sewer Authority; Charlie C. Crowder, Jr., general manager of the Fairfax County Water Authority; and Leslie A. Violetter, treasurer of the Belle View Condominium Unit Owners Association Community.

32. *“Winning the Peace: Coalition Efforts to Restore Iraq,”* October 8, 2003; *Serial No. 108-90*

*a. Summary.*—The purpose of the hearing was to gain insight from the on-the-ground experience of the people performing reconstruction projects in Iraq as well as the viewpoints of Iraqi-Americans, scholars, and others who have recently observed the reconstruction process.

*b. Witnesses.*—Les Brownlee, Acting Secretary of the Army; Philo Dibble, Principal Deputy Assistant Secretary of State, Bureau of Near Eastern Affairs; Tom Korologos, Senior Advisor to Ambassador L. Paul Bremer III, administrator of the Coalition Provisional Authority; Major General Carl Strock, U.S. Army, Director of Operations and Infrastructure, Coalition Provisional Authority; Bernie Kerik, former Director of the Interior, Coalition Provisional Authority; Alaa H. Haidari, Iraqi-American; Beate Sirota Gordon, Constitutional scholar; and Lamya Alarif, Iraqi-American.

33. *“Emerging from Isabel: A Review of FEMA's Preparation for and Response to Affected Areas in the Hampton Roads Region,”* October 10, 2003; *Serial No. 108-92*

*a. Summary.*—The committee hosted two field hearings in Norfolk and Chesapeake, VA to investigate the ability of Federal agencies to coordinate with State governments to respond to the occurrence of a natural disaster or emergency. The Government Reform Committee has a vital interest in the government's response to the damage caused by Hurricane Isabel to the Hampton Roads region. It is critical that the Federal, State and local governments plan and act in a coordinated, efficient manner, not only in response to future natural disasters, but also to potential terrorist acts. The Federal Government, Commonwealth of Virginia, and local jurisdic-

tions have taken a number of actions to improve coordination of emergency preparedness efforts. Since the private sector owns most of the critical infrastructure in the Hampton Roads region and across the country, it is important for the private and public sector to work closely to protect regional and national infrastructure.

*b. Witnesses.*—Gregory Cade, fire chief/emergency management coordinator for the city of Virginia Beach; Ron Keys, director of Emergency Services for the city of Norfolk; Curt Shaffer, director of the Plans, Analysis and Emergency Operations Branch, Police Division, city of Hampton; David Jolly, director of public safety for Dinwiddie County; Richard Childress, director of emergency management for Isle of Wight County; Steve Herbert, city manager/director of emergency services for the city of Suffolk; Steve Best, fire chief/director of emergency operations for the city of Chesapeake; John Marshall, secretary of public safety, Commonwealth of Virginia; and Eric Tolbert, Director of the Response Division, Federal Emergency Management Agency, U.S. Department of Homeland Security.

34. *“You’ve Got Mail—But is it Secure? An Examination of Internet Vulnerabilities Affecting Businesses, Governments and Homes,”* October 16, 2003; Serial No. 108–95

*a. Summary.*—The committee examined the Internet’s vulnerabilities and the threat they pose to our national security, public health and safety, and economy. The committee saw a demonstration of the Slammer virus’ effect in elapsed time and its estimated impact on individual computers and networks. A second presentation demonstrated the ease with which the average computer user can obtain names, Social Security numbers and other sensitive information through popular search engines like Google. Citizens, businesses, and State, local, and Federal governments rely on the Internet for a variety of activities: business transactions, acquisition of goods and services, and the collection and dissemination of information.

Through the hearing the committee learned the Federal Government has taken important steps to respond to this growing cyber-threat. The Federal Computer Incident Response Center [FedCIRC] coordinates responses to cyber attacks (non-law enforcement), promoting incident reporting, and cross-agency sharing of data about common vulnerabilities. The National Institute of Standards and Technology [NIST] provides timely guidance to Federal agencies on securing networks, systems, and applications; recommends that agencies implement a patch management program, harden all hosts appropriately, deploy anti-virus software to detect and block malicious code, and configure the network perimeter to deny all traffic that is not necessary. Another critical mechanism used to enforce protection of Federal systems is the Federal Information Security Management Act [FISMA].

However, due to its vast inventory and the vulnerabilities inherent in commercial software, the Federal Government will continue to be impacted by threats from the Internet. The Federal Government remains vulnerable to Internet-based attacks, because government networks often use the same hardware and software as the rest of the Nation. The Internet’s vulnerabilities stem from its

origin and evolution; it is a cobbled together collection of networks that was not originally designed to be the communications and commerce medium it is today. There are no protocols in place necessary to protect the security of Internet commerce and the structure itself is not capable of withstanding a major attack. For example, there are many ways for a thief to steal card numbers, personal passwords, and many other sensitive data that are commonly transmitted over the Internet. Cyber predators can even redirect Internet traffic to pose as one's bank Web site and gain access to accounts. To ensure that the Internet remains up and running, while decreasing the risk to national security and the economy, the actual infrastructure of the Internet must be repaired and updated. Furthermore, the public needs to be educated about virus activity, maintaining up-to-date software patches and firewalls to protect the first line of defense; their home computers.

*b. Witnesses.*—Karen Evans, Administrator of the Office of Electronic Government, OMB; and Dr. F. Thomson Leighton, chief scientist of Akami Technologies, Inc.

35. *“Implementing the SAFETY Act: Advancing New Technologies for Homeland Security,”* October 17, 2003; Serial No. 108–96

*a. Summary.*—The purpose of this hearing was to learn about the interim final rule promulgated by DHS and whether the rule mirrors the Congressional intent of the act. The committee hopes that this open discussion will result in effective implementation of the act.

*b. Witnesses.*—Parney Albright, Assistant Secretary for Plans, Programs and Budgets, Department of Homeland Security; Harris N. Miller, president of the Information Technology Association of America; Stan Z. Soloway, president of the Professional Services Council; and John M. Clerici, esquire, on behalf of the U.S. Chamber of Commerce.

36. *“Open for Business: Ensuring Employee and Customer Safety at the Former Brentwood Postal Facility,”* October 23, 2003; Serial No. 108–107

*a. Summary.*—This was a follow-up to a hearing held on July 26, 2002 examining the clean-up efforts of the USPS's Brentwood Processing and Distribution Center. The purpose of the hearing was to examine the status of efforts to reopen the U.S. Postal Service's center on Brentwood Road in Washington, DC, which closed on October 21, 2001 because of anthrax contamination. At the hearing, views regarding safety issues involved in the reopening of the building were obtained to ensure that the facility is clean and to make sure new security measures are taken to prevent contamination or another bio-terrorist attack. The decontamination of the Postal and Distribution Center is the largest biohazard clean up of a building with chloride dioxide, a corrosive gas.

Congress appropriated \$500 million to the U.S. Postal service to enable it to protect postal employees and customers from exposure to bio-hazardous material, to sanitize and screen mail, and to replace and repair facilities destroyed or damaged as a result of terrorist attacks. The goal of the U.S. Postal Service is to install equipment capable of detecting a bio-threat at the point it enters

the sorting process and then immediately sealing off any area where the threat is identified.

Federal partners have been effectively working to open the postal facility. The facility has been deemed to be safe and the U.S. Postal Service will resume operations at the facility. The committee will continue to monitor the status of the postal facility.

*b. Witnesses.*—Bernard L. Ungar, Director of Physical Infrastructure, GAO; R. Davis Layne, Deputy Assistant Secretary of Labor for Occupational Safety and Health; Thomas G. Day, vice president for Engineering, USPS; Jerry Lane, manager of Capital Metro Operations, USPS; Theodore J. Gordon, senior deputy director for environmental health science and regulation, District of Columbia; Richard Collins, assistant to the national president, National Postal Mail Handlers Union; and Myke Reid, legislative assistant director of the American Postal Workers Union, AFL–CIO.

37. *“Serving the Underserved in the 21st Century: The Need for a Stronger, More Responsive Public Health Service Commissioned Corps,”* October 30, 2003; Serial No. 108–108

*a. Summary.*—The purpose of the hearing was to examine the Department of Health and Human Services [HHS] proposed transformation of the U.S. Public Health Service’s Commissioned Corps (PHS Commissioned Corps). By exploring the primary components of the transformation proposal, the hearing allowed the transformation process to be a more transparent one.

Some of the witnesses expressed concerns about specific elements of the transformation plan. Although the hearing allowed for a constructive dialog of those concerns, all witnesses shared the same goal at the end of the day—a Commissioned Corps dedicated to, and prepared for, emerging 21st century challenges and needs.

Following the hearing, the committee has worked in a bipartisan and collaborative manner with HHS to help clarify certain points of the proposal and modify the draft plan to address the legitimate concerns raised at the hearing.

*b. Witnesses.*—Richard H. Carmona, M.D., M.P.H., F.A.C.S., Surgeon General, U.S. Public Health Service, HHS; C. Everett Koop, M.D., Sc.D., Surgeon General, 1981–1989; Julius B. Richmond, M.D., Surgeon General, 1977–1981; and Captain Gerard M. Farrell, USN (Retired), Executive Director, Commissioned Officers Association of the U.S. Public Health Service.

38. *“Knives, Box Cutters, and Bleach: A Review of Passenger Screener Training, Testing and Supervision,”* November 20, 2003; Serial No. 108–117

*a. Summary.*—The purpose of the hearing was to gain insight on the lessons TSA has learned as a result of the Nat Heatwole incident and the GAO and IG reviews. In addition, given the upcoming high-volume travel season, the committee hopes to discuss how TSA is preparing to process holiday travelers while ensuring aircraft security and passenger safety.

*b. Witnesses.*—Mr. Stephen McHale, Deputy Administrator of the Transportation Security Administration; Ms. Cathleen A. Berrick, Acting Director for Homeland Security and Justice Issues, General Accounting Office; Mr. John DeMell, president of FirstLine Trans-

portation Security; and Mr. James McNeil, Chief Executive Officer of McNeil Technologies Inc., accompanied by Mr. Mike Broida, site manager, Greater Rochester International Airport.

39. *“Avoiding ‘Financial Friendly Fire’: A Review of Efforts to Overcome Army National Guard Pay Problems,” January 28, 2004; Serial No. 108–131*

*a. Summary.*—This hearing assessed the state of the Department of Defense’s and the Department of the Army’s efforts to correct the current inadequacies in payroll processes that are negatively affecting Army National Guard members mobilized on active duty.

*b. Witnesses.*—Gregory D. Kutz, Director, Financial Management and Assurance, General Accounting Office; Geoff Frank, Assistant Director, Financial Management and Assurance, General Accounting Office; John Ryan, Assistant Director, Office of Special Investigations, General Accounting Office; Ernest J. Gregory, Acting Assistant Secretary of the Army, Financial Management and Comptroller; Patrick R. Shine, Director, Defense Finance and Accounting Service; Colonel James L. Leonard, Director, Defense Finance and Accounting Service, Indianapolis; Lieutenant General Roger C. Shultz, Director, Army National Guard; Major Kenneth Chavez, Unit Commander, B Co., 5th Battalion, 19th Special Forces, Colorado Army National Guard.

40. *“Answering the Administration’s Call for Postal Reform—Parts I, II, and III” January 28, February 5, and February 11, 2004; Serial No. 108–135*

*a. Summary.*—Recognizing the importance of modernizing the Nation’s outdated postal laws, Chairman Davis appointed a Special Panel on Postal Reform and Oversight, on January 21, 2004. Chaired by Mr. McHugh, with Mr. Danny Davis as its ranking minority member, the Panel was comprised of 11 committee members and reported directly to Chairman Davis, making postal reform a full committee priority.

In response to the President’s call for postal reform in December 2003, the Special Panel immediately responded with three hearings in a 2 week period. On January 28, 2004, the Panel heard from the Treasury Department, the Postal Service, the Postal Rate Commission, and the General Accounting Office. On February 5, 2004, the Panel traveled to Chicago, IL, for a hearing in which the presidents of all postal unions and employee groups testified. The Panel held a final hearing on February 11, 2004 in which nine chief executives of competitors, commercial and nonprofit mailers, and postal reliant businesses testified.

All witnesses stated support for the administration’s broad principles on postal reform, and the hearings underscored that universal postal service is at risk and reform is urgently needed to minimize the danger of significant taxpayer bailout or dramatic postal rate increases. As the General Accounting Office emphasized, the Postal Service’s current business model, formulated as it was in 1970, is no longer sustainable in the 21st century.

*b. Witnesses.*—January 28, 2004: Brian C. Roseboro, Acting Undersecretary for Domestic Finance, U.S. Department of the Treasury; David Fineman, chairman, U.S. Postal Service Board of Gov-

ernors; John E. Potter, Postmaster General, U.S. Postal Service; George A. Omas, chairman, Postal Rate Commission; and David M. Walker, Comptroller General of the United States.

February 5, 2004: William Burrus, president, American Postal Workers Union, AFL–CIO; William H. Young, president, National Association of Letter Carriers; Dale A. Holton, president, National Rural Letter Carriers’ Association; John F. Hegarty, national president, National Postal Mail Handlers Union; Walter M. Olihovik, national president, National Association of Postmasters of the United States; Steve D. Lenoir, president, National League of Postmasters; and Vincent Palladino, president, National Association of Postal Supervisors.

February 11, 2004: Fredrick W. Smith, chairman, president and CEO, FedEx Corp.; Ann S. Moore, chairman and CEO, Time, Inc.; Michael J. Critelli, chairman and CEO, Pitney Bowes, Inc.; William L. Davis, chairman, president and CEO, R.R. Donnelley; Nigel Morris, co-founder and vice-chairman, Capital One; Lester C. Hess, Jr., past national president and chairman of the Grand Lodge Advisory Committee, Benevolent and Protective Order of Elks of the United States of America; Hamilton Davison, president and chief executive officer, Paramount Cards Inc.; Rebecca Jewett, vice chairman, Norm Thompson Outfitters, Inc.; and Gary M. Mulloy, chairman and CEO, ADVO, Inc.

41. *“A Review of This Year’s Flu Season: Does Our Public Health System Need a Shot in the Arm?” February 12, 2004; Serial No. 108–143*

*a. Summary.*—The 2003–2004 influenza season raised the urgent question of whether the country is prepared to deal with a pandemic, be it a naturally occurring pandemic or one that results from a bioterrorist attack. The purpose of this hearing was to assess our public health system’s response capabilities at the Federal, State, and local level. The hearing used the 2003–2004 influenza season as a vehicle to review the adequacy of our public health infrastructure preparedness for an epidemic of a contagious disease. The committee examined what actions and planning procedures have been taken at Federal, State, and local levels to handle the annual influenza season and other communicable disease outbreaks.

*b. Witnesses.*—Dr. Julie Gerberding, Director, Centers for Disease Control and Prevention; Dr. Anthony Fauci, Director, National Institute for Allergy and Infectious Diseases; Dr. Robert Stroube, Virginia Health Commissioner, Association of State and Territorial Health Officials; Ms. Karen N. Miller, president, National Association of Counties; Ms. Janet Heinrich, Director, Public Health Issues, U.S. General Accounting Office; Dr. Shelley A. Hearne, executive director, Trust for America’s Health; Mr. Howard Pien, president and chief executive officer, Chiron Corp.; Dr. James Young, president, Research and Development, Medimmune, Inc.

42. *“Will ‘Networx’ Work? A Review of Whether a Centralized Government Telecom Plan Jibes With an Ever-Evolving Market,”* February 26, 2004; Serial No. 108–149

*a. Summary.*—The committee conducted an oversight hearing on the General Services Administration’s [GSA] proposed government-wide voice and data telecommunications program, Networx. This hearing gave Members an opportunity to gather information from industry and other stakeholders, including GSA, and determine whether GSA’s proposed acquisition strategy, contained in its Request for Information, would be effective in an ever-evolving telecommunications environment.

*b. Witnesses.*—Stephen Perry, Administrator, U.S. General Services Administration; Sandra Bates, Commissioner, Federal Technology Service, U.S. General Services Administration; Linda Koontz, Director, Information Management Issues, U.S. General Accounting Office; Mr. Drew Ladner, Chief Information Officer, U.S. Department of the Treasury; Mel Bryson, Director of Information Technology, Administrative Office of the U.S. Courts; Mr. Anthony D’Agata, vice president and general manager, Government Systems Division, Sprint; Mr. Quinten Johnson, regional vice president, SBC Federal Solutions; Mr. Kevin O’Hara, president and chief operating officer, Level 3 Communications LLC; Mr. Jerry Hogge, senior vice president, Winstar Government Systems, LLC; Mr. David Page, vice president, Federal systems, BellSouth Business Systems; Mr. Louis M. Addeo, president, AT&T Government Solutions; Ms. Shelley Murphy, president, Federal markets, Verizon; Mr. Jerry A. Edgerton, senior vice president, Government Markets, MCI.

43. *“America’s New Welcome Mat: A Look at the Goals and Challenges of the US-VISIT Program,”* March 4, 2004; Serial No. 108–154

*a. Summary.*—This hearing continued this committee’s ongoing investigation into the newly implemented entry-exit tracking program and in the changes made to policies for issuing visas as a result of the terrorist attacks of September 11, 2001.

*b. Witnesses.*—Asa Hutchinson, Under Secretary for Border and Transportation Security, Department of Homeland Security; Maura Harty, Assistant Secretary for Consular Affairs, Department of State.

44. *“Public Confidence, Down the Drain: The Federal Role in Ensuring Safe Drinking Water in the District of Columbia,”* March 5, 2004; Serial No. 108–161

*a. Summary.*—This oversight hearing reviewed the condition of lead contamination in the District of Columbia water supply and examined District and Federal agencies’ responsibilities for drinking water safety in the District of Columbia, as well as the coordination among responsible agencies. The hearing also reviewed the effectiveness of applicable regulations in ensuring the safety of drinking water in the District of Columbia.

*b. Witnesses.*—Benjamin H. Grumbles, Acting Assistant Administrator, Environmental Protection Agency Office of Water; Donald S. Welch, Regional Administrator, Environmental Protection Agency

Region III; Thomas P. Jacobus, P.E., general manager, Washington Aqueduct, U.S. Army Corps of Engineers; Glenn S. Gerstell, chairman, District of Columbia Water and Sewer Authority; Erik Olson, senior attorney, Natural Resources Defense Council; Professor Ellen Silbergeld, Johns Hopkins Bloomberg School of Public Health; and Professor Marc Edwards, Virginia Polytechnic Institute and State University.

45. *“The Complex Task of Coordinating Contracts Amid Chaos: The Challenges of Rebuilding a Broken Iraq,”* March 11, 2004; Serial No. 108–213

*a. Summary.*—This hearing was the second of four held to look at U.S. contracting activities in Iraq. Emergency supplemental appropriations bills for both fiscal year 2003 and fiscal year 2004 have provided more than \$20 billion to rebuild postwar Iraq. Many Federal departments and agencies have already awarded or will soon award contracts for the sustainment and reconstruction efforts. The hearing provided Members with an understanding of how our acquisition system and the professionals that run it have responded to the challenges of contracting in a war zone.

*b. Witnesses.*—Major General Carl A. Strock, Director of Civil Works, U.S. Army Corps of Engineers, U.S. Department of Defense, General Paul J. Kern, Commanding General, U.S. Army Material Command, U.S. Department of Defense, Major General Wade H. McManus, Jr. Commanding General, U.S. Army Field Support Command, U.S. Department of Defense, Mr. Lewis Lucke, Deputy Assistant Administrator, U.S. Agency for International Development, Dov S. Zakheim, Under Secretary of Defense—Comptroller and Chief Financial Officer, U.S. Department of Defense, William H. Reed, Director, Defense Contract Audit Agency, U.S. Department of Defense and Rear Admiral David Nash (Retired) Director, Program Management Office, Coalition Provisional Authority.

46. *“A Prescription for Safety: The Need for H.R. 3880, the Internet Pharmacy Consumer Protection Act,”* March 18, 2004; Serial No. 108–169

*a. Summary.*—This hearing focused on how to curb the growing sale of prescription drugs over the Internet without a valid prescription through new legislative means. Prescription drugs are well regulated in our country, by a system that includes pre-market approval by the FDA, State licensure of healthcare practitioners who are allowed to prescribe, and State oversight of pharmacists and pharmacies. However, as noted in previous committee hearings and recent media reports, the Internet creates an easy environment for illegitimate pharmacy Web sites to bypass traditional regulations and established safeguards for the sale of prescription drugs. First, the bill establishes disclosure standards for Internet pharmacies. These Web sites are required to display certain identifying information, including the name of the business, pharmacist, and physician associated with the Web site. Second, the bill prohibits Internet sites from selling or dispensing prescription drugs solely on the basis of an online questionnaire. Online medical evaluations do not meet reasonable standards of care and create risks for consumers. And third, the bill provides additional

authority for States to take action against illegal Internet pharmacies. The bill allows State attorneys general to file an injunction in Federal court to shut down a rogue site across the country.

*b. Witnesses.*—William Hubbard, Associate Commissioner for Policy, Planning, and Legislation, Food and Drug Administration; Dr. James Thompson, M.D., president and chief executive officer of the Federation of State Medical Boards; Dr. Carmen Catizone, executive director of the National Association of Boards of Pharmacy; Jerry Kilgore, attorney general of the State of Virginia, National Association of Attorneys General; Dr. Rebecca J. Patchin, trustee, American Medical Association; and John M. Rector, senior vice president of Governmental Affairs and general counsel, National Community Pharmacists Association.

47. *“The Postal Service in Crisis: A Joint Senate-House Hearing on Principles for Meaningful Reform,” March 23, 2004; Serial No. 108–171*

*a. Summary.*—The committee held a joint hearing with the Senate Committee on Governmental Affairs on the current state of the U.S. Postal Service, the need for reform, the recommendations of the President’s Commission on the U.S. Postal Service, and the administration’s December 2003 call for postal reform.

*b. Witnesses.*—John W. Snow, U.S. Secretary of the Treasury, accompanied by Brian C. Roseboro, Acting Undersecretary for Domestic Finance, U.S. Department of the Treasury; David Fineman, chairman, U.S. Postal Service Board of Governors; John E. Potter, Postmaster General, U.S. Postal Service.

48. *“Maintaining a Level Playing Field for D.C. Graduates: Legislation to Reauthorize the D.C. College Access Act,” March 25, 2004; Serial No. 108–172*

*a. Summary.*—The committee held a hearing to discuss H.R. 4012, the reauthorization of the District of Columbia College Access Reauthorization Act.

*b. Witnesses.*—Anthony Williams, D.C. Mayor; Kelly Valentine, acting director, D.C. Tuition Assistance Program; Argelia Rodriguez, executive director, D.C. College Access Program; Brian Ford, former DCTAG recipient; Anthony Talley, director of guidance and counseling, Washington Math and Science Technology Public Charter High School.

49. *“Can Federal Agencies Function in the Wake of a Disaster? A Status Report on Federal Agencies’ Continuity of Operations Plans,” April 22, 2004; Serial No. 108–184*

*a. Summary.*—The hearing assessed the development and execution of continuity of operations [COOP] plans by Federal agencies and reviewed the Federal Emergency Management Agency’s actions to improve oversight of agency COOP plans, particularly in view of the lack of uniformity of identification of critical functions by individual Federal agencies. The hearing also considered recommendations for improving COOP planning and implementation.

*b. Witnesses.*—Linda D. Koontz, Director, Information Management Issues, General Accounting Office; Michael Brown, Under Secretary for Emergency Preparedness and Response Directorate,

Department of Homeland Security; and John Kern, Director of Network Continuity, AT&T.

50. *“Justice for All: A Review of the Operations of the District of Columbia Superior Court,”* April 23, 2004; Serial No. 108–185

*a. Summary.*—The committee conducted an oversight hearing to review the operations and case management of the D.C. Superior Court, with particular focus on the Family Court and the Probate Division. The committee’s hearing included a review of (1) how the D.C. Superior Court sets its performance goals and measures the performance outcomes and (2) the court’s fiscal management and general court operations, including the clearance of cases, monitoring the judges’ caseloads, and the use of the IJIS system to facilitate access to databases in use at the court. Additionally, we reviewed the status of the D.C. Court site plan for Judiciary Square.

*b. Witnesses.*—Rufus G. King III, chief judge, District of Columbia Superior Court; Lee F. Satterfield, presiding judge, Family Court, District of Columbia Superior Court; Jose M. Lopez, presiding judge, Probate Division, District of Columbia Superior Court; Cornelia M. Ashby, Director, Education, Workforce, and Income Security Issues, U.S. General Accounting Office; Elliott S. Hall, chairman, Council for Court Excellence; Rhonda Dahlman, esquire, Legal Counsel for the Elderly, American Association of Retired Persons; Nicholas Ward, esquire, former chairman, District of Columbia Bar Association Guardian and Conservator Committee; Michael F. Curtin, esquire, former Deputy Register of Wills, and member of the District of Columbia Bar.

51. *“Transforming the National Guard: Resourcing for Readiness,”* April 29, 2004; Serial No. 108–188

*a. Summary.*—The purpose of the hearing was to examine the emerging operational roles of the National Guard abroad and at home, and to measure the level of readiness the Guard possesses to meet those roles. Highlights included discussions of Federal statutory changes to Title 32 to reflect Guard operational missions in homeland defense and homeland security, resulting in language passed in DOD Authorization Conference on October 8, 2004.

*b. Witnesses.*—George E. Pataki, Governor of New York; Paul McHale, Assistant Secretary of Defense for Homeland Defense; Thomas F. Hall, Assistant Secretary of Defense for Reserve Affairs; Lieutenant General H. Stephen Blum, Chief, National Guard Bureau; Major General John A. Love, Special Assistant to Combatant Commander for National Guard Affairs, U.S. Northern Command; Janet A. St. Laurent, Director, Defense Capabilities and Management, General Accounting Office; Lieutenant General Wayne D. Marty, State Adjutant General of Texas; Major General Timothy J. Lowenberg, State Adjutant General of Washington; Major General Bruce Tuxill, State Adjutant General of Maryland.

52. *“Betting on Transparency: Toward Fairness and Integrity in the Interior Department’s Tribal Recognition Process,”* May 5, 2004; Serial No. 108–198

*a. Summary.*—The hearing assessed the legal sufficiency and procedural fairness of the American Indian tribal recognition proc-

ess administered by the—Interior Department’s Bureau of Indian Affairs [BIA].—The hearing also examined the integrity, transparency and accountability of BIA tribal recognition decisions, particularly focusing on recent recognition actions on acknowledgement petitions filed by the Historical Eastern Pequot and Schaghticoke tribes in Connecticut. Members also considered recommendations to improve the BIA recognition process.

*b. Witnesses.*—Richard Blumenthal, attorney general, State of Connecticut; Theresa Rosier, Counselor to the Assistant Secretary for Indian Affairs, Department of the Interior; Earl E. Devaney, Inspector General, Department of the Interior; Mark D. Boughton, mayor, city of Danbury, CT; Rudy Marconi, first selectman, town of Ridgefield, CT; Nicholas Mullane, first selectman, town of North Stonington, CT; Marcia Flowers, chairwoman, tribal council, Eastern Pequot Tribal Nation; Jeffrey Benedict, Connecticut Alliance Against Casino Expansion; and Wayne R. Smith, former Deputy Assistant Secretary for Indian Affairs, Department of the Interior.

53. *“What’s the Hold Up? A Review of Security Clearance Backlog and Reciprocity Issues Plaguing Today’s Government and Private Sector Workforce,”* May 6, 2004; Serial No. 108–199

*a. Summary.*—This hearing continues the committee’s review of personnel security clearance processing and reciprocity. The government mechanisms that investigate and adjudicate personnel security clearances have not kept pace with the necessity to process security clearance requests for industry personnel quickly and efficiently. Industry personnel face additional challenges once they have a security clearance from one agency but then need to work on a project on behalf of a different agency. Often agencies do not recognize clearances granted by their sister agencies, requiring industry personnel to go through the process yet again.

*b. Witnesses.*—Gregory C. Wilshusen, Acting Director, Defense Capabilities and Management, U.S. General Accounting Office; Stephen C. Benowitz, Associate Director, Division for Human Resources Products and Services, U.S. Office of Personnel Management; Heather Anderson, Acting Director of Security, Office of the Under Secretary of Defense for Intelligence; J. William Leonard, Director, Information Security Oversight Office; Sudhakar V. Shenoy, chairman, Northern Virginia Technology Council; Douglas Wagoner, chairman, Intelligence and Security Task Group, Information Technology Association of America; and L. Kenneth Johnson, president, Board of Directors, Northern Virginia Technology Council.

54. *“Harnessing Science: Advancing Care by Accelerating the Rate of Cancer Clinical Trial Participation,”* May 13, 2004; Serial No. 108–189

*a. Summary.*—The purpose of this hearing was to examine the status of efforts to bring innovative cancer treatments to public and to discuss how to change the face of cancer into a more chronic and treatable disease. The hearing considered the various factors contributing to low accrual of adult patients in cancer clinical trials and what efforts are being taken to obtain reasonable participation levels to better provide more treatment options to cancer patients.

*b. Witnesses.*—Dr. Michael Christian, Associate Director, Division of Cancer Treatment and Diagnosis, Cancer Therapy Evaluation Program, National Cancer Institute; Dr. Richard Pazdur, Director, Division of Oncology Drug Products, Center for Drug Evaluation and Research, Food and Drug Administration; Dr. Andrew Pecora, chairman and director, the Cancer Center, Hackensack University Medical Center; Dr. Robert Comis, president and Chair, Coalition of National Cancer Cooperative Group; and Ms. Ellen Stovall, president and chief executive officer, National Coalition for Cancer Survivorship.

55. *“Redundancy and Duplication in Child Welfare Programs: A Case Study on the Need for Executive Reorganization Authority,”* May 20, 2004; Serial No. 108–200

*a. Summary.*—The committee held a hearing to identify and assess the varied Federal programs and agencies involved in promoting child welfare.

*b. Witnesses.*—Tom DeLay, Majority Leader; Wade Horn, Assistant Secretary for Children and Families, HHS; Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, DOJ; Colien Hefferan, Administrator, Cooperative State Research Education and Extension Service, Department of Agriculture.

56. *“Thirsty for Results: Lessons Learned from the District of Columbia’s Lead Contamination Experience,”* May 21, 2004; Serial No. 108–204

*a. Summary.*—This hearing was a follow-up to the March 5, 2004 hearing on the excessive levels of lead found in the District of Columbia water supply. This second hearing addressed the status of the lead problem in the District—its causes and the governmental responses. The hearing also focused on whether the existing Safe Drinking Water program is adequate to assure safe drinking water for the consuming public, both in the District of Columbia and across the nation, or whether additional measures, either legislative or regulatory, are necessary to accomplish that objective. Specifically, the hearing considered whether the situation in the District of Columbia is indicative of water systems throughout the country and whether the experience in the District of Columbia justifies changes to the Safe Drinking Water Act.

*b. Witnesses.*—Benjamin H. Grumbles, Acting Assistant Administrator, Environmental Protection Agency Office of Water; Donald S. Welch, Regional Administrator, Environmental Protection Agency Region III; Thomas P. Jacobus, P.E., general manager, Washington Aqueduct, U.S. Army Corps of Engineers; Jerry Johnson, general manager, District of Columbia Water and Sewer Authority; Paul Schwartz, Clean Water Action; Howard Neukrug, director, Office of Watersheds, Philadelphia Water Department, on behalf of the American Water Works Association; Angela Logomasini, director, Risk and Environmental Policy, Competitive Enterprise Institute; Scott Rubin, attorney-consultant; and Katherine Funk, District of Columbia resident.

57. *“The Supersizing of America: The Federal Government’s Role in Combating Obesity and Promoting Healthy Living,” June 3, 2004; Serial No. 108–201*

a. *Summary.*—America’s obesity rates have increased dramatically over the past two decades. Obesity will soon surpass smoking as the leading avoidable cause of death among Americans. In response, the Federal Government has been recently reexamining many of its health and nutrition policies. The committee scrutinized several government initiatives and assessed their impact. Members also heard testimony from leading private sector diet and nutrition experts to determine what the government can learn from their approaches.

b. *Witnesses.*—Lester M. Crawford, Acting Commissioner, Food and Drug Administration; Lynn Swann, Chair, President’s Council on Physical Fitness and Sports; Eric Hentges, Director, Center for Nutrition Policy and Promotion, Department of Agriculture; Arthur Agatston, cardiologist and author, the South Beach Diet; Stuart Trager, chairman, Atkins Physicians Council; G. Harvey Anderson, professor, Department of Nutritional Sciences, University of Toronto; Susan Finn, Chair, American Council for Fitness and Nutrition; Bruce Silverglade, Director of Legal Affairs, Center for Science in the Public Interest.

58. *“Unprecedented Challenges: The Complex Task of Coordinating Contracts Amid the Chaos and the Rebuilding of Iraq,” June 15, 2004; Serial No. 108–213*

a. *Summary.*—This hearing was the third of four held to look at U.S. contracting activities in Iraq. The rebuilding of Iraq is an enormous task and the challenges the military and contractors faced in completing their respective missions were explored through testimony from contracting experts in DOD and the GAO. The Members heard testimony on additional challenges and the efforts made to manage, oversee and coordinate acquisition activities to ensure that taxpayer money is spent as effectively and efficiently as possible in a difficult wartime atmosphere.

b. *Witnesses.*—David M. Walker, Comptroller General of the United States; William T. Woods, Director, Acquisition, and Sourcing Management, U.S. General Accounting Office; Neal P. Curtain, Director, Defense Capabilities and Management, U.S. General Accounting Office; Lawrence Lanziotta, Acting Under Secretary of Defense, Comptroller, U.S. Department of Defense; Deidre Lee, Director, Defense Procurement and Acquisition Policy, U.S. Department of Defense; Tina Ballard Deputy Assistant Secretary of the Army, (Policy and Procurement) U.S. Department of Defense; General Paul J. Kern, Commanding General, U.S. Army Material Command, U.S. Department of Defense; Brigadier General Robert Crear, Commanding Commander, Southwestern Division, U.S. Army Corps of Engineers, U.S. Department of Defense; William H. Reed, Director, Defense Contract Audit Agency, U.S. Department of Defense.

59. *The War Against Drugs and Thugs: A Status Report on Plan Colombia Successes and Remaining Challenges,* June 17, 2004; Serial No. 108–214

*a. Summary.*—The committee conducted an oversight hearing on Plan Colombia, an important component of U.S. foreign and counternarcotics policy. The hearing examined the U.S. Government’s support and contributions to the progress being made in Colombia in fighting drug trafficking and international crime, and in improving economic and social conditions. Witnesses at the hearing provided an update on the current status of U.S.-Colombian programs, progress that has been made in recent years, and an assessment of remaining challenges in the war against narcoterrorism.

*b. Witnesses.*—John P. Walters, Director, Office of National Drug Control Policy; Ambassador Luis Alberto Moreno, Ambassador to the U.S., Republic of Colombia; Roger F. Noriega, Assistant Secretary for Western Hemisphere Affairs, Department of State; Robert B. Charles, Assistant Secretary for International Narcotics and Law Enforcement Affairs, Department of State; Thomas W. O’Connell, Assistant Secretary for Special Operations and Low-intensity Conflict, Department of Defense; Genera James T. Hill, Commander, U.S. Southern Command; Karen P. Tandy, Administrator, Drug Enforcement Administration; and Mr. Carlos Ploter, former Political Commandante, Revolutionary Armed Forces of Colombia [FARC].

60. *Common Sense Justice for the Nation’s Capital: An Examination of Proposals to Give D.C. Residents Direct Representation,* June 23, 2004; Serial No. 108–218

*a. Summary.*—This hearing examined the four legislative remedies addressing the District’s lack of congressional representation offered during the 108th Congress; Representative Norton’s H.R. 1285, Representative Rohrabacher’s H.R. 3709, Representative Regula’s H.R. 381, and Chairman Davis’ H.R. 4640.

*b. Witnesses.*—Representative Ralph Regula; Representative Dana Rohrabacher; Anthony A. Williams, Mayor of the District of Columbia; Linda W. Cropp, chairman, Council of the District of Columbia; Wade Henderson, executive director, Leadership Conference on Civil Rights; Kenneth Starr, former solicitor general of the United States and former judge, U.S. Court of Appeals for the District of Columbia Circuit; Ilir Zherka, executive director, DC Vote; Walter Smith, executive director, the DC Appleseed Center for Law and Justice; Betsy W. Werronen, chairman, District of Columbia Republican Committee; and Ted Trabue, Greater Washington Board of Trade.

61. *Target Washington: Coordinating Federal Homeland Security Efforts with Local Jurisdictions in the National Capital Region,* June 24, 2004; Serial No. 108–190

*a. Summary.*—This hearing was the committee’s third in our series examining the state of emergency preparedness in the National Capital Region. The hearing investigated the findings of a GAO report, conducted at the committee’s request, which examined the budgets and spending plans of the Office of National Capital Region Coordination [ONCRC] and local jurisdictions to assess if

the region is sufficiently funded and whether the funds are being used effectively and efficiently. In addition, the hearing provided Members an opportunity to discuss the need for better coordination and planning in the allocation of Federal homeland security funding.

*b. Witnesses.*—Thomas Lockwood, Director, Office of National Capital Region Coordination, U.S. Department of Homeland Security; William O. Jenkins, Jr., Director, Homeland Security, U.S. General Accounting Office; George Foresman, assistant to the Governor for Commonwealth Preparedness, Commonwealth of Virginia; Dennis Schrader, director, Office of Homeland Security, State of Maryland; Barbara Childs-Pair, director, D.C. Emergency Management Agency, District of Columbia; Anthony H. Griffin, county executive, Fairfax County, VA; Mary Beth Michos, fire chief, Prince William County, VA; James H. Schwartz, director of emergency management, Arlington County, VA; Jacqueline F. Brown, chief administrative officer, Prince George's County, MD.

62. *“Beneficial or Critical: The Heightened Need for Telework Opportunities in the Post-9/11 World,” July 8, 2004; Serial No. 108-210*

*a. Summary.*—This hearing assessed the status of telecommuting within the Federal workforce almost 4 years after the enactment of Section 359 of Public Law 106–346 (Public Law 106–346), which requires 100 percent of eligible Federal teleworkers to be teleworking by April 2005. The hearing provided Members an opportunity to voice concerns about cultural hindrances, which appear to be the greatest barrier to implementation of telework in the Federal Government. Telework has gained greater attention over the last decade in both the public and private sectors as a human capital flexibility that offers many potential benefits to employers, employees, and society. In addition, the omnipresent threat of terrorist attacks on U.S. soil since September 11, 2001 makes the need urgent to implement effective telework programs in all areas of the Federal Government. The committee intended to ascertain what OPM, GSA, and the Congress must do to compel agencies to allow more employees to telework on a more frequent basis.

*b. Witnesses.*—Kay Coles James, Director of Office of Personnel Management; Stephen Perry, Administrator of General Services Administration; Pamela Gardiner, Acting Inspector General for Tax Administration of the Department of Treasury; Kathleen Wheeler, Deputy Chief Human Capital Officer of the Office of Policy, Management and Budget at the Department of Interior; J. Christopher Mihm, Director for Strategic Issues at the Government Accountability Office; James Kane, president and chief executive officer of Software Productivity Consortium; Steve DuMont, vice president of Internet Business Solutions Group for Cisco Systems; Eric Richert, vice president for iWork Solutions Group, Sun Microsystems; and Carol Goldberg, former telework program manager of Fairfax County (VA) Government.

63. *“A Review of USDA’s Expanded BSE Cattle Surveillance Program,” July 14, 2004; Serial No. 108–219*

*a. Summary.*—This hearing was held jointly with the Committee on Agriculture. It examined the then recently implemented USDA expanded BSE surveillance plan and USDA’s efforts to detect the prevalence of BSE in the U.S. cattle population. The hearing was the culmination of an almost 7 month investigation conducted by the committee on the discovery of a single cow with BSE in Washington State and the actions taken by USDA upon the discovery of the BSE-infected cow.

*b. Witnesses.*—Ann Veneman, Secretary, Department of Agriculture, accompanied by Dr. Ron DeHaven, Administrator, Animal and Plant Health Inspection Service, Department of Agriculture and Dr. Keith Collins, Chief Economist, Department of Agriculture; Phyllis K. Fong, Inspector General, Department of Agriculture, accompanied by Marlane Evans, Deputy Assistant Inspector General for Audit, Department of Agriculture and Mark Woods, Assistant Inspector General for Investigations, Department of Agriculture; Dr. Gary M. Weber, executive director, Regulatory Affairs, National Cattlemen’s Beef Association; Jim Hodges, president, American Meat Institute Foundation; Dr. George M. Gray, executive director, Harvard Center for Risk Analysis; and Dr. Peter G. Lurie, deputy director, Public Citizen’s Health Research Group.

64. *“Unprecedented Challenges: The Complex Task of Coordinating Contracts Amid the Chaos and the Rebuilding of Iraq,” July 22, 2004; Serial No. 108–213*

*a. Summary.*—This hearing was the final in a series held to look at U.S. contracting activities in Iraq. Because of the national attention of the rebuilding efforts in Iraq, the committee decided to hold a hearing on so called whistleblower accusations as it pertained to waste and abuse. The committee’s main interest was to determine if there was systematic cheating of U.S. taxpayers or if accusations were well intended but off the mark because of the complexity of the situation and the difficulties understanding the whole picture surrounding the contracting activities. The committee also heard from representatives of the primary contractor in Iraq, Kellogg, Brown and Root as well as an acquisition expert.

*b. Witnesses.*—James Warren, former truck driver, Kellogg Brown and Root Corp.; David Wilson, former truck driver, Kellogg Brown and Root Corp.; Marie deYoung, former logistics specialist Kellogg Brown and Root Corp.; Alfred Neffgen, chief operation officer, Kellogg Brown and Root Corp. Government Operations, Americas Region; William Walter, director of government compliance, Kellogg Brown and Root Corp., Government Operations; Charles “Stoney” Cox, vice president and past restore Iraqi Oil [RIO] project director, Kellogg Brown and Root Corp., Government; Keith Richard, regional project manager, Theater Transportation Mission, LOGCAP III, Kellogg Brown and Root Corp., Government Operations; and Dr. Steven Kelman, Weatherhead professor of public management, Harvard Kennedy School of Government and former Director of the Office of Federal Procurement Policy, under the Clinton administration.

65. *“Moving from ‘Need to Know’ to ‘Need to Share’: A Review of the 9/11 Commission’s Recommendations,” August 3, 2004; Serial No. 108–217*

*a. Summary.*—The committee held a hearing to discuss and evaluate the findings of the 9/11 Commission Report.

*b. Witnesses.*—Bob Kerrey, 9/11 Commission; John Lehman, 9/11 Commission; Beverly Eckert, 9/11 victim family member; Sally Regenhard, 9/11 victim family member; Robin Weiner, 9/11 victim family member; David Walker, GAO Comptroller; Paul Light, director, Center for Public Service, the Brookings Institution; Dan Duff, VP of government affairs, APTA; Bob Collett, VP for engineering, AT&T; John McCarthy, executive director, Critical Infrastructure Protection Project; Jim Dempsey, executive director, Center for Democracy and Technology.

66. *“A Model for Success? Monitoring, Measuring and Managing the Health of the Chesapeake Bay,” August 20, 2004; Serial No. 108–221*

*a. Summary.*—This field hearing sought to determine the overall progress made in addressing the problem facing the Chesapeake Bay. It also responded to specific concerns raised by contemporary news reports that the Chesapeake Bay Program, the agency charged with cleaning up the bay, was exaggerating its progress.

*b. Witnesses.*—Rebecca W. Hanmer, director, Chesapeake Bay Program; W. Tayloe Murphy, Jr., secretary of natural resources, Commonwealth of Virginia; Lowell H. Bahner, director, Chesapeake Bay Office, National Oceanic and Atmospheric Administration; Scott W. Phillips, Chesapeake Bay coordinator, U.S. Geological Survey; Ann Pesiri Swanson, executive director, Chesapeake Bay Commission; Theresa Pierno, vice president for environmental protection and restoration, Chesapeake Bay Foundation; Dr. Donald F. Boesch, president, University of Maryland Center for Environmental Science; Dr. Linda C. Schaffner, associate professor, Virginia Institute of Marine Science; Dr. Eileen E. Hofmann, professor, Department of Ocean, Earth and Atmospheric Sciences, Old Dominion University; Frances W. Porter, executive director, Virginia Seafood Council; Mark Wallace, member, Easter Shore Waterman’s Association.

67. *“Creating Secure Borders and Open Doors: A Review of DHS–State Collaboration on U.S. Visa Policy,” September 9, 2004; Serial No. 108–240*

*a. Summary.*—This oversight hearing reviewed the collaboration between the Department of Homeland Security and the Department of State with regard to formulating and implementing visa policy. The hearing covered improvements in Security Advisory Opinion processes and information sharing as well as challenges facing the Visa Security Officer program and the efficient utilization of biometric databases in making visa adjudications. In addition, the hearing provided Members the opportunity to voice their concerns about delays in granting visas for business and tourist visitors as well as students and scientists.

*b. Witnesses.*—C. Stewart Verdery, Jr., Assistant Secretary for Border and Transportation Security Policy and Planning, Depart-

ment of Homeland Security; Janice Jacobs, Deputy Assistant Secretary for Visa Services, Department of State; Clark Kent Ervin, Inspector General, Department of Homeland Security; and Jacquelyn L. Williams-Bridgers, Managing Director, International Affairs & Trade Team, Government Accountability Office.

68. *“Making Networx Work: An Examination of GSA’s Continuing Efforts to Create a Modern, Flexible and Affordable Government-wide Telecommunications Program,”* September 15, 2004; Serial No. 108–223

*a. Summary.*—The committee conducted a second oversight hearing on the General Services Administration’s [GSA] proposed government-wide voice and data telecommunications program, Networx. Following the first hearing, GSA revised its strategy in response to comments from industry, agency customers, and this committee. Members had the opportunity to ask questions on these changes in strategy and determine whether the changes would prove effective in a dynamic telecommunications environment.

*b. Witnesses.*—Sandra Bates, Commissioner, Federal Technology Service, U.S. General Services Administration; Linda Koontz, Director, Information Management Issues, U.S. Government Accountability Office; Don Scott, senior vice-president, EDS U.S. Government Solutions; Jerry Hogge, senior vice president, Level 3 Communications LLC; Robert Collet, vice president, Engineering, AT&T Government Solutions; Shelly Murphy, president, Federal Markets, Verizon; Jerry A. Edgerton, senior vice president, Government Markets, MCI.

69. *“Intellectual Property Piracy: Are We Doing Enough to Protect U.S. Innovation Abroad?”* September 23, 2004; Serial No. 108–225

*a. Summary.*—The hearing explored intellectual property rights and the effectiveness of government and private sector efforts to protect U.S. interests from piracy abroad. The hearing focused on the rampant counterfeiting and piracy in foreign countries of software, movies, music, and designs for consumer and industrial products that are protected by U.S. intellectual property laws.

*b. Witnesses.*—Congressman Rob Simmons, Connecticut; Loren Yager, Director, International Affairs and Trade, Government Accountability Office; Joe Papovich, senior vice president, International Recording Industry Association of America; John Malcolm, senior vice president for Worldwide Anti-piracy, Motion Picture Association of America; and Robert Cresanti, vice president for public policy, Business Software Alliance.

70. *“The Nation’s Flu Shot Shortage: How it Happened and Where We Go From Here?”* October 8, 2004; Serial No. 108–231

*a. Summary.*—The committee conducted an oversight hearing regarding developments concerning the U.S. influenza vaccine supply. The hearing examined the contributing factors that led to the influenza vaccine shortage, the public health implications of the vaccine shortage, and the U.S. Government and vaccine manufacturer’s plan to address this problem. Preparing for the annual flu season highlights the importance of strong cooperation between dif-

ferent health agencies and private sector companies at all levels. However, this year's vaccine shortage starkly underscores the need to ensure that adequate production capabilities exist. Witnesses discussed factors contributing to the 2004 flu vaccine shortage, how the government and vaccine manufacturers will respond to and manage this crisis, and the steps that must be taken to be prepared for next year's flu season.

*b. Witnesses.*—Dr. Julie L. Gerberding, Director, Centers for Disease Control and Prevention; Dr. Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases; Dr. Lester M. Crawford, Acting Commissioner, Food and Drug Administration; Christine Grant, vice president for Public Policy and Government Affairs, Aventis Pasteur, Inc.; Dr. James Young, president, Research and Development, Medimmune, Inc.; and Dr. Robert Stroube, State health commissioner, Virginia Department of Health.

71. *"The Nation's Flu Shot Shortage: Where Are We Today and How Prepared Are We for Tomorrow?" November 17, 2004; Serial No. 108-246*

*a. Summary.*—The committee conducted a second oversight hearing regarding the U.S. influenza vaccine supply. This hearing was held in conjunction with the committee's ongoing investigation into the influenza vaccine shortage. The hearing examined the Federal Government's response to the vaccine shortage, how U.S. public health officials are coordinating with vaccine manufacturers to locate and adequately distribute available influenza vaccine to high risk populations, what steps are being taken in preparation for next year's influenza season, and what incentives can be provided to manufacturers to ensure a stable annual influenza vaccine supply.

*b. Witnesses.*—Dr. Julie L. Gerberding, Director, Centers for Disease Control and Prevention; Dr. Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases; Dr. Lester M. Crawford, Acting Commissioner, Food and Drug Administration; Howard Pien, president, CEO, and chairman of the Board, Chiron Corp.; Kathleen Coelingh, senior director, regulatory and scientific affairs, Medimmune, Inc.; Dr. Robert Stroube, Virginia State health commissioner, Association of State and Territorial Health Officials; and Dr. Jerome Klein, professor of pediatrics, Boston University School of Medicine.

72. *"Stalking a Furtive Killer: A Review of the Federal Government's Efforts to Combat Hepatitis C," December 14, 2004; Serial No. 108-275*

*a. Summary.*—The committee conducted an oversight hearing on the significant public health threat posed by hepatitis C. In 1998, the committee held a hearing on the need to improve the Nation's response to hepatitis C. At that hearing, several specific points of action were recommended. The December 14, 2004 hearing examined what progress has been made in responding to the hepatitis C epidemic and identified areas for improvement.

*b. Witnesses.*—Dr. Rima Khabbaz, M.D., Associate Director of Epidemiologic Science, National Center for Infectious Diseases,

Centers for Disease Control and Prevention; Dr. Jay Hoofnagle, M.D., Liver Disease Research Branch, Division of Digestive Diseases and Nutrition, National Institute of Diabetes and Digestive Kidney Diseases, National Institutes of Health; Dr. Lawrence Deyton, MSPH, M.D., Chief Consultant, Public Health Strategic Healthcare Group, Department of Veterans Affairs; Dr. Michael Rudman, founder, Frederick County Hepatitis Clinic, Inc.; Ann Jesse, founding executive director, Hep C Connection; Captain John Niemiec, first vice president, Fairfax County Professional Fire Fighters and Paramedics; and Erika Stein, Robinson Secondary School DECA student.

## II. FULL COMMITTEE BUSINESS MEETINGS

February 13, 2003—Organizational Meeting: Approved committee rules, established subcommittees, oversight plans, and the committee's budget views and estimates, all by voice vote.

March 6, 2003—Approved H.R. 735 as amended by voice vote.

March 20, 2003—Approved H.R. 1346 as amended by voice vote.

March 27, 2003—Approved Recommendations to the House regarding Oversight Plans for all House Committees by voice vote.

April 9, 2003—Approved Immunity Vote for William Bulger and Francis Salemme by roll call votes.

May 7, 2003—Approved H.R. 1836 as amended by roll call vote and H.R. 1837 as amended by roll call vote.

May 22, 2003—Approved H.R. 2122 as amended, H.R. 2087 as amended, H. Con. Res. 162, H.R. 1465, H.R. 1610, H.R. 2030, H. Res. 159, and H. Res. 195 all by voice vote.

June 5, 2003—Approved H.R. 2086 as amended by voice vote and S. 858 by voice vote.

June 19, 2003—Approved "A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records," H.R. 1761, H.R. 2249, H.R. 2328, H.R. 2396, H. Con. Res. 6, H. Con. Res. 208 and H. Res. 240 all by voice vote.

July 10, 2003—Approved H. Res. 303, S. 867, H.R. 2438, and H. Con. Res. 230 all by unanimous consent. Also, H.R. 2556, as amended by roll call vote.

July 17, 2003—Approved H.R. 2548 as amended by voice vote and H.R. 2746 by voice vote.

July 24, 2003—Approved H.R. 2309, H. Con. Res. 235 and H. Res. 315 all by voice vote.

September 12, 2003—Approved H.R. 1882, H.R. 1883, H.R. 2452, H.R. 2826, H. Con. Res. 71, H. Con. Res. 262, H. Res. 262, H. Res. 306 and H. Res. 352 all by unanimous consent.

September 18, 2003—Approved H.R. 2075, H.R. 2533, H.R. 3011, H.R. 3068, H. Con. Res. 106, H. Con. Res. 176, H. Con. Res. 270 and H. Res. 357 all by unanimous consent.

September 25, 2003—Approved H. Con. Res. 273 by unanimous consent and H.R. 1151, H.R. 1231, H.R. 3054, and H.R. 3159 all by voice vote.

October 2, 2003—Approved H.J. Res. 70 and H. Con. Res. 264 both by unanimous consent.

October 8, 2003—Approved H.R. 2744, H.R. 3166, H.R. 3175, H.R. 3185 and S. 1591 all by unanimous consent.

November 6, 2003—Approved H.R. 2130, H.R. 3300, H.R. 3353, H. Con. Res. 69, H. Con. Res. 299, H. Con. Res. 313, H. Res. 274, H. Res. 373 as amended, S. 1590 and S. 1718 all by unanimous consent. Also, the committee approved H.R. 2751 as amended and H.R. 2886 as amended by voice vote.

November 20, 2003—Approved H.R. 3478 by voice vote and two reports: “Everything Secret Degenerates: The FBI’s Use of Murderers as Informants,” and “Efforts to Rightsize the U.S. Presence Abroad Lack Urgency and,” Momentum both by voice vote.

February 12, 2004—Approved H.R. 3536, H.R. 3537, H.R. 3538, H.R. 3690, H.R. 3769, H. Con. Res. 287, H. Res. 392, H. Res. 439 and H. Res. 519 all by unanimous consent. Also, Salemmé transcript released to public by unanimous consent.

February 26, 2004—Approved H.R. 3733, H. Con. Res. 328, as amended, H. Res. 433, H. Res. 475 and H.J. Res. 87 all by unanimous consent. Also, committee budget views and estimates by voice vote and H.R. 3797 by voice vote.

March 4, 2004—Approved H.R. 3059, H.R. 3723 and H.R. 3855 all by unanimous consent.

March 18, 2004—Approved the Resolution on subcommittee assignments by unanimous consent and H.R. 3917 by unanimous consent.

April 1, 2004—Approved H.R. 4012, H.R. 3751 as amended, H.R. 3737 as amended all by voice vote. Also, the committee approved H.R. 1822, H.R. 3939, H.R. 3942, H.R. 4037, H. Res. 399, H. Res. 578, and S. Con. Res. 97, all by unanimous consent.

May 6, 2004—Approved H.R. 3740, H.R. 4176, H. Con. Res. 295, H. Res. 613 and H. Res. 622 all by unanimous consent. Also, the committee approved H.R. 4259 by voice vote.

May 12, 2004—Approved H. Res. 612 as amended by unanimous consent. Also, H.R. 4302 and H.R. 2432 as amended both by voice vote. H.R. 4341 was approved by a roll call vote.

June 3, 2004—Approved H.R. 3826 as amended by voice vote and H.R. 4222, H. Con. Res. 257 and H. Res. 653 all by unanimous consent.

June 23, 2004—Approved consulting contract by voice vote.

June 24, 2004—Approved S. 129 as amended by voice vote and H.R. 3340, H.R. 4327 and H.R. 4427 all by unanimous consent.

July 8, 2004—Approved H.R. 4380, H.R. 4381, H.R. 4442 H. Res. 646, H. Res. 684 and H. Res. 702 all by unanimous consent.

July 21, 2004—Approved minority subcommittee assignments for Ms. McCollum, H.R. 4556, H.R. 4618, H.R. 4632, H. Res. 695, H. Res. 717 and S. 2415 all by unanimous consent. H.R. 4324 and H.R. 4657 by voice vote. Also, H.R. 2449 as amended and H.R. 2528 as amended by voice vote.

September 15, 2004—Approved H.R. 480, H.R. 4046, H.R. 4807, H.R. 4847, H.R. 4968, H.R. 5027, H.R. 5039, H. Con. Res. 461, H. Con. Res. 464, H. Con. Res. 489, H. Res. 641, H. Res. 761 and H. Res. 772 all by unanimous consent. Also, the committee approved the minority-consulting contract by voice vote.

September 29, 2004—Approved H.R. 3281 as amended by voice vote and H.R. 10 as amended by voice vote.

## PART FOUR. SUBCOMMITTEE ACCOMPLISHMENTS

### SUBCOMMITTEE ON CIVIL SERVICE AND AGENCY ORGANIZATION

#### LEGISLATION

1. *H.R. 978, To amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes*

Inspired by the saga of Louise Kurtz, a Stafford County, VA, woman who was severely injured in the terrorist attack against the Pentagon, this law applies to Federal Employees Retirement System employees who are disabled for more than 2 months and later return to Federal service. While disabled, employees are unable to contribute to their Thrift Savings Plan accounts or to Social Security—which represent a substantial portion of a FERS employee’s pension upon retirement. This law makes up for that shortfall by doubling an employee’s defined benefit under FERS—which is usually calculated at 1 percent per year of service—for the duration of the disability, thereby increasing the employee’s Government-funded slice of his or her pension to the same degree that the employee-funded portions were affected. Passed the Congress on September 11, 2003, and became Public Law 108–92 on October 3, 2003.

2. *H.R. 1151, To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes*

This legislation, sponsored by Representative Jim Moran (D–VA) requires that mass transit fringe benefits be made available to all eligible employees in the National Capital Region. A Clinton-era Executive order authorized agencies in and around the Capital to offer transit benefits to their employees, but not all Federal agencies in the Washington, DC, area have implemented transit benefit programs yet. The second part of this legislation would permit Federal agencies to use Government vehicles to transport employees to and from subway, bus and other mass-transit facilities—something they are not allowed to do under current law. The subcommittee marked up this legislation on July 16th, and the full committee ordered it reported on September 25th.

3. *H.R. 1231, To amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums*

Government Reform Committee Chairman Tom Davis introduced this bill, which would extend premium conversion (the ability to pay health care premiums with pre-tax money) to Federal and military retirees and to allow active duty military personnel to take a below-the-line income tax deduction to pay for TRICARE supplemental premiums. The subcommittee held a hearing on this longstanding proposal—the first congressional hearing on the issue since it was first proposed four years earlier—and marked up the legislation on July 16th, and the full committee ordered it reported out on September 25th. However, H.R. 1231 was also referred to the House Ways and Means and House Armed Services committees, where no action was taken.

4. *H.R. 1588 (H.R. 1836), National Defense Authorization Act for Fiscal Year 2004*

Included in the Department of Defense authorization proposal in 2003 was a new authority to create the National Security Personnel System. Generally modeled after the management flexibilities granted to the Department of Homeland Security upon its creation in 2002, the NSPS authorization allows the Department to create a pay-for-performance system for all 700,000 civilian employees, establish a new employees appeals process, streamline the collective bargaining process, employ retirees with no reduction in either their salary or their Civil Service pension, and hire outside experts without review from the Office of Personnel Management. The legislation also includes a provision raising the pay cap for Senior Executive Service employees, who are the Government's senior managers and leaders. Passed the Congress on November 12, 2003, and became Public Law 108-136 on November 24, 2003.

5. *H.R. 1602, Senior Executive Service Reform Act of 2003*

The key objective of this bill was to raise the cap of Senior Executive Service pay from executive level III to executive level II. This proposal was incorporated into H.R. 1588. (See discussion of H.R. 3737, below.)

6. *H.R. 1603, Presidential Appointments Improvement Act of 2003*

This proposal would amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees. The financial disclosure reporting requirements would be streamlined by reducing the amount of detail a high-level executive branch nominee or employee must report. The proposal provides a newly elected President the ability to submit all nominations to the Senate for all Presidential appointments as expeditiously as possible after taking office. The bill also requires agencies to examine, with an eye to reducing, the number of Presidential appointed positions given that part of the reason for lengthy delays is the dramatic increase in the number of political appointees in the executive branch—a reported rise from 451 in 1960 to 3,361 in 2000.

7. *H.R. 2743, the Government Accountability and Streamlining Act of 2003*

This proposal sought to prevent the creation of redundant Government programs. The proposal would have required the Comptroller General of the United States to determine whether any proposed legislation in the House or Senate creates any new “Federal entities, programs or functions” that are duplicative of any existing Federal program. Under the proposal, the Comptroller General would prepare statements for bills approved by any committee or subcommittee of the House or Senate—similar to how the Congressional Budget Office “scores” a bill to determine its budgetary impact prior to consideration on the House or Senate floor.

8. *H.R. 2751, GAO Human Capital Reform Act of 2004*

This legislation gives the GAO additional management flexibilities, such as: giving the Comptroller General and GAO managers more authority to reward employees for good work, while also removing the guarantee of annual pay raises for employees who do not reach minimum performance standards; making permanent the GAO’s early retirement and buyout authority; allowing the Comptroller General to increase annual leave benefits for employees with less than 3 years experience; expanding GAO’s ability to reimburse employees for some relocation expenses; and authorizing an employee exchange program with the private sector. The legislation also changes the name of the organization from the General Accounting Office to the Government Accountability Office, which better reflects the agency’s modern-day mission. Passed the Congress on June 24, 2004, and became Public Law 108–271 on July 7, 2004.

9. *H.R. 3205, Federal Law Enforcement Pay and Benefits Parity Act of 2003*

Several pieces of legislation (H.R. 466; H.R. 1676; H.R. 2260; H.R. 2442 among them) were introduced in the House to deal with the issue of law enforcement compensation. Many Federal law enforcement officers believe they are grossly underpaid, in comparison to their State and local colleagues, and believe that this disparity is not only hurting recruitment efforts but also forcing current officers to consider leaving Federal service. In addition, many other Federal employees who work in or with law enforcement agencies but who are not classified as “law enforcement officers” (LEOs, as they are commonly known, receive enhanced retirement benefits) believe they are wrongly excluded from that designation.

Chairwoman Jo Ann Davis, together with the Subcommittee on Criminal Justice, Drug Policy and Human Resources, held a July 23, 2003, hearing to examine this issue, and subcommittee staff traveled to California to meet with dozens of law enforcement agents (both with and without the “LEO” designation) who work in high-cost areas, such as Los Angeles, San Diego and San Francisco. These meetings included FBI, Immigration and Customs, and Border Patrol employees, among others. Following the hearing, Chairwoman Davis concluded that this issue needed further study. As a result, she and Senator Voinovich introduced companion pieces of legislation requiring the Office of Personnel Management to study the issue of law enforcement compensation. Senator Voinovich’s

bill, S. 1683, passed the Congress on December 8, 2003 and became Public Law 108–196 on December 19, 2003.

In response, OPM issued a report on July 15, 2004, entitled, “Federal Law Enforcement Pay and Benefits,” detailing three critical areas in need of reform: (1) retirement benefits, (2) classification and basic pay, and (3) premium pay. OPM took the position that Congress should enact legislation authorizing the Office of Personnel Management to issue regulations that would eliminate unwarranted disparities in these areas while providing appropriate pay and benefits for employees in law enforcement occupations. While stakeholder groups testifying at the hearing objected to this approach, the subcommittee staff is committed to working with OPM and stakeholder groups to find a solution that can be introduced as legislation in the 109th Congress.

*10. H.R. 3737, Pay Compression Relief Act of 2004*

This legislation addressed the problem of pay compression affecting groups of employees whose pay is capped at executive level III, and who were not addressed when Congress enacted Senior Executive Service pay reform legislation in H.R. 1588. H.R. 3737 would raise the current cap on pay that results in pay compression of pay rates of higher-level administrative law judges, members of contract appeals boards, and certain senior level employees outside the Senior Executive Service. The rates of basic pay for these employees would be set administratively, subject to a new, higher limit set in law, thus allowing the establishment of salaries that reflect differences in position responsibility. The subcommittee held a hearing on H.R. 3737 on February 10, 2004, and marked up the bill on March 17; the Government Reform Committee marked up the bill and ordered it reported as amended to the House of Representatives on April 1.

*11. H.R. 3751, to require that the Office of Personnel Management study current practices under which dental, vision, and hearing benefits are made available to Federal employees, annuitants, and other classes of individuals, and to require that the Office also present options and recommendations relating to how additional dental, vision, and hearing benefits could be made so available*

This legislation focused on the pressing need of the Government to determine the best way to make available dental and vision insurance to Federal employees and retirees, including qualified relatives and other appropriate classes of individuals. The bill would have begun a collaborative process by which Congress and the Office of Personnel Management can develop a solution to the meager dental and vision benefits currently available through the Federal Employees Health Benefits Program. H.R. 3751 required OPM to study and evaluate options under which dental and vision benefits could be made available to Federal employees—either as part of the existing FEHBP plans, as a stand-alone option, or as a hybrid of the two. The legislation allowed OPM to assess whether the benefits should be contracted for on a regional or national basis and whether any regular Government contributions or allocation for start-up costs might be necessary or appropriate. The legislation

establishes a June 30, 2004 deadline for the Office of Personnel Management to report its analysis to Congress.

The subcommittee held a hearing on the bill on February 24, 2004, and marked up the bill on March 17; the Government Reform Committee approved the bill and ordered it reported as amended on April 1 to the House of Representatives, where it was passed on June 21. The Senate took no action on H.R. 3751. However, S. 2657, the “Federal Employee Dental and Vision Benefits Enhancement Act of 2004,” and a companion bill in the House (H.R. 4844), introduced on July 14 and 15, 2004, respectively, would authorize OPM to establish dental and vision insurance coverage programs for Federal employees. S. 2657, introduced by Senator Susan Collins, was approved by the Senate Governmental Affairs Committee on October 8. A related bill, H.R. 5295, which would similarly authorize OPM and also require a study concerning the provision of hearing insurance coverage, was introduced by Representative Tim Murphy of the subcommittee, and this legislation passed the House of Representatives on October 8. S. 2657 passed the Congress on December 6, 2004, and is likely to be signed into law by the President.

12. *H.R. 4324, to amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan, and for other purposes*

This legislation would amend the law governing the Thrift Savings Plan to allow plan participants to elect or modify their contributions in any pay period rather than being restricted to open season periods. The bill was introduced on May 11, 2004, and on July 21 it was marked up and reported out of the Government Reform Committee to the House of Representatives. H.R. 4324 passed the Congress as amended on December 7, 2004, and is likely to be signed into law by the President.

13. *H.R. 5295 (H.R. 4844): Federal Employees Dental and Vision Benefits Enhancement Act of 2004—See discussion of H.R. 3751, above.*

14. *S. 129 (H.R. 1601), Federal Workforce Flexibility Act of 2004*

On April 3, 2003, H.R. 1601 was introduced as a companion bill to S. 129, which had been introduced on January 9, 2003. The subcommittee held a hearing on H.R. 1601 (S. 129) on February 11, 2004 and approved a manager’s amendment of S. 129 on May 18. This action was followed by approval of the Government Reform Committee on June 24 and passage, with amendments, of S. 129 by the House of Representatives on October 6. The Senate then approved the House-passed version of S. 129 on October 11. The President signed the bill on October 30, at which time it became Public Law 108–411.

The Federal Workforce Flexibility Act of 2004 will modernize and update personnel flexibilities and authorities available to agencies of the Federal Government. The legislation covers several topics, as follows:

- Recruitment, Retention and Relocation Bonuses: Federal agencies will have enhanced flexibility, within their budgets, to pay bonuses of up to 100 percent of pay (over a 4-year period) to help agencies recruit, retain and relocate employees in the Civil Service on a targeted basis.
- Streamlined Critical Pay Authority: The Office of Personnel Management will be empowered to revitalize an underused authority to pay employees in certain critical and difficult-to-fill Government positions up to the salary of a Cabinet member.
- Agency Training: Federal agencies will be 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.
- Annual Leave: To help recruit qualified executives, members of the Senior Executive Service hired from the private sector will 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.
- Compensatory Time for Travel: In situations where Federal employees who must travel outside normal working hours currently receive no compensation, the law will provide compensatory time off for their travel time.
- Pay Administration: Several corrections to streamline and rationalize the laws on pay-setting in unusual situations—where employees change from one location to another or from one pay schedule to another—will be made. No employee's pay will be reduced as a result of these corrections.

15. *S. 926 (H.R. 3080), Federal Employee Student Loan Assistance Act*

S. 926 permits agencies to pay up to \$10,000 a year for loan relief, up from \$6,000 previously, and up to a lifetime maximum of \$60,000 per employee, up from \$40,000. Employees that accept the loan repayment assistance are required to work for the agency for a specified period of time or to repay the amount given to them. Passed the Congress on October 28, 2003, and became Public Law 108–123 on November 11, 2003.

## OVERSIGHT

### TOPICS OF OVERSIGHT

#### *1. Agency Organization*

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 safety 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 and before significant scientific advances in food safety techniques. 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 improv-

ing Government services, as well as highlight the need to re-institute Presidential fast-track authority. Fast-track authority, which has been available to various Presidents since 1932, has allowed them to propose reorganizations of the executive branch to Congress. Congress has then had the opportunity to vote the plan up or down, but has not been allowed to offer amendments. In various subcommittee hearings, a bipartisan group of witnesses provided testimony supporting the benefits of such authority for promoting a more efficient and effective Government.

### *2. Chief Human Capital Officers*

The Homeland Security Act of 2002 created in law the position of Chief Human Capital Officer [CHCO], as well as the CHCO Council, for the purpose of assisting agency heads in developing human capital strategies. Each of the 15 departments and other major agencies are required to appoint a CHCO as a senior level policy officer. The CHCO Council, headed by the Director of the Office of Personnel Management, provides a setting to facilitate best practices among the entire Federal Government.

The subcommittee's efforts have been focused on overseeing the activities of the CHCO Council. Particularly, the Council is tasked with making recommendations for legislative and managerial improvements to human capital strategies of Federal agencies. The goal of the subcommittee's oversight is to prompt the Council to make recommendations on such areas as hiring reform and how to deal with poor performers. Once the recommendations have been made, the subcommittee will oversee their implementation and review any legislative proposals.

### *3. Dental and Vision Benefits for Federal Employees*

Currently, the dental, vision and hearing offerings available to those covered by the Federal Employees Health Benefits Program [FEHBP] are inadequate for most Federal employees. They are often without proper dental care as part of their health insurance coverage. In fact, most plans in the FEHBP either do not offer dental and vision care, or cover only very minimal, basic procedures. While some plans do offer a supplemental dental package, they come at the cost of a very high premium.

In the 1987 FEHBP Call Letter, sent annually to potential insurance carriers asking for proposals to provide health insurance for the Federal Government, OPM requested that carriers not increase the amount of dental benefits offered to the plan. This was an effort aimed at maintaining the quality of other higher priority services without the burden of a premium increase. Dental and vision benefits have remained the two most sought after benefits by Federal employees, and finding a solution will help the Federal Government compete for talent. The subcommittee has explored solutions to this problem through potential legislative or regulatory changes.

### *4. Department of Homeland Security Personnel System*

The Homeland Security Act of 2002 provided for the creation of a new personnel system in which DHS and OPM could rewrite many of the provisions of Title 5 of the U.S. Code. In doing so, the

Department was given authority to move away from the General Schedule system in place in most Federal agencies, and design a system based upon performance rather than seniority. Following an extensive process of system design, including outreach to stakeholders and collaboration with employee unions, the Department and OPM issued proposed regulations for the new system in the following areas: performance appraisal, job classification, compensation, labor-management relations, disciplinary personnel actions, and employee appeals.

The subcommittee has overseen the design and collaboration process to ensure that the Department will have a fair, merit-based system. Additionally, the subcommittee has worked to ensure that the final design is consistent with the intent of the law, which was created to give an agency with national security priorities the maximum flexibility when dealing with personnel. Final regulations are expected to be issued in late 2004, at which time the subcommittee will oversee their implementation.

#### *5. Department of Defense Personnel System—National Security Personnel System [NSPS]*

The Department of Defense authorization bill for fiscal year 2004 authorized the Secretary of Defense to rewrite the rules of U.S.C. 5 and to create a new National Security Personnel System [NSPS] for its 700,000 civilian employees. This personnel overhaul required significant oversight as it affected nearly half of all civilian employees of the Federal Government, most of which remained under the General Schedule system. The law gave the Department flexibility to create a pay-for-performance system, similar to the flexibility given to the administration when creating the Department of Homeland Security. Department of Defense officials are drafting regulations to establish a new employee appeals process, streamline the collective bargaining process, and hire outside experts without review from the Office of Personnel Management.

Chairwoman Jo Ann Davis held the first hearing on this legislation in April 2003 and advocated several changes that were included in the final version, including specific safeguards the Department must follow as it moves toward pay-for-performance, protection for the overtime pay of Defense Department firefighters, and a requirement that the Department work with OPM in writing its Civil Service regulations. During 2004 the Department and the Office of Personnel Management embarked upon the process of creating the NSPS, but as of November 2004, the agencies have not published any proposed elements of a new system. The subcommittee, however, is monitoring the progress of the efforts to create a DOD-tailored personnel system, and has announced its intention to exercise its oversight authority in this regard.

#### *6. Diploma Mills*

OPM has been quite active in assisting agency managers to detect bogus education credentials and the subcommittee has monitored its progress and agencies' response to the issue. This issue has come to light because a few Federal employees, including political appointees, have been claiming degrees from schools on their resume that are not properly accredited. Such degrees are from

schools, often referred to as “diploma mills,” that are not accredited by an appropriate authority subject to oversight by the U.S. Department of Education and that generally involve payment of a fee in exchange for a degree without any significant academic requirements.

#### *7. Employee Surveys*

The Defense Authorization Bill for fiscal year 2004 signed into law now requires that “each agency shall conduct an annual survey of its employees.” OPM “shall issue regulations prescribing survey questions that should appear on all agency surveys.” The subcommittee is monitoring the use of this new law and seeking to determine when OPM will issue regulations and whether agencies are complying. Depending on findings, a possible hearing will be considered in the 109th Congress.

#### *8. Firefighters*

H.R. 2963, the Federal Wildland Firefighter Emergency Response Compensation Act, was introduced on July 25, 2003, by Congressman Richard Pombo (R-CA) and was subsequently referred to the subcommittee. The subcommittee hoped to conduct a field hearing in Tempe, AZ to examine the way the Federal Government pays for wildland fire suppression but was unable to do so this session. The subcommittee examined the need for H.R. 2963, which was aimed at rectifying inequities in the pay system for Federal wildland firefighters. H.R. 2963 had two main objectives: (1) to provide for portal-to-portal compensation when firefighters are assigned to emergency situations; and (2) entitlement of hazardous duty pay when calculating retirement benefits.

#### *9. Federal Deposit Insurance Corporation [FDIC] Personnel System*

The FDIC, a Government-established corporation, operates independently of the personnel rules of U.S.C. 5, which governs most Federal agencies and employees. FDIC, and other Government-run independent financial agencies, operates under the Financial Institutions Reform, Recovery and Enforcement Act [FIREA]. It has been operating a pay-for-performance style system, but has recently requested increased flexibilities in this area for the purpose of creating an increasingly performance-oriented culture and to gain needed flexibility in expanding and contracting the workforce. The subcommittee has met with staff from FDIC and will work with certain FIREA agencies in possibly developing appropriate legislation as well as overseeing implementation of any new personnel system.

#### *10. Patent and Trademark Office [PTO] Personnel System*

The U.S. Patent and Trademark Office [PTO] planned on unveiling a new performance appraisal plan for its trademark examining attorneys to help with the processing of trademark applications and to align attorneys’ performance appraisal plans with the mission and goals of the agency on April 1, 2004. The subcommittee staff spoke with several employees and employee unions who expressed their concern of the dramatic increase in workload and the resulting negative impact on employee morale. Based on these con-

cerns and upon the request of the subcommittee, representatives from PTO came to brief the staff on the new plan and to discuss measures they are taking to establish strategies to open up lines of communication with employees and to respond to their concerns regarding the new plan. The subcommittee continues to monitor the planned implementation of the new performance appraisal plan as well as PTO's line of communication with employees. There has been no date set for implementation of the new appraisal plan.

#### *11. Federal Employee Rights and Protections and Appeals*

The subcommittee has monitored the flexibilities given to the Department of Homeland Security, as well as to the Department of Defense for developing new appeals processes. The current appeals process for Federal employees involves several agencies: the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Office of Personnel Management [OPM], 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.

#### *12. Federal Employees Health Benefits Program [FEHBP]*

The Federal Employees Health Benefits Program [FEHBP] provides health insurance benefits to over 8 million Federal workers, annuitants and their families. The program provided about \$24 billion in health care benefits last year. It is the largest program of its kind and is widely considered to be a model employer-provided health insurance program.

Federal employees, retirees and their survivors enjoy the widest selection of health plans in the country. Enrollees can choose from among fee-for-service plans and preferred provider organizations, or plans offering a point of service product, or health maintenance organizations if they live within the area serviced by the plan. OPM renews contracts annually with participating plans, after negotiating the benefits package and price. The cost of an enrollment is shared: the Government pays 75 percent of the premium or 72 percent of the average weighted premium for all plans whichever is less. The FEHBP law does not mandate a standard plan benefit package, although OPM has the authority to impose certain coverage requirements, such as child immunizations.

The subcommittee has focused oversight efforts on the development and introduction of health savings accounts to the FEHBP to ensure fairness to active and retired employees. Additionally, FEHBP, as the largest employer health insurance program, has been looked to as a potential source for strengthening health care around the Nation. Last, subcommittee oversight activities have led to examinations of the general management of the FEHBP by OPM to ensure the highest quality care for employees and a competitive advantage in benefits for the Federal Government's recruitment efforts.

*13. Federal Law Enforcement Officer Pay and Benefits Reform (See explanation of H.R. 3205)*

During the 108th Congress, numerous Federal law enforcement officer [LEO] associations approached the subcommittee claiming that disparities existed in pay and benefits for LEOs from one agency to another. Furthermore, the subcommittee also learned of examples of State and local law enforcement officers earning salaries that varied widely from those offered to officers in the Federal Government. Additionally, many other Federal employees who work in or with law enforcement agencies but who are not classified as “law enforcement officers” believe they are wrongly excluded from that designation. This led subcommittee members to investigate how these disparities are affecting the ability of the Federal Government to recruit and retain employees to law enforcement positions, as well as how to eliminate unnecessary inequalities.

Chairwoman Jo Ann Davis, together with the subcommittee on Criminal Justice, Drug Policy and Human Resources, held a July 23, 2003, hearing to examine this issue, and subcommittee staff traveled to California to meet with dozens of law enforcement agents (both with and without the “LEO” designation) who work in high-cost areas, such as Los Angeles, San Diego and San Francisco. Following the hearing, Chairwoman Davis concluded that this issue needed further study. As a result, she and Senator Voinovich introduced companion pieces of legislation requiring the Office of Personnel Management to study the issue of law enforcement compensation. The subcommittee will continue its oversight of this issue into the 109th Congress with the goal of developing comprehensive legislation to reform pay and benefits for all LEO’s and possibly to create a new statutory definition of “law enforcement officer.”

*14. Federal Hiring Process*

Problems with the Federal hiring process range from long length of time to hire to poor recruitment efforts and underused hiring flexibilities. Certain problems with the Federal Government’s ability to assess job candidate date back to a 1981 court decision resulting in the Leuvano Consent Decree. Leuvano declared that the Professional and Administrative Careers Exam, used by agencies to rate entry-level candidates, was unfair to minority applicants. As a result, agencies now largely use the highly ineffective Administrative Careers With America exam, greatly reducing agencies’ ability to properly rate candidates.

The subcommittee has focused on developing legislative solutions and overseeing management of the process by various agencies. Multiple hearings were held examining the reasons for low use of new hiring flexibilities: category ranking and direct-hire authority.

*15. Annual Federal Employee Pay Raise*

Each year, civilian Federal employees under the General Schedule are eligible for a pay increase without regard to their performance in the previous year. Additionally, as a Federal employee moves through his career, he is given a pay raise when he receives a within-grade step increase or a promotion to a higher grade. All together, employees are eligible to receive salary increases from

three sources: (1) annual General Schedule increase; (2) annual locality pay increase; and (3) increases resulting from a within-grade-increase, a promotion, a quality-step-increase, or a performance award.

Traditionally, the Congress has given Federal employees an annual raise equal in percentage to the raise received by the military. The subcommittee has overseen the enactment of the annual pay raise for Federal employees, and urged the Congress to ensure a raise in the exact proportion to military employees.

#### *16. Federal Long Term Care Insurance Program [FLTCIP]*

The FLTCIP was created by the Long-Term Care Security Act (Public Law 106–265) in 2000. The Office of Personnel Management contracts with John Hancock Life Insurance Co. and Metropolitan Life Insurance Co. to administer the FLTCIP under a jointly owned company called Long Term Care Partners. No other carrier provides long term care for Federal employees, and the Federal Government makes no contribution to employee premiums as it does in the FEHBP.

FLTCIP provides an insurance benefit to people who can no longer perform various everyday functions for themselves, such as washing, feeding or dressing themselves, or to patients suffering from a severe cognitive impairment. This care can be provided in a number of settings, including the patient's home, an assisted living facility, a nursing home or a number of others. Long term insurance is not a part of standard health insurance plans, and is not the same as standard medical care provided for in hospitals or doctors' offices.

Among the issues investigated by the subcommittee was whether or not to open up the FLTCIP to competition rather than continue with the current system of one carrier. This issue was raised by Members and witnesses at the subcommittee's February 24, 2004, hearing on dental and vision benefits. Additionally, the subcommittee conducted oversight of the level and quality of service that employees and retirees are receiving with this benefit. Last, the subcommittee will be examining how much money employees are saving under the FLTCIP versus offerings they can access in the private sector.

#### *17. Pay for Performance*

During the 108th Congress, compensation reform, including pay for performance, has been at the top of the subcommittee's agenda. In fact, the subcommittee's first hearing examined the need for Government-wide compensation reform for the Federal Government. Congress granted both the Department of Homeland Security and the Department of Defense the authority to create new flexible performance-based personnel management systems, in 2002 and 2003 respectively, and has established a new performance-based pay system in 2003 for members of the Senior Executive Service that is designed to provide clear linkage between pay and performance. The subcommittee's oversight in this area has been aggressive in light of the fact that DHS and DOD alone comprise of more than 50-percent of the non-postal Federal workforce

and that their proposed systems, as well as the SES performance-based pay system, have precedent-setting implications.

#### *18. Poor Performers*

The 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 Government positions. In a recent survey, only 22 percent of Federal employees said they believe their supervisor deals effectively with poor performers and that about 14 percent of their coworkers are either poor performers or actually deserve to be fired. Congress has recently granted to both the Department of Homeland Security and DOD the authority to re-write the statutory rules on performance management, labor relations and appeals, and has also provided these Departments with the ability to create pay systems that make meaningful distinctions based on employee performance. The subcommittee began to examine the best manner in which to approach this area with the goal of building a case for specific legislative actions. The Government Accountability Office has agreed to conduct a report on the subject, which is due in the 109th Congress.

#### *19. Presidential Management Fellows [PMF] Program*

The PMF Program, formerly referred to as the Presidential Management Intern Program, was a program in place to bring highly talented graduate-level students into the Federal workforce. This past year, the program was officially renamed the Presidential Management Fellows Program because of its inclusion of mid-career fellows as well as graduate-level students. The program is widely respected for its 2-year training opportunities afforded to participants, and seen as a crucial piece to Federal recruitment efforts. One persistent problem has been that the program has not helped many participants reach beyond the 2-year length of time. The subcommittee has conducted oversight to ensure that the program is properly used to train the best and the brightest, but also to ensure that they stay with the Federal Government for many years to come.

#### *20. Specific Agency Oversight Jurisdiction*

The subcommittee continues to monitor and exercise its oversight jurisdiction over agencies of the executive branch: Office of Personnel Management; Federal Labor Relations Authority; Federal Retirement Thrift Investment Board; Equal Employment Opportunity Commission; Merit Systems Protection Board; Office of Special Counsel; and Office of Government Ethics.

#### *21. Student Loan Repayment Program*

As a recruitment or retention incentive for highly qualified candidates or current employees, agencies are authorized to establish a program under which they may repay certain types of federally made, insured, or guaranteed student loans. Agencies may agree to repay as much as \$10,000 for an employee in a calendar year, up to an aggregate maximum of \$60,000 for any one employee. The subcommittee continues to monitor Federal agencies' use of the stu-

dent loan repayment program and the success of whether the program is assisting them in competing for top-notch talent.

#### *22. Telecommuting*

The subcommittee researched and assessed the major issues surrounding telecommuting and examined its usefulness in improving the quality of life for Federal employees and ensuring the continuity of government in light of a National emergency. The subcommittee learned of many benefits resulting from telecommuting, which include: improvements in employee morale and effectiveness; retention of skilled employees and reduction in turnover due in part to increased job satisfaction; potential for increased productivity; and cost savings to the Government in regard to office space, sick leave absences and energy conservation.

#### *23. Thrift Savings Plan [TSP]*

The Thrift Savings Plan [TSP] is a retirement savings and investment plan available to all Federal employees, similar to 401(k) plans provided in the private sector. The subcommittee has maintained vigorous oversight of the Federal Retirement Thrift Investment Board throughout the 108th Congress regarding, in particular, the new TSP recordkeeping system's daily valuation and recurring problems with employee access to the TSP Web site. The new recordkeeping system has resulted in slowness of the Web site, unavailable access, untimely processing of loan requests and difficulties making contribution allocations. The subcommittee staff also continued to pursue ideas for adding investment options to the TSP. There has been much discussion about adding investment funds to the TSP, such as a Real Estate Investment Trust. The TSP initially (1986) was limited to three funds. In 2001, the menu was expanded to include the S Fund and the I Fund. A typical private sector entity offers about 12 investment funds in its 401K plan. Allowing for diversification can reduce investment risk and increase the rate of a participant's return. Staff has also been exploring the possibility of adding a lifetime fund to the Plan.

#### *24. Whistleblower Protections*

Subcommittee staff has monitored and reviewed specific cases of alleged mistreatment by Federal agencies of employees who ostensibly blew the whistle on matters relating to national security failures.

#### BUSINESS MEETINGS

1. July 16, 2003, approved H.R. 1231, by voice vote, and H.R. 1151, by voice vote.
2. July 23, 2003, approved H.R. 2751, by voice vote.
3. March 17, 2004, approved H. R. 3737, as amended by voice vote, and H.R. 3751, as amended by voice vote.
4. May 18, 2004, approved S. 129, as amended by voice vote.

## HEARINGS

1. *“Compensation Reform: How Should the Federal Government Pay Its Employees?” April 1, 2003; Serial No. 108–46*

*a. Summary.*—This hearing followed up on the full Government Reform Committee’s March 6, 2003, hearing, “From Reorganization to Recruitment: Bringing the Federal Government Into the 21st Century,” and examined the need for Government-wide compensation reform for the Federal Government. Most Federal employees are currently paid according to the General Schedule, which many see as a seniority-based system. Witnesses at the hearing discussed the possibility of moving toward a performance-based system through pay banding, performance pay, the \$500 million Human Capital Performance Fund and relieving pay compression for the Senior Executive Service.

*b. Witnesses.*—Hon. C.A. Dutch Ruppertsberger, U.S. House of Representatives; Dan Blair, Deputy Director of OPM; Hannah Sistare, executive director of National Commission on the Public Service; and J. Christopher Mihm, Director of Strategic Issues at GAO.

2. *“The Human Capital Challenge: Offering Solutions and Delivering Results,” April 8, 2003; Serial No. 108–28*

*a. Summary.*—The subcommittee joined with the Senate Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, chaired by Senator George V. Voinovich (R–OH), to examine legislative solutions to strategic human capital management problems. Witnesses discussed similar issues at the subcommittee’s April 1, 2003, hearing and considered the possibility of the Federal Government’s moving away from the General Schedule and toward a pay-for-performance compensation system.

*b. Witnesses.*—David Walker, Comptroller General of GAO; ay Coles James, Director of OPM; Bobby Harnage, national president of American Federation of Government Employees; Colleen Kelly, national president of National Treasury Employees Union; Carol Bonosaro, president of Senior Executives Association; Michael Styles, president of Federal Managers Association; Hannah Sistare, executive director of National Commission on the Public Service; Dr. Steven Kelman, professor of public management at John F. Kennedy School of Government Harvard University; Max Stier, president and chief executive officer at Partnership for Public Service; Jeff Taylor, president and chief executive officer at Monster Government Solutions; and Maj. Gen. Robert McIntosh, executive director of Reserve Officers Association of the United States.

3. *“Transforming the Defense Department: Exploring the Merits of the Proposed National Security Personnel System,” April 29, 2003; Serial No. 108–40*

*a. Summary.*—The subcommittee examined the Defense Department’s [DOD] “Defense Transformation for the 21st Century Act,” which proposed significant changes to the personnel system for civilian employees at the department, and carried far-reaching implications for the Government-wide personnel provisions of Title 5.

Provisions contained in the proposed “National Security Personnel System” included giving the Secretary of Defense the authority to rewrite DOD personnel rules for the purpose of creating a performance management system.

*b. Witnesses.*—David Chu, Under Secretary for Personnel and Readiness at DOD; Dan Blair, Deputy Director of OPM; David Walker, Comptroller General of GAO; Bobby Harnage, national president of American Federation of Government Employees; and G. Jerry Shaw, general counsel for Senior Executives Association.

4. “*H.R. 1231, Making Health Care More Affordable: Extending Premium Conversion to Federal Retirees,*” July 9, 2003; Serial No. 108–66

*a. Summary.*—At this hearing, the subcommittee considered H.R. 1231, a bill introduced by Chairman Tom Davis (R–VA), and S. 623 by Senator John Warner (R–VA), to allow retired civilian and military employees to pay health insurance premiums with pre-tax dollars, a process known as “premium conversion.” Active civilian employees participating in the Federal Employees Health Benefits Program received the premium conversion benefit in October 2000. The subcommittee passed H.R. 1231 by voice vote at a July 16, 2003, business meeting.

*b. Witnesses.*—Hon. Tom Davis, chairman, Committee on Government Reform, U.S. House of Representatives; Charles Fallis, president of National Association of Retired Federal Employees; Sue Schwartz, deputy director of government relations at the Military Officers Association of America; and William Young, president of the National Association of Letter Carriers.

5. “*GAO Human Capital Reform: Leading the Way,*” July 16, 2003; Serial No. 108–77

*a. Summary.*—The subcommittee examined H.R. 2751, the “GAO Human Capital Reform Act of 2003,” which would extend human capital flexibilities granted to the General Accounting Office [GAO] by Congress in 2000. The bill would allow the GAO to develop a more performance-based compensation system, as well as increase the agency’s restructuring flexibilities. H.R. 2751 passed the subcommittee by voice vote at a July 23, 2003, business meeting.

*b. Witnesses.*—David Walker, Comptroller General of the United States; Christopher Keisling, GAO Employees Advisory Council; Pete Smith, president of Private Service Council; and Paul Light, senior fellow, governance studies at the Brookings Institution.

6. “*Federal Law Enforcement Personnel in the Post September 11 Era: How Can We Fix An Imbalanced Compensation System?*” July 23, 2003; Serial No. 108–83

*a. Summary.*—This hearing, held jointly with the Subcommittee on Criminal Justice, Drug Policy and Human Resources, chaired by Representative Mark Souder (R–IN), explored personnel issues affecting law enforcement officers of the Federal Government. The subcommittee examined pay, benefits, retirement, recruitment and retention in certain sectors of the Federal law enforcement community. Additionally, quality of life issues were looked at, such as: work conditions, responsibilities, hazards, and regional costs of liv-

ing. H.R. 466, H.R. 1676, H.R. 2276, and H.R. 2442, were considered as legislative remedies to problems associated with these issues.

*b. Witnesses.*—Hon. Charles Schummer, U.S. Senator; Hon. Peter King, U.S. House of Representatives; Hon. Robert Filner, U.S. House of Representatives; Hon. Michael Rogers, U.S. House of Representatives; Hon. Chris Van Hollen, U.S. House of Representatives; Joanne Simms, Deputy Assistant Attorney General for Human Resources and Administration at the DOJ; Norman Rabkin, Managing Director on Homeland Security and Justice at GAO; Donald Winstead, Deputy Associate Director of Center for Pay and Performance Policy at OPM; Kay Frances Dolan, Director of Human Relations Policy at DHS; Colleen Kelley, national president of National Treasury Employees Union; Ignatius Gentile, president of DHS Council 117 of the American Federation of Government Employees; Nancy Savage, president of Federal Bureau of Investigation Agents Association; Richard Gallo, former president of Federal Law Enforcement Officers Association; T.J. Bonner, president of National Border Patrol Council; and Louis Cannon, chairman of the Federal Officer’s Committee in the Fraternal Order of Police.

7. *“Human Capital Planning: Exploring the National Commission on the Public Service’s Recommendations for Reorganizing the Federal Government,” September 17, 2003; Serial No. 108–109*

*a. Summary.*—The purpose of this hearing was to examine the need to reorganize the Federal Government into a limited number of mission-related executive departments, and how best to conduct such a reorganization. The National Commission on the Public Service made this recommendation in its report, “Urgent Business for America: Revitalizing the Federal Government for the 21st Century.” Subcommittee members considered various proposals including one to allow the President “fast-track” reorganization authority. Under this proposal, the President would propose a plan for reorganization that would not be subject to amendment by Congress and would either be approved or rejected in its entirety.

*b. Witnesses.*—David Walker, Comptroller General of the United States; Clay Johnson, Deputy Director for Management at OMB; and Paul Volker, chairman of National Commission on the Public Service.

8. *“Human Capital Succession Planning: How the Federal Government Can Get a Workforce to Achieve Results,” October 1, 2003; Serial No. 108–116*

*a. Summary.*—The subcommittee received testimony from public and private sector sources explaining the need for effective succession planning in the Federal Government. With high percentages of GS–15s and executives in the Senior Executive Service being eligible to retire now or becoming eligible in the short term, many observers have predicted a human capital “crisis.” Systematic succession planning through the development of various programs in Federal agencies was offered as a solution to the impending problems.

*b. Witnesses.*—J. Christopher Mihm, Director of Strategic Issues at GAO; Dan Blair, Deputy Director of OPM; Howard Messner,

president of National Academy of Public Administration; Robert Gandossy, Global Practice Leader, Talent and Organizations Consulting at Hewitt Associates; David O'Connor, Deputy Assistant Administrator for Administration and Resources Management at EPA; Vicki Novak, Assistant Administrator for Human Resources at NASA; and William Campbell, Acting Assistant Secretary for Human Resources and Administration at Department of Veterans Affairs.

9. *"Achieving Diversity in the Senior Executive Service," October 15, 2003; Serial No. 108-130*

*a. Summary.*—In this hearing, the subcommittee examined the issue of diversity in the ranks of the Senior Executive Service [SES]. The General Accounting Office report (GAO-03-34) titled, "Senior Executive Service: Enhanced Agency Efforts Needed to Improve Diversity as the Senior Corps Turns Over," projected that in the coming years the only significant changes in diversity will be an increase in the number of White women. Witnesses discussed various solutions for increased diversity, including the Office of Personnel Management's newly announced SES Candidate Development Program.

*b. Witnesses.*—George Stalcup, Director of Strategic Issues at GAO; Ronald Sanders, Associate Director for Strategic Human Resources Policy at OPM; Carlton Hadden, Director, Office of Federal Operations at EEOC; Gail Lovelace, Chief Human Capital Officer at GSA; Jo-Anne Barnett, Chief Financial Officer at PTO; Reginald Wells, Deputy Commissioner for Human Resources at SSA; William Brown, president, African-American Federal Government Executives Association; Jasemine Chambers, Chair of Asian-American Government Executives Association; Manuel Oliverrez, president and CEO of National Association of Hispanic Federal Executives; Shirley Harrington-Watson, National Legislative Review Committee Chair of Blacks in Government; Patricia Wolfe, president of Federally Employed Women; and Linda Brooks Rix, co-chief executive officer of AVUE Technologies Corp.

10. *"Decision Time: A New Human Resources Management System at the Department of Homeland Security," October 29, 2003; Serial No. 108-162*

*a. Summary.*—The purpose of this hearing was to examine the status of the new human resources management system being developed at the Department of Homeland Security [DHS]. Under Public Law 107-296, Congress granted the Secretary of DHS and the Director of the Office of Personnel Management the authority to develop a unique personnel system for DHS. Pay, performance management, job classification, disciplinary measures and labor-management relations were all topics of discussion at the hearing.

*b. Witnesses.*—Ronald James, Chief Human Capital Officer of DHS; Steven Cohen, Senior Advisor of Homeland Security at OPM; John Gage, national president of American Federation of Government Employees; Colleen Kelley, national president of National Treasury Employees Union; Hannah Sistare, executive director of National Commission on the Public Service; and George Nesterzczuk, president of Nesterzczuk & Associates.

11. *“Esprit de Corps: Recruiting and Retaining America’s Best for the Federal Civil Service, H.r. 1601, S. 129, and H.R. 3737” February 11, 2004; Serial No. 108–163*

*a. Summary.*—This hearing discussed Federal workforce flexibilities in two parts. First, the subcommittee examined H.R. 1601, and S. 129, the “Federal Workforce Flexibility Act of 2003.” These bills granted flexibilities to managers regarding the areas of pay and annual leave. Second, the subcommittee examined the pay and benefits of Administrative Law Judges [ALJ] in the Federal Government. Pay compression in the Federal Government has continued to harm the ability of the Federal Government to recruit and retain the best and brightest.

*b. Witnesses.*—Ronald Sanders, Associate Director for Strategic Human Resources Policy at OPM; Kevin Dugan, vice president of Association of Administrative Law Judges; John Gage, national president of American Federation of Government Employees; Colleen Kelley, national president of National Treasury Employees Union; and Carl DeMaio, president of the Performance Institute.

12. *“We’d Like to See You Smile: The Need for Dental and Vision Benefits for Federal Employees,” February 24, 2004; Serial No. 108–173*

*a. Summary.*—This hearing examined the possibility of making available to Federal employees insurance covering dental and vision care. There are limited dental and vision offerings within the Federal Employees Health Benefits Program [FEHBP]. Federal employees often cite dental coverage as the health benefit they would most like to see added to the FEHBP. H.R. 3751, introduced by Chairwoman Jo Ann Davis on January 30, 2004, requires the Office of Personnel Management to study this issue and present to Congress options to offer dental and vision plans to Federal employees and qualified relatives. The legislation does not specify whether these benefits should be added as part of the FEHBP, as stand-alone options, or as a hybrid of the two. This hearing examined H.R. 3751 in depth, as well as look at the entire issue of dental/vision benefits for Federal employees.

*b. Witnesses.*—Abby Block, Deputy Associate Director at OPM; Ed Wristen, president and chief executive officer at First Health; Dr. Stan Shapiro, vice chairman of CompBenefits; Jon Seltenheim, chairman of National Association of Dental Plans; and Howard Braverman, O.D., past president of American Optometric Association.

13. *“The Key to Homeland Security: The New Human Resource System,” February 25, 2004; Serial No. 108–183*

*a. Summary.*—The Department of Homeland Security [DHS] intended to move most of its 180,000 employees to a system in which annual raises would be determined primarily by performance, appeal rights would be streamlined, and management would have greater ability to take mission-related actions without submitting to collective bargaining. The regulations governing the new personnel system were published the week prior to the hearing in the Federal Register, beginning the public comment phase of the proc-

ess. This hearing enabled Members of Congress to comment and ask questions about these regulations at the outset.

*b. Witnesses.*—Kay Coles James, Director of OPM; James Loy, Deputy Secretary at DHS; David Walker, Comptroller General of the United States; John Gage, national president of American Federation of Government Employees; Colleen Kelley, national president of National Treasury Employees Union; and Mike Randall, president of National Association of Agricultural Employees.

14. *“Oversight of the Federal Employees Health Benefits Program and the Federal Long-Term Care Insurance Program,” March 24, 2004; Serial No. 108–170*

*a. Summary.*—At this hearing the subcommittee conducted broad oversight over a number of developing issues regarding the Federal Employees Health Benefits Program and the Federal Long-Term Care Insurance Program. Among the issues discussed at the hearing were: Health Savings Accounts; Flexible Savings Accounts; Cost Accounting Standards; Cost-containment in the FEHBP; the statutory cap of 75 percent the Federal Government may contribute to premiums; and the prospect of opening the FEHBP to small businesses.

*b. Witnesses.*—Dan Blair, Deputy Director of OPM; Dr. Harvey Fineberg, president of the Institute of Medicine; Charles Fallis, president of National Association of Retired Federal Employees; Stephen Gammarino, senior vice president of National Programs at Blue Cross/Blue Shield; Dr. Scott Smith, vice president and chief medical officer at First Health; and Paul Forte, chief executive officer of Long Term Care Partners LLC.

15. *“A System Rued: Inspecting Food,” March 30, 2004; Serial No. 108–182*

*a. Summary.*—At this hearing the subcommittee conducted broad oversight over how the Federal Government has organized food safety inspection agencies. There are over 12 agencies that enforce more than 35 food safety laws. Such organization may lead to lack of accountability, inconsistencies, and ineffective Government oversight. Witnesses discussed the possibility of consolidating the agencies in the food safety program as a means of improving effectiveness.

*b. Witnesses.*—Lawrence Dyckman, Director of Natural Resources and Environment at GAO; Dr. Robert Brackett, Director of Center for Food Safety and applied Nutrition at FDA; Dr. Merle Pierson, Deputy Undersecretary for Food Safety at USDA; Dan Glickman, former Secretary of USDA; and Caroline Smith DeWaal, Director of Food Safety at the Center for Science in the Public Interest.

16. *“First Year on the Job: Chief Human Capital Officers,” May 18, 2004; Serial No. 108–236*

*a. Summary.*—This hearing reviewed Federal agencies’ implementation of the Chief Human Capital Officers [CHCO] Act. The Chief Human Capital Officers Act of 2002 required certain agencies to appoint a CHCO to assist agency heads in producing a productive workforce as well as to assist in implementing Civil Service laws.

*b. Witnesses.*—Kay Coles James, Director of the Office of Personnel Management; J. Christopher Mihm, Director of Strategic Issues at GAO; Dr. Reginald Wells, Deputy Commissioner of Human Resources at the SSA; and Kevin Simpson, executive vice president and general counsel for the Partnership for Public Service.

17. *“The Federal Hiring Process: The Long and Winding Road,” field hearing in Chicago, IL, June 7, 2004*

*a. Summary.*—This hearing examined the need for hiring reforms and possible legislative solutions. GAO is preparing an update to their earlier hiring engagement at the request of the chairwoman and released their findings at the hearing.

*b. Witnesses.*—Dan Blair, Deputy Director at OPM; J. Christopher Mihm, Director of Strategic Issues at GAO; Stanley Moore, Regional Director at the U.S. Census Bureau; Marcia Marsh, vice president for agency partnerships at the Partnership for Public Service; Brent Pearson, sr. vice president and general manager at Monster Government Solutions; Ed Flynn, managing consultant of Federal Sector Programs at Hewitt Associates; Andres Garza, director of career placement services at the University of Illinois; and Krystal Kemp, student, Washington University; and Camille Sladek, Federal applicant.

18. *“The Federal Hiring Process II: Shortening the Long and Winding Road,” July 13, 2004*

*a. Summary.*—This hearing served as a follow up to the subcommittee’s June 7th hearing in Chicago entitled “The Federal Hiring Process: The Long and Winding Road,” and attempted to put an end to the blame game between agencies and OPM on the use of newly granted hiring flexibilities. The hearing again discussed the GAO report, released June 7, 2004, which stated that agencies are not using the new hiring flexibilities primarily due to lack of guidance from OPM and the lack of flexibility in rules and regulations administered by OPM.

*b. Witnesses.*—Dan Blair, Deputy Director at OPM; David Chu, Undersecretary for Personnel and Readiness at DOD; Ed Sontag, Assistant Secretary for Administration and Management at HHS; Claudia Cross, Director of the Office of Human Resources Management at DOE; and J. Christopher Mihm, Director of Strategic Issues at GAO.

19. *“Time to Bite the Bullet: Fixing Federal Law Enforcement Pay and Benefits,” July 20, 2004*

*a. Summary.*—This hearing addressed pay and benefits disparities within the Federal law enforcement community as part of the subcommittee’s ongoing efforts to reform Federal law enforcement pay and benefits, aiming toward one Government-wide solution. The need for compensation reform is particularly vital to develop and retain a highly effective and qualified Federal law enforcement community and vital to our national security. Last year, Chairwoman Jo Ann Davis introduced the “Federal Law Enforcement Pay and Benefits Parity Act of 2003,” directing the Office of Personnel Management [OPM] to conduct a report and submit recommendations to Congress on the parity of pay and benefits among

Federal law enforcement officers. That report, which OPM released on July 15, 2004, entitled, “Federal Law Enforcement Pay and Benefits,” detailed three critical areas in need of reform: (1) retirement benefits, (2) classification and basic pay, and (3) premium pay and was a major focus of the hearing. The complete report is available at <http://www.opm.gov/>.

*b. Witnesses.*—Ronald Sanders, Associate Director for Strategic Human Resources Policy at OPM; Colleen Kelley, national president for National Treasury Employees Union; Frederick Bragg, president of the FBI Agents Association; Louis Cannon, chairman of the National Fraternal Order of Police Federal Officers Committee; and T.J. Bonner, president of the National Border Patrol Council

20. *“You Can’t Always Get What You Want: What if the Federal Government Could Drive Improvements in Healthcare?” September 13, 2004*

*a. Summary.*—At the hearing the subcommittee looked at how the Federal Employee Health Benefits Program [FEHBP] can enhance its service to Federal employees and serve as a model for improving the performance of the U.S. health system as a whole. The hearing examined: (1) ways to encourage plans to focus on high value services including preventive services and comprehensive care for common chronic conditions; (2) the impact of good health practices on premiums; (3) a reimbursement component that allows plans to receive a premium for meeting certain high standards of quality; (4) ways to promote the use of information technology to create cost savings; (5) ways that the FEHBP can measure comparative efficacy and value of alternative preventives and treatments in a systematic way; and (6) possible avenues on how the FEHBP can better stress health literacy.

*b. Witnesses.*—Dan Blair, Deputy Director at OPM; Dr. Karen Wolk Feinstein, Chair of the Pittsburgh Regional Healthcare Initiative; Dr. Neil Resnick, director of at the University of Pittsburgh Institute of Aging; and Dr. Alan Axelson, medical director at the American Academy of Child and Adolescent Psychiatry.

#### GAO WORK PRODUCT

The Government Accountability Office conducted an extensive amount of work for the subcommittee throughout the 108th Congress. A detailed summary of that work is attached as appendix A.

#### SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

##### LEGISLATION

*H.R. 2086, Office of National Drug Control Policy Reauthorization*

The subcommittee’s work on problems of narcotics law enforcement and treatment informed the process of drafting legislation to reauthorize the Office of National Drug Control Policy, reform drug sentencing laws, expand treatment options, and assist drug-endangered youths.

On May 15, 2003, H.R. 2086, the "Office of National Drug Control Policy Reauthorization Act of 2003," was considered by the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and forwarded to full committee by voice vote. On June 5, 2003, the bill was ordered to be reported as amended by voice vote from the full committee. On September 30, 2003, H.R. 2086 was passed by the House of Representatives by voice vote under suspension of the rules.

The purpose of H.R. 2086 is to reauthorize the Office of National Drug Control Policy [ONDCP] within the Executive Office of the President for 5 years, through the end of fiscal year 2008. It also renews congressional authorization for national programs administered by ONDCP, including the National Youth Anti-Drug Media Campaign and the High Intensity Drug Trafficking Areas [HIDTA] program. The office was originally created in 1988 and is the President's principal adviser with respect to drug control policy development and program oversight. ONDCP's current statutory mission is to guide the Nation's efforts to both reduce the use, manufacturing, and trafficking of illicit drugs, and to reduce the associated crime, violence, and health consequences of illegal drug use.

H.R. 2086 makes some significant revisions to current law that will enhance the effectiveness and accountability of the National Drug Control Strategy and its programs, streamline and simplify the process for its development, and provide increased flexibility to the ONDCP director to respond to changing circumstances. For example, the subcommittee has replaced an inflexible legal requirement for a 5-year strategy guided by pages of outdated statutory mandates with a flexible and responsive annual strategy that still follows the same basic principles to ensure a comprehensive and responsive drug strategy.

The subcommittee has also worked in many areas to improve performance measurement for the annual strategy, Federal drug control programs, ONDCP programs, and even some private sector efforts to ensure that these programs will be effective and accountable. For example, H.R. 2086 requires the Director to conduct a specific evaluation of the performance of each Federal agency in carrying out its responsibilities under the strategy each year, and mandates for the first time ever that a uniform system be developed to evaluate the effectiveness of drug treatment programs in the United States. The bill also provides for direct evaluation of the effectiveness of the Media Campaign and its individual ads.

Another key theme of H.R. 2086 is to ensure that ONDCP programs, most notably the HIDTA program and the Media Campaign, remain directed to their original intent and purpose in areas where oversight activities have clearly demonstrated some lack of focus. Finally, the bill is intended to ensure that the Federal Government maintains appropriate attention and resources directed to drug control, which recently has been subjugated to other purposes and policies.

On the treatment side, the subcommittee's bill enables the Director to continue his strong leadership on behalf of the President's "Access to Recovery" initiative to ensure that all Americans who need drug treatment can get it. H.R. 2086 gives him enhanced authority to coordinate scientific research on what makes treatment

effective, and required annual reporting of whether and how Federal treatment programs have worked.

Concerning drug prevention, H.R. 2086 reauthorizes the Media Campaign for 5 years. It is the main national program to reach vulnerable youth with important anti-drug messages, but it must remain focused in order to ensure its effectiveness. The bill also attempts to require a tighter prevention focus in budgeting for the Safe and Drug Free Schools program by ensuring that each of its activities includes a clear anti-drug message. The subcommittee has also sent a strong bipartisan signal in the bill that marijuana use is clearly harmful to our children and to non-users and must continue to be firmly resisted.

With respect to law enforcement, the subcommittee has attempted to ensure that adequate budget resources be directed to drug enforcement, which has been drained in recent months by other national priorities. This is a critical issue which must continue to be carefully addressed by the executive branch. Drug cartels must know that Federal law enforcement agencies will devote their full efforts to dismantling their organizations.

Finally, regarding the drug supply, H.R. 2086 attempts to facilitate resources and coordination for interdiction programs, provides for a new assessment by the Director of whether foreign nations are fully cooperating with our efforts, and requires the issuance of a new strategy to deal with the accelerating problem of Colombian heroin.

#### *H.R. 3634, The Drug Addiction Treatment Expansion Act*

Drug addiction treatment is an important battleground in American's war on drugs, and is also an area in which the subcommittee has been active. On November 21, 2003, Chairman Souder, Chairman Davis, and Ranking Member Cummings introduced H.R. 3634, the Drug Addiction Treatment Expansion Act.

In 2000, Congress passed (as part of Public Law 106-310) the Drug Addiction Treatment Act [DATA], to expand treatment options for patients addicted to opiates. Under this law, patients are no longer required to seek treatment only through public methadone clinics. Effective treatment is now available in the offices or clinics of qualified individual physicians, specially trained to provide addiction treatment.

To address concerns about potential abuse or diversion of the treatment medications, DATA includes a limit of 30 patients per treating physician. Regrettably, the law applies that same limit to group practices, which is having the effect of limiting access for patients who receive their care in group practices such as managed care groups or academic medical centers.

Today, estimates show that there are almost 1 million heroin addicts and over 3 million prescription opiate abusers who are in need of treatment: only about 150,000 treatment placements are available for methadone maintenance. Although DATA was designed to alleviate this treatment capacity gap, the group practice 30-patient limit means that large group practices can only treat 30 out of thousands of potential opiate-dependent individuals who may seek treatment.

H.R. 3634 will resolve this problem by eliminating the requirement that group practices be limited to 30 patients, while leaving in place the 30-patient limit for individual practitioners. In that way, potential for diversion continues to be minimized, but the necessary expanded access to treatment envisioned by DATA will be a reality for all patients, regardless of where they receive their medical care.

#### DEPARTMENT OF HOMELAND SECURITY

Among the Government Reform Committee amendments proposed to H.R. 10, the 9/11 Recommendations Implementation Act, five of them were derived from oversight conducted by the subcommittee, and were designed to strengthen the Department of Homeland Security's ability to stop the ability of terrorist organizations to finance their activities through drug trafficking. The proposals sought to promote two key objectives to deprive terrorists of their means of financing their operations: first, strengthening the effectiveness of the Department's narcotics interdiction efforts; and second, improving coordination and cooperation among the Department's subdivisions and between the Department and other agencies with counterterrorism missions. As the 9/11 Commission reported, "We recommend significant changes in the organization of the government. . . . Good people can overcome bad structures. They should not have to." (See 9/11 Commission Report, 399).

##### *1. Counternarcotics Office at DHS*

The first provision—which was included as Section 5025 of H.R. 10—would add a new Section 878 to the Homeland Security Act of 2002, which created the new Department. At present, the Counternarcotics Officer is not actually an employee of DHS; instead, he is a detailee employed by the Office of National Drug Control Policy [ONDCP]. Furthermore, he has no authority to hire staff to assist him. The current law also fails to clearly define how the Counternarcotics Officer is to carry out his responsibilities.

The new Section 878 would rectify this problem by (1) replacing the CNO with a Director of Counternarcotics Enforcement, subject to Senate confirmation and reporting directly to the Secretary; (2) assigning specific responsibilities to the new Director, including oversight of DHS counterdrug activities and the submission of reports to Congress; and (3) authorizing permanent staff assigned to an Office of Counternarcotics Enforcement, as well as detailees from relevant agencies, to assist the Director.

##### *2. Use of Counternarcotics Performance for Certain DHS Personnel Evaluations*

The second provision—included as Section 5026 of H.R. 10—would add a new Section 843 to the 2002 Act, ensuring that employees involved in counternarcotics activities will be evaluated in part on the basis of such activities. It is vital that DHS encourage its law enforcement personnel to continue their efforts to stop illegal drug trafficking. Regrettably, it is unclear whether drug enforcement is being given sufficient consideration by the Department in developing its employee performance management system. A word search of the Department's proposed new personnel rules

(including those for “performance management”), 69 Federal Register 8030–01 (February 20, 2004), shows that the words “narcotic(s)” and “drug(s)” do not appear at all.

New Section 843 would require DHS to include, as one of its criteria in a performance appraisal system for relevant employees, performance of counternarcotics duties. In order to encourage such personnel to cooperate and coordinate efforts with other agencies, the new Section also requires that this be a factor for consideration in performance appraisals as well.

### *3. Reform of Law Enforcement Intelligence at the Department of Homeland Security*

This third provision—added to H.R. 10 by the full House as Amendment No. 29—sought to reform law enforcement intelligence at the Department of Homeland Security. The shortfalls in intelligence and information sharing described by the 9/11 Commission were not confined just to the FBI and the CIA. The agencies that make up the new Department of Homeland Security have also suffered from a lack of coordination and cooperation. This problem has in the past hampered our ability to screen persons and goods crossing U.S. borders. The “stovepipe” mentality at many agencies has resulted in duplicative systems that don’t communicate with each other—meaning that potentially vital information about a threat at one agency is never shared with the agency that could potentially stop that threat.

A partial listing of the information gathering and intelligence units, task forces and fusion centers that support Homeland Security includes the following organizations.

1. Within the Executive Office of the President is the Office of National Drug Control Policy [ONDCP]. Within ONDCP, are the following:

- Counterdrug Intelligence Coordination Group [CDICG]
- Counterdrug Intelligence Executive Secretariat [CDX]
- High Intensity Drug Trafficking Areas [HIDTA] program with associated Regional Intelligence Centers [RIC]

2. Within the Department of Homeland Security [DHS] are the following:

- a. Intelligence Analysis and Infrastructure Protection [IAIP] directorate
- b. DHS Operations Center [HSOC]
- c. the proposed Border Interdiction Support Center [BISC]
- d. Transportation Security Administration [TSA]
  - Transportation Security Operations Center [TSOC]
- e. U.S. Coast Guard
  - Intelligence Coordination Center [ICC]
  - Maritime Intelligence Fusion Centers [MIFC]
  - Field Intelligence Support Teams [FIST]
  - National Vessel Movement Center [NVMC]
  - Maritime Intelligence Center [MIC]
- f. Bureau of Immigration and Customs Enforcement [ICE]
  - Law Enforcement Support Center [LESC]
  - Money Laundering Coordination Center [MLCC]
  - Tactical Intelligence Center [TIC]
  - ICE Operations Center [IOC]

- Field Intelligence Units [FIU]
- g. Bureau of Customs and Border Protection [CBP]
  - Border Patrol Field Intelligence Center [BORFIC]
  - Air and Maritime Operations Center [AMOC]
  - National Targeting Center [NTC]
- 3. Department of Justice [DOJ]
  - a. National Drug Intelligence Center [NDIC]
  - b. Federal Bureau of Investigation [FBI]
    - National Crime Information Center [NCIC]
    - Terrorist Screening Center [TSC]
    - Foreign Terrorist Tracking Task Force [FTTTF]
    - Joint Terrorist Task Forces [JTTFs]
  - c. Drug Enforcement Administration
    - El Paso Intelligence Center [EPIC]
    - Special Operations Division [SOD]
    - proposed Financial Attack Center [FAC]
  - d. Organized Crime Drug Enforcement Task Force [OCDETF] program
    - proposed OCDETF Drug/Finance Fusion Center
- 4. Department of Treasury [DOT]
  - a. Financial Crimes Enforcement Network [FinCEN]
  - b. High-Risk Money-Laundering and Related Financial Crimes Area [HIFCAs]
- 5. Director of Central Intelligence [DCI]
  - a. Crime and Narcotics Center [CNC]
  - b. Terrorist Threat Integration Center [TTIC]
- 6. Department of Defense [DOD]
  - a. Joint Inter-Agency Task Forces South/West [JIATFs]
  - b. Joint Task Force North [JTF-N]
  - c. National Maritime Intelligence Center [NMIC]

A partial listing of the databases and information collecting, analysis and sharing systems used by the above organizations includes the following:

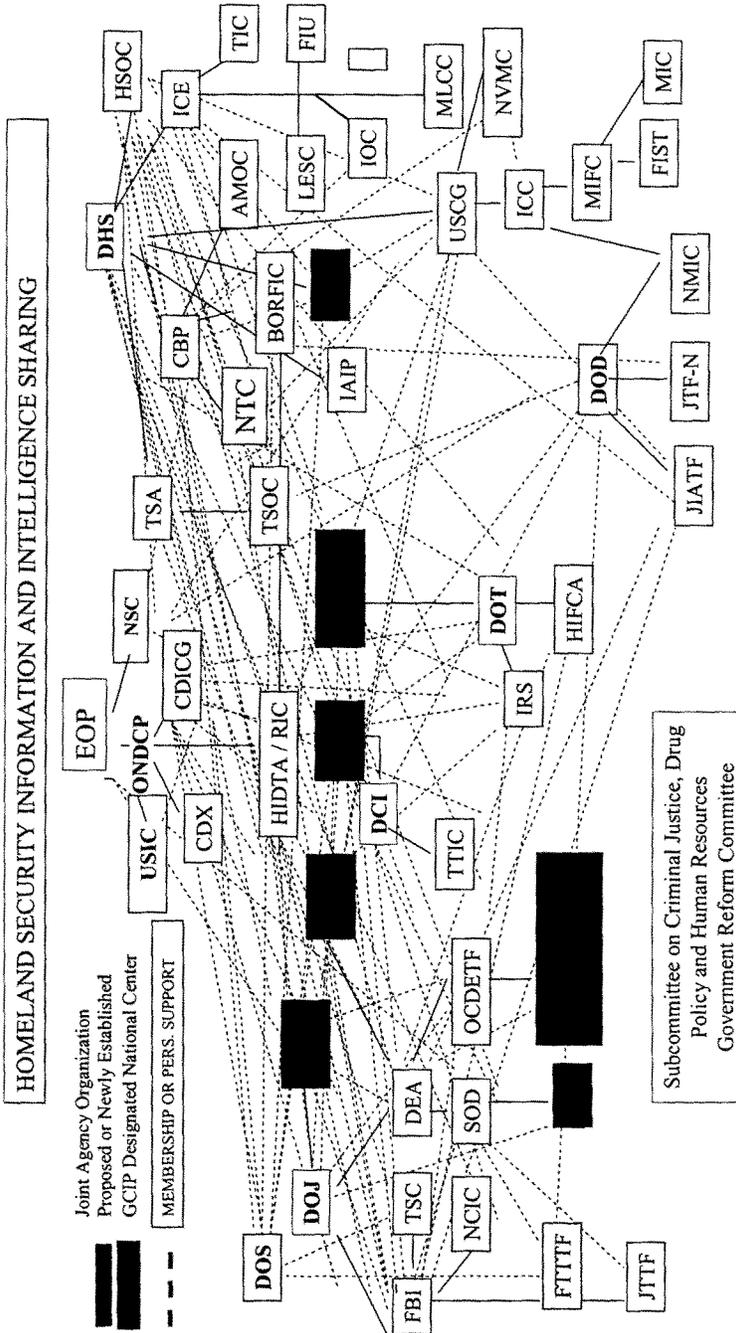
1. Homeland Security Information Network [HSIN]
2. Department of Justice's Regional Information Sharing System [RISS]
3. Department of Defense's Joint Regional Information Exchange System [JRIES]
4. FBI's Law Enforcement Online system [LEO]
5. Intelligence Community's Open Source Information System [OSIS]
6. The National Law Enforcement Telecommunication System [NLETS]
7. Anti-Drug Network-Unclassified [ADNET-U]
8. Department of State's OpenNet Plus
9. The Automated Regional Justice Information System [ARJIS]
10. The Southwest Border States Anti-Drug Information System [SWBSADIS]
11. The Southwest Border's Criminal Information Sharing Alliance Network [CISAnet]
12. The Law Enforcement Agency Data System [LEADS]

This provision would direct the Secretary of Homeland Security to ensure that appropriate personnel with security clearances who

are engaged in border and transportation security have access to relevant law enforcement and intelligence information maintained by DHS; direct the Secretary to take appropriate steps to consolidate databases or systems used by different agencies in the Department; improve information sharing between the Border and Transportation Security Directorate and the Information Analysis and Infrastructure Protection Directorate within DHS; require a report to Congress containing an overview of all of the agencies, databases, and other capabilities within DHS involved in intelligence relating to terrorism, drug trafficking, illegal immigration, screening, investigations, and inspection of goods or individuals entering the United States; direct the Secretary to ensure that information and intelligence sharing is subject to appropriate limitations and legal safeguards; and direct the Secretary to submit a plan to Congress to improve information and intelligence sharing within the Department.

Please see adjoining diagram, "Homeland Security Information and Intelligence Sharing."

[The information referred to follows:]



*4. Transfer of Legacy Customs Office of Air and Marine Operations to Bureau of Customs and Border Protection*

The fourth provision—proposed by subcommittee Chairman Souder but not included in the final version of H.R. 10—would have transferred the legacy Customs Office of Air and Marine Operations [AMO] to the Bureau of Customs and Border Protection [CBP]. The Office of Air and Marine Operations [AMO] was first created in 1969 as a branch of the legacy U.S. Customs Service. AMO has provided our Nation’s primary defense against the smuggling of narcotics and other contraband through the air or in the territorial waters of the United States. Since the terrorist attacks of September 11, the Office has taken on additional homeland security functions.

When DHS was created, AMO was administratively assigned to the Bureau of Immigration and Customs Enforcement [ICE]. This assignment (made when Customs and INS were merged in March 2003) has had the unfortunate effect of dividing AMO from its partners within the Bureau of Customs and Border Protection [CBP]. (After Mr. Souder first proposed this amendment, DHS administratively transferred AMO to CBP in October 2004.)

This amendment would have statutorily placed AMO directly under CBP. AMO would have been headed by an Assistant Commissioner of CBP, who would have reported directly to the Commissioner (ensuring that AMO would not be submerged under another subdivision of CBP, potentially diluting its interdiction mission). The provision would also have required a separate line item for AMO in the President’s annual budget submissions, and included a “sense of Congress” resolution emphasizing the importance of maintaining AMO’s primary focus of counterdrug enforcement.

*5. Transfer of “Shadow Wolves” Native American Customs Patrol Officers to Bureau of Immigration and Customs Enforcement*

The final proposal by subcommittee Chairman Souder—which ultimately was not included in H.R. 10—dealt with an anti-drug trafficking unit known as the “Shadow Wolves.” The Shadow Wolves comprise a specialized unit of Customs Patrol Officers [CPO], created by Congress in 1972, patrols the international land border within the Tohono O’odham sovereign Indian nation in the State of Arizona.

This unit has proven to be one of the Nation’s most valuable assets against narcotics smuggling. The Shadow Wolves officers are Native Americans who combine modern technology and ancient tracking techniques to identify, follow and arrest illegal drug smugglers along the 76 miles of border and 2.8 million acres within the Tohono O’odham Nation. Each year, the 21 agents in the Shadow Wolves unit have combined to seize over 100,000 pounds of illegal narcotics. Chairman Souder and the subcommittee staff met with the Shadow Wolves in Sells, AZ in 2003, and observed their tactics and expertise in action.

After the creation of the Department of Homeland Security, the Shadow Wolves unit was transferred to the bureau of Customs and Border Protection, and placed under the administrative control of the Tucson Sector of the U.S. Border Patrol. This reorganization

has produced uncertainty and a lack of clear direction for the Shadow Wolves unit—because they don't fit in with the Border Patrol's mission and ethos. Unlike Border Patrol agents, the Shadow Wolves don't just watch the line; they identify and track drug smugglers and attempt to locate their routes and distribution centers. The resulting uncertainty is having a severe impact on the Shadow Wolves, whose numbers are shrinking.

Chairman Souder's amendment (which was subsequently introduced as an independent piece of legislation, H.R. 5346, the "Shadow Wolves Border Defense Act") would have transferred the unit to the Bureau of Immigration and Customs Enforcement [ICE]. The Shadow Wolves' work most closely resembles that of ICE Special Agents who investigate and attempt to bring down large drug smuggling operations. ICE is therefore the most natural home for the Shadow Wolves unit. The amendment would also have set the pay scale of the Shadow Wolves on the same rate as Special Agents at ICE, who have similar work responsibilities and expertise.

This amendment would also have authorized new units, similar to the Shadow Wolves, to operate on other similarly situated Indian reservations—including the Akwesasne (Mohawk) Reservation in upstate New York, which has a similar drug smuggling problem.

#### OVERSIGHT

The subcommittee's oversight hearings, briefings, site visits, and congressional correspondence concerning the problems of drug abuse facing the United States informed the subcommittee's findings which resulted in the language of H.R. 2086, the Office of National Drug Control Policy Reauthorization Act of 2003, and H.R. 3634, the Drug Addiction Treatment Expansion Act, discussed above.

The subcommittee conducted authorization and oversight activity on the following matters during the second session of the 108th Congress:

#### DRUG POLICY

##### *ONDCP Reauthorization*

The subcommittee will continue to oversee matters relating to H.R. 2086, the House-passed bill to reauthorize the Office of National Drug Control Policy and its programs. In addition to the office itself, many of its subsidiary programs are reauthorized in this legislation, most notably the High Intensity Drug Trafficking Area program and the National Youth Anti-Drug Media Campaign.

##### *Methamphetamine Oversight*

In the course of the subcommittee's numerous hearings on the subject of methamphetamine trafficking and abuse, it became clear that this drug—perhaps more than any drug since the crack cocaine epidemic of the early 1980's—presents the greatest problem for State and local law enforcement. This is so not because it is the most widely used drug—meth abuse probably accounts for less than 10 percent of the total drug abuse in the United States—but rather because meth trafficking creates such a massive drain on law enforcement resources. Meth addicts commit a large number of

crimes, and in some parts of the country a large percentage of arrestees test positive for the drug. Moreover, although proliferating small meth labs do not produce large amounts of meth, they create health hazards for citizens and police, and require major clean-up costs.

The subcommittee's findings suggest that Congress and the Federal Government must seek new ways to assist State and local law enforcement in dealing with this problem. Chairman Souder accordingly has introduced two pieces of legislation, H.R. 5347 (the "Methamphetamine Abuse Prevention Act"), which would regulate sales of products containing meth precursor chemicals (such as pseudoephedrine), and H.R. 5345, which would authorize grants to States to set up "Meth Watch" programs (modeled on those in Kansas and Washington State) that bring together law enforcement and retailers to limit the diversion of precursor chemicals to meth traffickers. By cutting down on the supply of precursor chemicals, the government can reduce the number of meth labs and the corresponding drain on law enforcement resources.

#### *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 defeated nationwide in November 2002 and 2004. The subcommittee will continue to work to find the best and most suitable approach to continue strong opposition at the Federal level to drug legalization and decriminalization in 2004.

On Thursday, April 1, 2004, the subcommittee held a public hearing to explore the numerous scientific and medical claims being made about marijuana, and the real health impact the drug has on individuals. The hearing examined the potential impact that bypassing Federal regulations of medical drugs—as various State laws that purport to legalize marijuana as medicine do—may have on consumer health and safety. This hearing provided an opportunity for representatives of Federal and State agencies, with the responsibility for regulating drugs and the practice of medicine, as well as representatives of the medical and scientific communities, to discuss these issues and suggest solutions.

#### *International and Interdiction Issues*

*Air Bridge Denial Program.*—The United States assists foreign governments under the Air Bridge Denial program to intercept suspected drug trafficking aircraft in the Andean region of South America. The program was suspended after the Peruvian government shoot down of an innocent missionary plane and resulting loss of life. The subcommittee continues to examine the practical and residual obstacles the administration must overcome before the resumption of this program can continue.

*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 continues to examine how 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 subcommittee remains vigilant to ensure that the Department of Homeland Security does not reallocate resources away from counterdrug activities.

*Status of Colombia Programs and the Andean Counterdrug Initiative.*—President Uribe has significantly increased his support for U.S. 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. The subcommittee's oversight activities in the area of international and interdiction issues include a careful examination of U.S. support for Colombia's efforts in drug eradication.

#### *Drug Prevention and Treatment*

*Treatment Initiatives.*—The President's "Access to Recovery" initiative to increase the availability and effectiveness of drug treatment is first year of operation. The subcommittee will continue to examine how the program will 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. The subcommittee will continue to examine how they can be better coordinated and made more effective.

*Drug Testing.*—A study of Oregon students showed 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. The subcommittee will continue to work to ensure that the public is made aware of the importance of testing, and identify which Federal programs can be accessed 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 held that participants in needle exchange programs could not be arrested for drug use. The subcommittee will continue to work with the Justice Department and the Department of Health and Human Services to ensure that public safety and public health will be upheld.

#### *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 September 11. Now that the Department has been established, these issues will require ongoing attention to ensure the continued effectiveness of the overall system.

*Border*

During the last Congress, the subcommittee 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. Field hearings were conducted in Sells, AZ, Niagara Falls, NY, Detroit, MI and Las Cruces, NM.

## NATIONAL PARKS

On February 17, 2004, the subcommittee sent a letter to the National Park Service [NPS] regarding the potential censorship of a book in Grand Canyon National Park bookstores, urging the NPS to ensure that viewpoint discrimination was not taking place and requesting information on NPS' policies and standards for approving books for sale in its bookstores. NPS responded on March 5, 2004, supplying pertinent management policies and stating that it was facilitating a review of the book's "appropriateness" for sale. NPS indicated that it planned to make a decision by March 2004; however, the review is still underway. The subcommittee will continue to monitor this situation in the next Congress.

On May 20, 2004, the subcommittee held a hearing entitled, "Historic Preservation of the Peopling of America." This hearing examined how the history of the immigration, migration, and settlement of the population of the United States—the peopling of America—is being preserved. The hearing particularly considered how this story is preserved through National Park Service [NPS] and community programs. It investigated what stories on this theme are currently represented and interpreted through NPS sites and National Historic Landmarks, and how NPS connects these places to tell the story of the peopling of America. The hearing also explored how preservation of sites significant to this story and education about these places can be improved. Despite over 77,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

The hearing discussed the challenges in identifying the gaps in representation, made difficult by NPS' lack of a clear system for identifying them. Representatives of community programs also spoke to the pressing need to identify and preserve these places before they are lost. The subcommittee will continue to investigate means by which identification and preservation of significant sites can be accomplished. Witnesses included Dr. Janet Snyder Matthews, Associate Director for Cultural Resources, National Park Service; Katherine Toy, executive director, Angel Island Immigration Station Foundation, San Francisco, CA; Ellen von Karajan, executive director, Society for the Preservation of Federal Hill and Fell's Point, and member, Board of Directors and Fiscal Agent, Baltimore Immigration Project, Baltimore, MD; Dr. Kathryn Wilson, director of education and interpretation, Historical Society of Pennsylvania, Philadelphia, PA.

## HUMAN RESOURCES/SOCIAL POLICY

*Health and Social Policy Oversight*

The subcommittee continued its agenda of oversight on agencies responsible for health and social policies, focused most prominently on bioethics (including human cloning and stem cell research), human life issues, reproductive health, HIV policy, health issues impacting illegal drug use. These oversight activities are a continuation of those pursued by the subcommittee in the 107th Congress.

*Stem Cell Research*

The subcommittee continued its oversight of stem cell research. The subcommittee has learned that medical breakthroughs continue to be discovered utilizing adult and cord blood stem cells while embryonic stem cell research has failed to produce any human treatments. To date, over 70 human diseases are currently being treated with adult or cord blood stem cells and numerous others are undergoing clinical trials.

Aggressive oversight by the subcommittee was necessary to obtain this information from the National Institutes of Health [NIH]. On October 8, 2002, the subcommittee first requested that NIH provide “a detailed report” providing comprehensive information about the medical applications of adult and embryonic stem cells as well as stem cells from cloned embryos and aborted fetuses. Over the next 2 years repeated follow-ups with NIH to provide the subcommittee with this information went unanswered. Subcommittee Chairman Souder and Government Reform Committee Chairman Tom Davis sent a letter June 17, 2004 raising the possibility of pursuing “other avenues to provide the Department with additional incentives for full cooperation.”

The following day, the subcommittee received a response signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders [NIDCD] and Director of the Stem Cell Task Force. The letter we received, however, did not fully answer the questions we had posed. At a meeting on July 2, 2004 between subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested. The subcommittee sent a letter to Secretary of Health and Human Services Tommy Thompson reiterating this commitment on July 9, 2004. Another letter was sent to NIH Director Elias A. Zerhouni, M.D., on August 31, 2004.

A response from Dr. Battey was received on September 8, 2004. This letter provided the most comprehensive overview of the successful outcomes of stem cell research. The findings reflected that great medical advances continue to be made with adult and cord blood stem cells but that embryonic stem cells and human cloning research have failed to live up to the enthusiasms of the popular press and are unlikely soon to yield cures or treatments.

The subcommittee is deeply concerned that because this information was not made public sooner countless patients suffering from a variety of ailments have been manipulated with false hopes over the potential of embryonic stem cell research and cloning. The subcommittee supports continued efforts to exhaust all ethical re-

search avenues, including adult stem cell research, to improve health.

#### *HPV/Cervical Cancer Prevention*

The subcommittee continued its oversight of Federal efforts to prevent human papilloma virus [HPV] infection and cervical cancer.

HPV infection is the primary cause of cervical cancer. The virus is the cause of at least 99.7 percent of all cervical cancers, which kills more women in America than AIDs. HPV is also associated with more than 1 million pre-cancerous lesions, oral cancer, cancer of the vagina, penis, anus, head and neck, as well as genital warts. In addition, HPV has been detected in some prostate tumors. In 2001, cervical cancer was estimated to be the 12th most commonly new diagnosed cancer among women in the United States. About 24 million Americans are currently infected with HPV according to the National Cancer Institute and an estimated 5.5 million Americans become infected with HPV every year.

Scientific studies and public opinion polls continue to show that few Americans are aware of HPV or its health risks. The subcommittee is concerned that Federal agencies such as the Centers for Disease Control and Prevention [CDC] and the Food and Drug Administration [FDA] have been lax in implementing Federal law that requires these agencies to take actions to educate the public and health care providers about HPV.

Public Law 106-554, signed by President Clinton on December 21, 2000, requires the CDC to educate the public and health care professionals about HPV prevention and directs the FDA to “reexamine existing condom labels . . . to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.”

CDC failed to meet a statutory deadline of December 20, 2003 to issue a report outlining the “best strategies to prevent future infections, based on available science.”

As a result of aggressive oversight by the subcommittee, the CDC did issue a report to Congress entitled, “Prevention of Genital Human Papillomavirus” on January 30, 2004. The report found:

Because genital HPV infection is most common in men and women who have had multiple sex partners, abstaining from sexual activity (i.e. refraining from any genital contact with another individual) is the surest way to prevent infection. For those who choose to be sexually active, a monogamous relationship with an uninfected partner is the strategy most likely to prevent future genital HPV infections. For those who choose to be sexually active but who are not in a monogamous relationship, reducing the number of sexual partners and choosing a partner less likely to be infected may reduce the risk of genital HPV infection. . . . The available scientific evidence is not sufficient to recommend condoms as a primary prevention strategy for the prevention of genital HPV infection.

The CDC's findings echo the scientific consensus, including that of a 2001 report entitled "Scientific Evidence on Condom Effectiveness for Sexually Transmitted Disease [STD] Prevention" prepared by the National Institute of Allergy and Infectious Diseases of the National Institutes of Health in consultation with the FDA, the Centers for Disease Control and Prevention and the U.S. Agency for International Development which evaluated the published data on latex condoms and STD prevention and "concluded that there was no evidence that condom use reduced the risk of HPV infection."

Four years since the President Clinton signed the HPV education law, the FDA has yet to include information of HPV on condom labels and has failed to comply with the legal requirements to re-label condoms to ensure that such labels are "medically accurate."

The subcommittee held a hearing on this issue on March 11, 2004 that featured the CDC and FDA and subcommittee staff has held numerous meetings with FDA throughout the year to monitor compliance with this law. The subcommittee is concerned that FDA has failed to comply with the directives of this law and as a result has compromised the agency's scientific integrity.

The subcommittee plans to continue to work with FDA and CDC to ensure that the HPV education provisions of Public Law 106-554 are fully implemented and that the public is given scientifically accurate information to protect against HPV infection and cervical cancer.

The subcommittee has consulted with officials of NIH and other scientific experts to assist with the development of HPV vaccines that could protect against infection and the development of cervical cancer. Despite significant progress, it appears unlikely that any vaccine that could protect against all high risk strains of HPV is likely to be available in the near future. Prevention, screening and treatment therefore remain the best protections against the health risks associated with HPV infection.

#### *Nonoxynol-9*

The subcommittee continued its oversight of Federal regulation and labeling of products containing the microbicide nonoxynol-9 (N-9), a spermicide lubricant that has been found to increase HIV infection risk. Studies have suggested for 15 years that use of N-9 increases risk for HIV infection. Nearly half—42 percent—of condoms sold in the United States and many sexual lubricants are estimated to be lubricated with N-9.

On June 21, the FDA provided answers to questions regarding products containing N-9 previously posed by the subcommittee. FDA acknowledges studies show N-9 does not protect against HIV and other STDs but remains skeptical about data indicating N-9 may increase HIV risk. FDA will allow vaginal contraceptive devices containing N-9 to remain on the market, but will require new labeling informing users that N-9 does not protect against HIV and other STDs "and that frequent use by women at risk for HIV may increase their risk of getting HIV." The new N-9 warning label will not apply to condoms, but FDA is reviewing labeling of condoms with N-9 "to make sure that information regarding appropriate use of this product is properly presented to the consumer in light of

new information about the potential risks of N-9.” FDA claims “the data do not support removal of [condoms with N-9] from the market.” FDA does not address what actions, if any, the agency may take to address sexual lubricants that contain N-9, primarily used by men who have sex with men. This omission and continued questioning of the scientific data regarding the health risks of N-9 indicates additional oversight of the FDA is warranted.

At the request of the subcommittee, the General Accounting Office [GAO] is conducting an investigation to determine the role of Federal health agencies and condom companies in the promotion and use of N-9 in the United States and the impact N-9 use has had on HIV rates. GAO expects to complete its work and issue a report in 2005.

#### *HIV/AIDS*

The subcommittee continued its oversight of domestic and global HIV/AIDS efforts. The subcommittee applauds of the leadership of President George W. Bush in addressing this pandemic, particularly the administration’s focus on science based prevention, early diagnosis, access to treatment and including the faith community in prevention and care efforts.

With hundreds of Americans on waiting lists for access to the AIDS Drug Assistance Program [ADAP] and tens of millions around the world with no access to any AIDS care, the subcommittee remains concerned that many Federal resources that could be better prioritized on direct lifesaving medical care are being misspent on less pressing needs. During the past year, the subcommittee identified more than \$133 million in misspent Federal AIDS dollars.

AIDS “conferencing” continues to siphon away significant resources from health care programs to subsidize multiple gatherings of advocates. The U.S. Federal Government paid to send more than 200 individuals, including 130 Federal employees, to the 15th International AIDS Conference held in Bangkok, Thailand, in July 2004. The total cost of this conference to the U.S. Federal Government totaled over \$500,000. The Health Resources and Service Administration [HRSA] spent approximately \$2 million on a single conference held in August 2004 in Washington, DC. The Department of Housing and Urban Development [HUD] spent more than \$15,000 for another AIDS conference held in Philadelphia, PA, in October. CDC, NIH, HRSA and other Federal agencies funded a number of other conferences related to HIV/AIDS throughout the year.

The subcommittee supports efforts to develop HIV vaccines and believes this goal should be among the highest of our national health care priorities. The subcommittee is concerned, however, that significant amounts of resources intended for HIV vaccine research are being misspent. NIH is spending \$119 million on an HIV vaccine study in Thailand that analyzes two components that have both failed to protect against HIV infection in previous studies. One of the components of the vaccine called gp120, which has completed phase III trials, “failed completely in providing any degree of protection to HIV infection,” according to Dr. Robert W. Doms, chairman of the department of microbiology at the Univer-

sity of Pennsylvania. The other component, called ALVAC, has had unimpressive results in trials, he adds. "Combining something that's failed with something that has not been terribly impressive doesn't seem to provide a good rationale for proceeding with such a large and costly trial," according to Doms. Twenty-two leading HIV researchers including Dr. Robert Gallo, the co-discoverer of the AIDS virus, wrote a letter published in the January 16, 2004 issue of *Science* critical of the continued funding for this project. In June, officials announced that this study would be delayed due to a lack of volunteers (the project has attracted less than one-third of the planned number of participants). This costly study has neither support from the scientific community or the public that is necessary to go forward with the research.

In addition, NIH spends more than \$1 million every year promoting HIV vaccine "awareness," when no such vaccine even exists of which to be aware. The President's 2005 budget request, in fact, extends the goal of developing an HIV vaccine from 2007 to 2010 "to more realistically reflect the state of the science." The subcommittee feels strongly that HIV vaccine research dollars should be spent on research rather than costly and unnecessary public relations campaigns that do little or nothing to fulfill the goal of developing an effective HIV vaccine.

Fraud and abuse of Federal AIDS funding has also undermined efforts to provide care to those affected by HIV/AIDS. In the past year, the subcommittee has learned of numerous cases of AIDS funding abuse that have cost in excess of \$10.5 million.

An October 7, 2004 GAO report found "little assurance that the \$936,285 reimbursed to South Shore (South Shore Hospital and Medical Center) was used as intended to serve HIV/AIDS clients" provided under Title I of the HRSA administered Ryan White CARE Act in Miami-Dade County, FL.

Another GAO review of CARE Act funds in San Francisco dated August 27, 2004, found \$216,461 in Federal AIDS funds were spent by Baker Places on "unallowable costs." GAO also called for an evaluation of "the allowability of \$80,776 claimed for housing services that may not have met the intent of CARE Act Title I, and make a refund as appropriate."

In October 2004, the Arkansas Department of Health revealed that it is investigating its AIDS division to determine whether some of the \$8.2 million it receives in Federal AIDS funding has been misspent. The Arkansas Health Department terminated the contract of one organization that received funding, finding that \$53,592.85 of its program expenses could not be adequately documented. Other groups received increasing amounts of funding without documenting their work, leaving the Health Department unsure of what services were provided. The agency cannot locate reports showing results for one \$40,000 grant. Another group's 1-year \$25,000 grant increased to \$100,000 before the Health Department learned that the grant provided classes for only seven people in 10 months. Another audit found that the agency inappropriately paid four department employees a total of \$17,566.66, much of which was not supported by travel receipts. These questionable spending reports have surfaced at the same time that shortfalls for Arkan-

sas' ADAP have forced people with HIV onto a waiting list for medication.

In July 2004, Federal auditors directed University of Southern California [USC] to pay back more than \$1 million in government funds because of the university's lapses in managing a program to train HIV/AIDS counselors for minority communities. USC's program was shut down by Federal officials in 2001 in response to concerns about conflict of interest, improper research procedures and misuse of Federal funds. The resulting audit uncovered further evidence of those problems and said the program failed in its goal of training HIV/AIDS counselors, or "peer treatment educators."

In June 2004, the HUD Office of Inspector General [OIG] released an audit report that found a Washington, DC, AIDS charity spent thousands of dollars of Federal grant money on cigarettes, movie tickets and bingo games. The charity, Safe Haven Outreach Ministry Inc., also could not account for how it spent more than \$1.1 million in Federal grant money since 1997. Under that Federal grant, Safe Haven officials charged more than \$3,800 for movie tickets, cigarettes, Christmas decorations and weekly bingo games, HUD investigators found.

In May 2004, an audit by the HUD OIG reported that the Peninsula AIDS Foundation of Newport News, VA, may have misused some of the Federal grant money it received. The Federal funds were intended for programs that help those with HIV/AIDS and their families to pay for housing, transportation and other services. In the report given to HUD on May 17, the auditors concluded that Peninsula AIDS Foundation officials had no records to show how the organization used nearly \$340,000—or 96 percent—of a \$353,562 grant.

In May 2004, CDC ceased Federal funding of the Stop AIDS Project of San Francisco. The Stop AIDS Project had received hundreds of thousands of dollars in Federal funds that it has used to host questionable programs, including "flirting classes." Neither CDC nor the Stop AIDS Project could provide any scientific proof to demonstrate that these were effective in preventing HIV.

In May 2004, two South Beach Miami, FL, AIDS clinics were charged for defrauding Medicare for \$5.4 million on false claims for drugs that were either not provided, not given as claimed or not medically necessary.

In March 2004, Norfolk, VA officials revealed the regional Ryan White CARE Act program failed to spend about \$1 million of its \$5 million grant, even though as many as 900 eligible HIV-positive residents in Hampton Roads are not receiving care. The area's accumulated amount of unspent funds was \$2.6 million, enough to cover all health-care expenses for Ryan White CARE patients for a year in the area. Norfolk's AIDS program has faced other problems. A contract dispute last year led to the suspension of payments for some prescription drugs not directly related to HIV, including pain relievers, anti-depressants and insulin. Another contract dispute forced other clinics to close for 3 months.

### *Education*

The subcommittee has examined how science education standards are being developed and implemented in States in accordance

with the No Child Left Behind Act of 2001 (Public Law 107–110) and its conference report (H.R. 107–334).

The enactment of the No Child Left Behind Act of 2001 [NCLB] (Public Law 107–110) represents the first time States will be required by Federal law to put in place statewide science education standards and assessments. During September and October 2004, the subcommittee sent letters to State education officials requesting information on States' science standards and assessments under NCLB. The letters requested information on the States' processes for developing and implementing these requirements, as well as the impact of language from the NCLB's conference report supporting academic freedom in science education. The subcommittee is now receiving responses to these requests and compiling the information as part of its oversight of the Department of Education.

#### *Faith-Based Initiatives*

The subcommittee continued its oversight of the administration's Centers for Faith and Community Based Initiatives, and has worked regularly with administration officials on the development of executive branch policies to promote faith-based charities, the status of pilot programs, and on pending legislative proposals on the issue and outreach to the faith-based social provider community.

A total of eight hearings were held by the subcommittee in order to understand and demonstrate the credibility and reach of the President's Office of Faith-Based and Community Initiative. Seven of these hearings were held in the field to hear directly from a total of 60 grassroots leaders. Each made extensive comments on the conditions surrounding their organization's efforts, if and/or how they interacted with the government and where they saw the best path forward.

#### HEARINGS

##### 1. *"Recovery Now Initiative," February 27, 2003; Serial No. 108–7*

*a. Summary.*—This hearing focused on the "Recovery Now" drug treatment initiative proposed by President George W. Bush in his State of the Union Address on January 28, 2003. The President proposed a \$600 million initiative (over 3 years) to significantly enhance the availability and accountability of drug treatment in the United States. The initiative created a voucher program to supplement existing treatment programs intended to address the currently assessed shortfall in the availability of drug treatment in the United States. The program is intended to provide sufficient funding to make drug treatment available to the vast majority of Americans who need assistance, but cannot enroll in a course of treatment. By using vouchers, "Recovery Now" is intended to make treatment more accessible and available by allowing drug users to get Federal assistance through a broader network of treatment providers. Funding would be available to a wide range of providers, including health care providers, faith and community based programs, community organizations, workplaces, and schools.

The subcommittee heard testimony from senior administration officials responsible for administering and evaluating existing drug

treatment programs, which described the President's new proposal and discussed its implications with the Members. The subcommittee also heard testimony from treatment providers from local communities, who discussed their approaches to substance abuse treatment and the impact that the President's initiative could have. The subcommittee continues to closely monitor this new initiative as part of its ongoing study of drug treatment in the United States.

*b. Witnesses.*—John Walters, Director, Office of National Drug Control Policy; Charles Curie, M.A., A.C.S.W., Administrator, Substance Abuse and Mental Health Services Administration; and Jude Boyer-Patrick, M.D., M.P.H., Hagerstown, MD.

2. *“ONDCP Reauthorization and the National Drug Control Strategy for 2003,” March 5, 2003; Serial No. 108–15*

*a. Summary.*—The subcommittee held an oversight hearing on March 5, 2003 to examine the annual National Drug Control Strategy for 2003, issued by the Office of National Drug Control Policy [ONDCP]. The strategy, issued in February of each year, outlined the administration's comprehensive approach to the issue of drug abuse—whether law enforcement, treatment, or prevention. This year, the hearing also addressed the pending reauthorization of ONDCP.

ONDCP Director John Walters testified on behalf of the administration. In discussing the 2003 strategy, Director Walters outlined the basic approach to drug abuse taken by President Bush, which emphasizes compassionate care for those addicted to drugs, common-sense prevention targeted especially at young people, and effective law enforcement designed to disrupt the illegal market for drugs. The subcommittee also heard testimony concerning the administration's proposals for the reauthorization of ONDCP and its programs. The subcommittee has since drafted and reported a reauthorization statute (H.R. 2086), and actively monitored the progress of this legislation, and the general implementation of the National Strategy.

*b. Witnesses.*—John Walters, Director, Office of National Drug Control Policy.

3. *“The Impact of the Drug Trade on Border Security and National Parks,” field hearing in Sells, AZ, March 10, 2003; Serial No. 108–19*

*a. Summary.*—The subcommittee held a field hearing in Sells, AZ, the administrative seat of the Tohono O'odham Nation, a sovereign tribal region that straddles the Arizona-Mexico international border. The purpose of the hearing was to examine the status of drug smuggling and other illegal activity along the Arizona-Mexico border, particularly within the Nation and other Federal lands, such as the Organ Pipe Cactus National Monument (administered by the National Park Service). Recent events, including the murder of Park Ranger Kris Eggle by drug smugglers in 2002, illustrated the significance of the problem in Arizona.

The subcommittee heard testimony from Federal and tribal officials, and from concerned local citizens, about the problems of cross-border crime and discussed potential solutions. The subcommittee has closely monitored the situation in Arizona and simi-

lar areas, and explored legislative and other ways to bring assistance to local authorities in their struggle to protect the country from narcotics smugglers and other cross-border criminals.

After the hearing, Chairman Souder, Representative Shadegg, and the subcommittee staff met with the unit of Customs Patrol Officers known as the “Shadow Wolves.” The Shadow Wolves comprise a specialized unit of Customs Patrol Officers [CPO], created by Congress in 1972, patrols the international land border within the Tohono O’odham sovereign Indian Nation in the State of Arizona. This unit has proven to be one of the Nation’s most valuable assets against narcotics smuggling. The Shadow Wolves officers are Native Americans who combine modern technology and ancient tracking techniques to identify, follow and arrest illegal drug smugglers along the 76 miles of border and 2.8 million acres within the Tohono O’odham Nation. Each year, the 21 agents in the Shadow Wolves unit have combined to seize over 100,000 pounds of illegal narcotics.

Subsequent to Mr. Souder’s visit, the Department of Homeland Security transferred the Shadow Wolves unit to the bureau of Customs and Border Protection, and placed it under the administrative control of the Tucson Sector of the U.S. Border Patrol. This reorganization has produced uncertainty and a lack of clear direction for the Shadow Wolves unit—because they don’t fit in with the Border Patrol’s mission and ethos. Unlike Border Patrol agents, the Shadow Wolves don’t just watch the line; they identify and track drug smugglers and attempt to locate their routes and distribution centers. The resulting uncertainty is having a severe impact on the Shadow Wolves, whose numbers are shrinking.

Chairman Souder has since proposed legislation to remedy this problem, by transferred the Shadow Wolves back to the bureau of Immigration and Customs Enforcement [ICE].

*b. Witnesses.*—Edward D. Manuel, chairman, Tohono O’odham Nation; Joseph Delgado, assistant chief of police, Tohono O’odham Police Department; David Aguilar, chief patrol agent, Tucson Sector, U.S. Border Patrol; Dom Ciccone, Regional Chief, National Wildlife Refuge System (Region 2), U.S. Fish and Wildlife Service; William Wellman, Park Supervisor, Organ Pipe Cactus National Monument, National Park Service; Hugh Winderweedle, Port Director, Lukeville Port of Entry, U.S. Customs Service; James Woolley, Assistant Special Agent in Charge, Tucson Division Office, Drug Enforcement Administration; Fern Salcido, Tohono O’odham Nation Legislative Council Member; Augustine Toro, chairman, Chukut Kuk Boundary Committee, Tohono O’odham Nation; Col. Ben Anderson, U.S. Army (retired); Jennifer Allen, Border Action Network; and Rev. Robin Hoover, president, Humane Borders, Inc.

4. *“ONDCP Reauthorization: The National Youth Anti-Drug Media Campaign,” March 27, 2003; Serial No. 108–17*

*a. Summary.*—The subcommittee held a legislative hearing concerning the reauthorization of the National Youth Anti-Drug Media Campaign, which is administered by ONDCP. The campaign provides Federal funding for television, radio, print and other media advertisements designed to discourage drug abuse by young people.

It is the Federal Government's largest and most important prevention (or demand reduction) program.

The subcommittee heard testimony from Members of Congress, Federal officials responsible for the campaign, and from private entities involved in the campaign. The subcommittee drafted and reported legislation reauthorizing the campaign (H.R. 2086), whose last authorization expired in 2002. The subcommittee will continue to provide oversight of the campaign, and to assist in final passage and enactment of the reauthorization.

*b. Witnesses.*—Hon. Rob Portman, Member of Congress; Christopher Marston, Chief of Staff, Office of National Drug Control Policy; Steve Pasierb, president, Partnership for a Drug Free America; David McConaughy, Ogilvy & Mather; and Peggy Conlon, president and chief executive officer, the Ad Council.

5. *“ONDCP Reauthorization: The High Intensity Drug Trafficking Areas Program and CTAC,” April 8, 2003; Serial No. 108–52*

*a. Summary.*—This legislative hearing focused on two programs administered by ONDCP: the High Intensity Drug Trafficking Areas [HIDTA] program, and the Counterdrug Technology Assistance Center [CTAC]. Both of these programs must be reauthorized by Congress, together with ONDCP, after the current authorization expires in September 2003. HIDTA seeks to foster Federal, State and local law enforcement agency cooperation in areas designated as high intensity drug trafficking areas by ONDCP, meaning that they are centers of drug supply, importation or distribution that have a significant impact on the Nation as a whole. Through the HIDTA program, the Federal Government provides financial and other assistance to set up local or regional task forces and intelligence centers to fight drug trafficking organizations, and to provide technology. The CTAC program seeks to foster research and development of scientific methods of fighting drug trafficking and treating drug abuse, and through its Technology Transfer Program provides technology to local law enforcement agencies.

The subcommittee heard testimony from administration officials responsible for administering or participating in the HIDTA and CTAC programs, and from State and local officials with experience in dealing with these programs. The witnesses and Members discussed how these programs can be improved without sacrificing their core missions of furthering the national struggle against drug trafficking and abuse. The subcommittee has since drafted and reported legislation reauthorizing both programs (H.R. 2086), and will continue to work to bring this important legislation to the President for his signature.

*b. Witnesses.*—Scott Burns, Deputy Director, Office of State and Local Affairs, Office of National Drug Control Policy; Roger Guevara, Chief of Operations, Drug Enforcement Administration; Christy McCampbell, chief, Bureau of Narcotics Enforcement, California Department of Justice; Wayne Wiberg, commander, Narcotics and Gang Investigation Section, Chicago Police Department; Lt. Col. Steve Moyer, chief, Homeland Defense/Intelligence Bureau, Maryland State Police; Anthony Romano, chief, Organized Crime Division, Baltimore Police Department; Ron Burns, chief, Lake-

wood, CO Police Department; and Peter Modafferi, chief of detectives, Rockland County, NY District Attorney's Office.

6. *"The Impact of the Drug Trade on Border Security," field hearing in El Paso, TX, April 15, 2003; Serial No. 108-70*

*a. Summary.*—The subcommittee held a field hearing in El Paso, TX to examine the status of drug smuggling and other illegal activity along the Texas-Mexico border. The El Paso region continues to be a major conduit for drug smuggling from Mexico into the United States, as well as for other forms of cross-border crime, such as illegal immigration and people smuggling. State and local officials have often been overwhelmed by the extent of the border crime problem, and have sought greater Federal assistance.

The subcommittee heard testimony from Federal, State and local officials, and from the business community and other concerned local citizens, about the problems of cross-border crime and discussed potential solutions. The subcommittee has closely monitored the situation in Texas and similar areas, and has explored legislative and other ways to bring assistance to local authorities in their struggle to protect the country from narcotics smugglers and other cross-border criminals.

*b. Witnesses.*—Paul Beeson, Assistant Chief Patrol Agent, El Paso Sector, U.S. Border Patrol, Bureau of Customs and Border Protection; Frank Deckert, Superintendent, Big Bend National Park, National Park Service; Sandalio Gonzalez, Special Agent in Charge, El Paso Division Office, Drug Enforcement Administration; David Longoria, Interim Port Director, El Paso Port of Entry, Bureau of Customs and Border Protection; Carlos Leon, chief, El Paso Police Department; Leo Samaniego, sheriff, El Paso County Sheriff's Department; Bob Cook, president, Greater El Paso Chamber of Commerce; Ruben Garcia, truancy prevention specialist, Ysleta Independent School District; and Jose Luis Soria, clinical deputy director, Aliviane Drug Treatment Center.

7. *"Improving Security and Facilitating Commerce at the Northern Border," field hearing in Niagara Falls, NY, May 19, 2003; Serial No. 108-73*

*a. Summary.*—The subcommittee held a joint hearing with the Select Committee on Homeland Security's Subcommittee on Infrastructure and the Border (chaired by Representative Dave Camp) at Niagara Falls, NY, to explore ways to improve security and law enforcement, facilitate commerce, and ease travel between the United States and Canada. The subcommittee has a particular interest in addressing the growing problem of cross-border crime at the Northern border.

The subcommittee heard testimony from Federal officials, Members of the Canadian Parliament, State and local officials, the business community, and concerned citizens about the issues of border management in the region. The subcommittee has closely monitored this situation, and will continue to work with the Select Committee on Homeland Security in exploring legislative and other solutions to these problems.

*b. Witnesses.*—Michael P. D'Ambrosio, Interim Director, Field Operations, Buffalo Field Office, Bureau of Customs and Border

Protection; CDR Paul M. Gugg, Commanding Officer, Marine Safety Office, Buffalo, NY, U.S. Coast Guard; Peter R. Moran, Chief Patrol Agent, Buffalo Sector, U.S. Border Patrol, Bureau of Customs and Border Protection; William J. Walker, Associate Special Agent in Charge, New York Field Division, Drug Enforcement Administration; Derek Lee, Member of Parliament, House of Commons (Canada); John Maloney, Member of Parliament, House of Commons (Canada); Thomas A. Beilein, sheriff, Niagara County Sheriff's Department; Russell J. Deveso, chairman, New York State Motor Trucking Association; Kevin Feely, president, Chapter 154, National Treasury Employees Union; Dawn Hamilton, director of strategic planning, WNEB; Stephen F. Mayer, general manager-operations, Buffalo and Fort Erie Public Bridge Authority; and Dr. Andrew Rudnick, president, Buffalo Niagara Partnership.

8. *"Faith-based Perspectives on the Provision of Community Services," field hearing in Franklin, TN, June 16, 2003; Serial No. 108-60*

a. *Summary.*—This hearing, held in San Antonio, TX, served as research in the area of the effectiveness of faith-based organizations. The question was asked, "What factors make the faith-based organization uniquely qualified to provide social services?" This hearing was intended to begin consideration of what, in the eyes of the providers, makes faith-based organizations especially equipped to provide social services to the community.

At this hearing the subcommittee heard from organizations that provide community development and reconciliation, and services to children, families, and prisoners. Witnesses testified to the impact faith-based organizations can have in bringing about a stronger community by helping to build relationships between people of different race and class.

b. *Witnesses.*—Paige Pitts, founder, New Hope Academy, Franklin, TN; Rev. Scott Roley and Rev. Denny Denson, Empty Hands Fellowship, Franklin, TN; Onnie Kirk, the Family Foundation Fund, Nashville, TN; John Lanza and Dennis Bradby, Corrections Corp. of America, Nashville, TN; and Robert Flores, Lighthouse Outreach Ministries, Inc., Lawrenceburg, TN.

9. *"The Role of Faith-Based Organizations in Providing Effective Social Services," July 2, 2003; Serial No. 108-87*

a. *Summary.*—This hearing was the first in a series of oversight hearings designed to examine the role of faith-based and community organizations in providing social services to the needy in communities across the United States. Research in the area of the effectiveness of faith-based organizations is limited, and often largely anecdotal. The question remains as to what factors make the faith-based organization uniquely qualified to provide social services. This hearing was intended to begin consideration of what, in the eyes of the providers, makes faith-based organizations especially equipped to provide social services to the community.

This hearing featured the juxtaposition of faith-based substance abuse treatment providers. One organization was deeply rooted in the belief that faith alone can assist an addict in overcoming substance abuse, while the other which is rooted in a faith tradition,

believes that faith alone is not the proper path to recovery, but recovery requires medical care. Both organizations are committed to their approach, both look to care for the whole person, and both have success in bringing addicts to recovery, but they differ significantly in the role that faith plays in the recovery process.

*b. Witnesses.*—Pastor Freddie Garcia, Victory Fellowship, San Antonio, TX; Ninfa Garcia, Victory Fellowship, San Antonio, TX; Jubal Garcia, Victory Fellowship, San Antonio, TX; Joe Willome, Victory Fellowship, San Antonio, TX; Philip Dautrich, program manager, InnerChange Freedom Initiative, Carol S. Vance Unit, Richmond, TX; Greg Kepferle, executive director, Catholic Charities of Central New Mexico, Albuquerque, NM; Mitch Sudolsky, Jewish Family Service, Austin, TX; Leslie Grubbs, program director, Urban Connection, San Antonio, TX; Milt McFarland, Christian Assistance Ministry, San Antonio, TX; and Mike Tellez, Character Kids, Las Cruces, NM.

10. *“Disrupting the Market: Strategy, Implementation, and Results in Narcotics Source Countries,” July 9, 2003; Serial No. 108–118*

*a. Summary.*—A large number of significant issues relating to drug supply reduction required careful consideration. This hearing intended to make senior Federal officials, with operational responsibility for narcotics supply issues, available to the subcommittee.

- Plan Colombia: U.S. assistance to the Government of Colombia has led to the first meaningful signs of success due to the strong support from President Uribe.
- Resource Allocation: A significant strain on supply reduction resources caused by defense and homeland security requirements has challenged drug supply reduction efforts.
- Emerging Threats: Emerging threats such as the growth of Colombian heroin use on the East Coast of the United States, the resumption of large-scale opium production in Afghanistan and the expansion of emerging and club drugs such as ecstasy, “Yaba” and others have challenged traditional assumptions relating to supply reduction and could require adjustments in strategy.
- Organizational Issues: What impact has the creation of the Department of Homeland Security had on supply reduction efforts, and what has been the progress of implementation of legislation designed to ensure adequate focus within the Department on drug supply reduction?
- Airbridge Denial Program: The Airbridge Denial Program to provide intelligence to South American governments relating to aerial narcotics smuggling has been suspended for more than 2 years as a result of the tragic shoot down incident in Peru. What effects has the program suspension had on drug supply, and what has been the cause of the lengthy delay in its restoration?

*b. Witnesses.*—Dr. Barry Crane, Deputy Director for Supply Reduction, Office of National Drug Control Policy.

11. *“Facing the Methamphetamine Problem in America,” July 18, 2003; Serial No. 108-93*

*a. Summary.*—This hearing, a follow-up to a hearing held in July 2001, continued the subcommittee’s ongoing study of methamphetamine abuse, one of our Nation’s most significant and growing drug problems. The subcommittee discussed potential legislative solutions to assist those agencies in the fight against methamphetamine, including H.R. 834, the Clean, Learn, Educate, Abolish, Neutralize, and Undermine Production [CLEAN-UP] of Methamphetamines Act offered by Representative Doug Ose.

The subcommittee heard testimony from Federal and State law enforcement officials concerning the rise in methamphetamine trafficking and abuse, and discussed ways to address this problem. The subcommittee has continued to monitor this issue, and has recommended legislative or other changes in order to bring assistance to law enforcement agencies.

*b. Witnesses.*—Hon. John Boozman; Hon. Ed Case; Roger E. Guevara, Chief of Operations, Drug Enforcement Administration; John C. Horton, Associate Deputy Director for State and Local Affairs, Office of National Drug Control Policy; Captain William Kelly, Commander, Narcotics Division, Sacramento County Sheriff’s Department; Brian J. Martinek, chief, Vancouver, WA Police Department; and Sheriff Garry E. Lucas, Clark County, WA Sheriff’s Office.

12. *“How Can the Federal Government Assist State and Local Programs to Protect Citizens and Communities Against Drug-Related Violence,” field hearing in Baltimore, MD, July 21, 2003; Serial No. 108-106*

*a. Summary.*—The subcommittee held a field hearing in Baltimore, MD to explore potential ways the Federal Government can assist State and local law enforcement agencies in protecting citizens who assist the police in the fight against illegal drugs. The murders of the Dawson family in Baltimore in October 2002, in retaliation for the Dawsons’ active attempts to rid their neighborhood of drug dealers, have spurred calls for greater protection of law-abiding citizens.

The subcommittee heard testimony from Federal, State and local officials, as well as concerned local citizens, about these pressing issues. One potential legislative solution, the Dawson Family Community Protection Act (H.R. 1599), was introduced by subcommittee Ranking Member Elijah Cummings. This bill’s provisions were included in the legislation reauthorizing ONDCP, drafted and reported by the subcommittee (H.R. 2086).

*b. Witnesses.*—Martin O’Malley, mayor, city of Baltimore; Preston L. Grubbs, Assistant Special Agent in Charge, Baltimore District Office, Drug Enforcement Administration; Thomas Carr, Director, Baltimore/Washington High Intensity Drug Trafficking Area; Alan C. Woods III, director, Governor’s Office of Crime Control and Prevention; Kevin P. Clark, commissioner, Baltimore City Police Department; Lt. Col. David W. Czorapinski, chief, Maryland State Police, Operations Bureau; Anthony Romano, chief, Organized Crime Bureau, Baltimore City Police Department; Gen. Arthur T. Dean (retired), chairman and CEO, Community Anti-Drug Coalitions of

America; Rev. Dr. Robert Burley, Sr., president, Oliver Community Association and Pastor, New Life Ministry Baptist Church; Dr. Linda S. Thompson, coordinator, Baltimore Community Anti-Drug Coalition, and Acting Chair and Associate Dean, University of Maryland School of Nursing; and Rev. Iris Tucker, pastor, Knox Presbyterian Church.

13. *"Federal Law Enforcement Personnel in the Post September 11 Era: How Can We Fix An Imbalanced Compensation System?" July 23, 2003; Serial No. 108-83*

*a. Summary.*—The subcommittee held a joint hearing with the Government Reform Committee's Subcommittee on Civil Service and Agency Organization (chaired by Representative Jo Ann Davis) concerning the challenges facing Federal law enforcement agencies as they seek to restructure their personnel management systems. Since the terrorist attacks on September 11, 2001, the Federal Government has sought new ways to restructure itself in response to new threats. The creation of the Department of Homeland Security in 2002, merging many disparate agencies, has necessitated a comprehensive review and reform of the law enforcement personnel system.

The subcommittees heard testimony from Federal officials, representatives of Federal employee unions, and other concerned individuals about the issues facing our Nation's law enforcement agencies. The subcommittee will continue to work with the Civil Service Subcommittee and other relevant committees to conduct oversight and pursue potential legislative solutions.

*b. Witnesses.*—T.J. Bonner, national president, National Border Patrol Council of the American Federation of Government Employees, AFL-CIO; Inspector Louis P. Cannon, president, District of Columbia State Lodge, chairman, Federal Officer's Committee, Fraternal Order of Police; Kay Frances Dolan, Department of Homeland Security; Richard Gallo, immediate past president, Federal Law Enforcement Officers Association; Ignatius Gentile, president, Department of Homeland Security Council 117, American Federation of Government Employees; Colleen M. Kelley, national president, National Treasury Employees Union; Hon. Peter King (R-NY); Norman J. Rabkin, Managing Director, Homeland Security and Justice Issues, U.S. General Accounting Office; Mike Rogers; Nancy Savage, Federal Bureau of Investigation Agents Association; and Joanne W. Simms, Deputy Assistant Attorney General, Justice Management Division.

14. *"Faith-based Perspectives on the Provision of Community Services," field hearing in Chicago, IL, August 25, 2003; Serial No. 108-101*

*a. Summary.*—Research in the area of the effectiveness of faith-based organizations is limited, and often largely anecdotal. The question remains as to what factors make the faith-based organization uniquely qualified to provide social services. This hearing was intended to consider what factors makes faith-based organizations especially equipped to provide social services to the community.

Witnesses from organizations that reach out to male prostitutes, children, addicts, and work to develop communities discussed with

the subcommittee the importance of partnerships between government agencies at all levels, and the critical importance that those relationships to not materially alter the mission of the faith-based organizations.

*b. Witnesses.*—Pastor Jesse Beasley, Team 3, Inc., Fort Wayne, IN; Richard Hart, Salvation Army, Chicago, IL; Beth Truett, executive director, Partners In Education, Fourth Presbyterian Church, Chicago, IL; Tim Sauder, executive director, Gateway Woods Children’s Home, Leo, IN; Mark Terrell, CEO, Lifeline Youth and Family Services, Fort Wayne, IN; John Green, executive director, Emmaus Ministries, Chicago, IL; Mary Nelson, president and CEO, Bethel New Life, Inc., Chicago, IL; Richard Townsell, executive director, Lawndale Christian Development Corp., Chicago, IL; and Emmet Moore, 11th District Police Steering Committee, Chicago, IL.

15. *“Implementation of National Supply Reduction Strategy,” September 17, 2003; Serial No. 108–115*

*a. Summary.*—Complementing its focus on the reauthorization of the Office of National Drug Control Policy and the President’s initiative on drug treatment, the subcommittee held hearings during the 108th Congress on narcotics supply issues. This hearing made available to the subcommittee a senior Federal official with policy responsibility for narcotics supply issues from the Office of National Drug Control Policy, as a follow-up to a hearing entitled “Disrupting the Market: Strategy, Implementation, and Results in Narcotics Source Countries.”

Dr. Barry Crane, Deputy Director, Office of National Drug Control Policy spoke about issues such as Plan Colombia, Air Bridge Denial, resource allocation and emerging threats as well as organizational issues and agency organization.

*b. Witnesses.*—Dr. Barry Crane, Deputy Director for Supply Reduction, Office of National Drug Control Policy.

16. *“Strengthening the Long Arm of the Law: How Are Fugitives Avoiding Extradition, and How Can We Bring Them to Justice?” October 1, 2003; Serial No. 108–128*

*a. Summary.*—The subcommittee held this hearing to assess the status of the extradition process, whereby our law enforcement agencies and courts attempt to bring fugitives in foreign countries to justice for crimes committed in the United States. Recent developments have put strains on the extradition process, hindering or sometimes completely impeding the ability of law enforcement to bring criminal fugitives to justice. In particular, the decision of the Mexican Supreme Court to bar extradition for anyone facing life imprisonment—even murderers—has shielded many violent criminals from justice.

The subcommittee heard testimony from representatives of Federal, State and local agencies with experience in the extradition process, as well as the widow of a murder victim whose killer fled to Mexico and remains at large. The subcommittee will continue to monitor this issue, and to pursue any legislative or other solutions.

*b. Witnesses.*—Bruce Swartz, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice; Samuel Witten,

Deputy Legal Advisor, Legal Bureau, U.S. Department of State; James Fox, District Attorney, San Mateo County, CA, Representing the National District Attorneys Association; Daniel J. Porter, District Attorney, Gwinnett Judicial Circuit, Georgia; and Teri March, widow of Los Angeles County, CA Deputy Sheriff David March.

17. *“Drug Production on Public Lands—A Growing Problem,” October 10, 2003; Serial No. 108–138*

*a. Summary.*—The subcommittee held a joint field hearing at Sequoia National Park, CA, with the Government Reform Committee’s Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs on the impact of drug production on national parks, forests and other public lands. Recent years have seen a dramatic rise in drug production, including marijuana cultivation and methamphetamine labs, in these areas. This presents serious challenges for drug enforcement and for visitor and resource protection on public lands. The growing techniques and dangerous chemicals associated with these operations pose a significant environmental threat to protected areas. Violent incidents involving armed guards at these production sites also raise concern about safety for the employees who work on these lands and the visitors who enjoy them. Public lands in California, including national parks and national forests, have particularly experienced an increase in drug production. In 2002 marijuana plant seizures in California’s national forests accounted for over 70 percent of the marijuana plants seized in national forests across the country. In Sequoia National Park, marijuana cultivation has exploded in recent years, with only about 700 marijuana plants eradicated in the park in 2000 but around 34,000 plants eradicated in 2002.

The subcommittees heard testimony from land management agency representatives, law enforcement officials, and concerned citizens, who discussed the effects of drug production on public lands and efforts to combat it. Witnesses included representatives of the National Park Service, the U.S. Department of Agriculture Forest Service, the Drug Enforcement Administration, California Department of Parks and Recreation, California Bureau of Narcotic Enforcement, the Tulare County Sheriff’s Department, and the citizen group Wilderness Watch. Witnesses described the extensive environmental degradation to public lands used for drug production and the difficulty of restoring these areas. Many witnesses testified that the sophisticated, large-scale marijuana growing operations on public lands in recent years are the work of drug trafficking organizations. They expressed concern about the increased violence armed growers exhibited toward one another and toward law enforcement during the 2003 marijuana growing season. While many of the marijuana plantation sites are located in remote areas, concern remains that this violence will also confront the visiting public. Witnesses and Members discussed strategies to find and eradicate drugs produced on public lands. Many witnesses emphasized past and current cooperative efforts of land management agencies and Federal, State, and local law enforcement to investigate drug production on public lands and eradicate the drugs produced there, and they stressed the importance of continued interagency cooperation to effectively combat this problem.

*b. Witnesses.*—Richard Martin, Superintendent, Sequoia and Kings Canyon National Parks, Department of the Interior, National Park Service; Arthur Gaffey, Forest Supervisor, Sequoia National Forest, U.S. Department of Agriculture, Forest Service; Stephen C. Delgado, Special Agent in Charge, San Francisco Field Division, Drug Enforcement Administration; Lisa Mulz, superintendent of law enforcement and public safety, California Department of Parks and Recreation; Val Jiminez, special agent supervisor and commander, Campaign Against Marijuana Planting, California Department of Justice, Bureau of Narcotic Enforcement; Captain David Williams, Tulare County Sheriff's Department; and Joe Fontaine, member, Board of Directors, Wilderness Watch.

18. *“Organized Retail Theft: Conduit of Money Laundering,” field hearing in Cypress, TX, November 10, 2003; Serial No. 108–147*

*a. Summary.*—As a result of its focus on criminal justice and money laundering, the subcommittee conducted a field hearing intended to expose the problem of organized rings of criminals who steal high-price-point retail items and then resell them. The proceeds from the resale, in some cases, are being surreptitiously funneled out of the United States. The consumer and American retail businesses are unwittingly contributing to an international money laundering operation.

Baby formula and other high priced retail items are being stolen at high rates and resold to small “Mom & Pop” retailers. The product is not stored in prescribed conditions between the time it is stolen and returns on the selves of smaller retailers. Witnesses testified that this practice puts consumer safety in jeopardy.

*b. Witnesses.*—Randy Merritt, detective, Pasadena Police Department, Pasadena, TX; Johnnie Jezierski, sergeant, Texas Department of Public Safety; Alonzo Pena, Associate Special Agent in Charge, Bureau of Immigration and Customs Enforcement, U.S. Department of Homeland Security; Frank Borden, assistant director, Manufactured Food Division, Texas Department of Health; Don Clemmer, assistant attorney general, Texas Attorney General's Office; James Jacks, First Assistant U.S. Attorney, Northern District of Texas, U.S. Department of Justice; Joe Williams, Gulf Coast Retailer's Association; Darrell Taylor, HEB Grocery Store Chain; and Deborah Brookshire, Texas Department of Health.

19. *“Faith-based Perspectives on the Provision of Community Services,” field hearing in Charlotte, NC, December 10, 2003; Serial No. 108–148*

*a. Summary.*—Research in the area of the effectiveness of faith-based organizations is limited, and often largely anecdotal. The question remains as to what factors make the faith-based organization uniquely qualified to provide social services. This hearing was intended to consider what factors make faith-based organizations especially equipped to provide social services to the community.

Witnesses discussed with the subcommittee the need for technical assistance and networking among organizations, government agencies, and private foundations, and the need for development of private donations.

*b. Witnesses.*—Rev. Tony Marciano, executive director, Charlotte Rescue Mission, Charlotte, NC; Cindy Marshall, executive director, the Potter’s House, Gastonia, NC; Shirley Stowe, director of nursing and home management, House of Mercy, Belmont, NC; Rev. Mable Hemphill, World Outreach Medical Center, Gastonia, NC; Alice Harrison, executive director, Hope Haven, Charlotte, NC; Thompson Children’s Home, Charlotte, NC; and Pat Marcum, LOVE, Inc. of Mecklenburg County.

20. *“Faith Based Perspectives on the Provision of Community Services,” field hearing in Los Angeles, CA, January 12, 2004; Serial No. 108–152*

*a. Summary.*—The Subcommittee on Criminal Justice, Drug Policy, and Human Resources held the fifth in a series of oversight hearings designed to examine the role of faith-based organizations in providing social services to the needy in communities across the United States. Faith-based providers discussed what methods of the provision of social services that they have found to be effective in their communities.

Research in the area of the effectiveness of faith-based organizations is limited, and often largely anecdotal. The question remains as to what factors make the faith-based organization uniquely qualified to provide social services. This hearing was intended to continue consideration of what makes faith-based organizations especially equipped to provide social services to the community.

Faith-based organizations discussed with the subcommittee the need for technical assistance and networking among organizations, government agencies, and private foundations, and the need for development of private donations.

*b. Witnesses.*—Rudy Carrasco, executive director, Harambee, Pasadena, CA; Rev. Lee de Leon, Templo Calvario, Santa Ana, CA; Maria Hamilton, executive director, Simi Valley Community Center; Rev. Jeff Carr, executive director, the Bresee Foundation, Los Angeles, CA; Dr. Keith Phillips, president, World Impact, Los Angeles, CA; Doug Gold, executive director, Jewish Big Brothers & Big Sisters, Los Angeles, CA; Pastor John Baker, Celebrate Recovery, Lake Forest, CA; Lt. Col. Alfred Van Cleef, Salvation Army of Southern California; and Tim Hooten, executive director, Office of Ministry and Service, Azusa Pacific University, Azusa, CA.

21. *“Faith-based Perspectives on the Provision of Community Services,” field hearing in Colorado Springs, CO, January 23, 2004; Serial No. 108–158*

*a. Summary.*—The Subcommittee on Criminal Justice, Drug Policy, and Human Resources held the sixth in a series of oversight hearings designed to examine the role of faith-based organizations in providing social services to the needy in communities across the United States. Faith-based providers will discuss what methods of the provision of social services that they have found to be effective in their communities.

Research in the area of the effectiveness of faith-based organizations is limited, and often largely anecdotal. The question remains as to what factors make the faith-based organization uniquely qualified to provide social services. This hearing was intended to

continue consideration of what makes faith-based organizations especially equipped to provide social services to the community.

Faith-based organizations discussed with the subcommittee the need for technical assistance and networking among organizations, government agencies, and private foundations, and the need for development of private donations.

*b. Witnesses.*—Dr. Walter Larimore, vice president of medical outreach, Focus on the Family, Colorado Springs, CO; Wilford Wooten, Focus on the Family, Colorado Springs, CO; Frank Keller, Focus on the Family, Colorado Springs, CO; Mike Haley, public policy/youth & gender specialist, Focus on the Family, Colorado Springs, CO; Tom Minnery, vice president of public policy, Focus on the Family, Colorado Springs, CO; Larry Jones, president, Feed the Children, Oklahoma City, OK; Jackie Jaramillo, executive director, Faith Partners, Colorado Springs, CO; Rev. Dean Cowles, president, YouthPartnersNET, Denver, CO; Bob Cote, executive director, Step 13, Denver, CO; and Ed Anderson, Compassion International, Colorado Springs, CO.

22. *“Fighting Methamphetamine in the Heartland: How Can the Federal Government Assist State and Local Efforts,”* field hearing in Elkhart, IN, February 6, 2004; Serial No. 108–179

*a. Summary.*—This hearing was held to assess the recent growth in methamphetamine trafficking and abuse in the Midwest region of the United States as well as the response of Federal, State and local law enforcement agencies. The hearing provided an opportunity for representatives of Federal and local agencies with experience in fighting methamphetamine trafficking, as well as organizations that specialize in the treatment and prevention of meth addiction and abuse, to discuss these issues and suggest solutions.

*b. Witnesses.*—Scott Burns, Deputy Director for State and Local Affairs, Office of National Drug Control Policy; Armand McClintock, Assistant Special Agent in Charge, Indianapolis, IN District Office, Drug Enforcement Administration; Melvin Carraway, superintendent, Indiana State Police; Curtis T. Hill, Jr., prosecuting attorney, Elkhart County Prosecuting Attorney’s Office; Bill Wargo, chief investigator, Elkhart County Prosecuting Attorney’s Office; Detective Daniel Anderson, Starke County Sheriff’s Department; Corporal Tony Ciriello, Kosciusko County Sheriff’s Department; Kevin Enyeart, Cass County prosecutor; Doug Harp, chief deputy, Noble County Sheriff’s Office; Sergeant Jeff Schnepp, Logansport-Cass County Drug Task Force; Brian Connor, acting executive director, the Center for the Homeless, South Bend; Barry Humble, executive director, Drug & Alcohol Consortium of Allen County; and Benjamin Martin, Serenity House, Inc.

23. *“To Do No Harm: Strategies for Preventing Prescription Drug Abuse,”* field hearing in Winter Park, FL, February 9, 2004; Serial No. 108–187

*a. Summary.*—The subcommittee held a public hearing to examine how the Federal Government, in cooperation with State and local authorities, can improve the process of testing, approval, and dispensing to reduce the risk of prescription drug abuse. The hearing provided an opportunity for representatives of Federal and

State agencies with the responsibility for controlling prescription drug abuse, as well as representatives of the medical and scientific communities, pharmaceutical companies, and concerned citizens to discuss these issues and suggest solutions.

*b. Witnesses.*—William T. Fernandez, Director, Central Florida HIDTA; Dr. Robert J. Meyer, M.D., Director, Office of Drug Evaluation II, Center for Drug Evaluation and Research, U.S. Food and Drug Administration; Tom Raffanello, Special Agent in Charge, Miami Division, DEA; James R. McDonough, director, Florida Office of Drug Control; Dr. Stacy Berckes, M.D., board member, Lake Sumter Medical Society; Jack E. Henningfield, Ph.D., Pinney Associates, on behalf of Purdue Pharma; Theresa Tolle, R.Ph., president, Florida Pharmacy Association; Frederick W. Pauzar; Dr. Douglas Davies, M.D., Medical Director, Stewart-Marchman Center; Professor Paul L. Doering, M.S., distinguished service professor of pharmacy practice, College of Pharmacy, University of Florida; and Dr. Chad D. Kollas, M.D., medical director, palliative medicine, M.D. Anderson Cancer Center Orlando.

24. *“Afghanistan: Law Enforcement Interdiction Efforts in Transshipment Countries to Stem the Flow of Heroin,” February 26, 2004; Serial No. 108–215*

*a. Summary.*—The subcommittee held this hearing to examine the efforts of the Drug Enforcement Administration and the Department of State, International Narcotics and Law Enforcement Affairs Bureau in impeding and interdicting the various forms of heroin as it leaves Afghanistan. Several smuggling routes were identified as the most commonly used. Each witness discussed their strategies, funding, and resources in addressing this rapidly increasing problem. The interagency and international relationships between the key stakeholders were explored and encouraged.

*b. Witnesses.*—Robert Charles, Assistant Secretary, Department of State, International Narcotics and Law Enforcement Affairs; and Karen Tandy, Administrator, Drug Enforcement Administration.

25. *“Andean Counterdrug Initiative,” March 2, 2004; Serial No. 108–186*

*a. Summary.*—Oversight hearing to examine the fiscal year 2005 President’s budget request as it applies to the counternarcotics efforts throughout the Andean Region. The Office of National Drug Control Policy, the Department of Defense, and the Department of State discussed the disruption of the narcotics business and alternative economic development initiatives that were included in the President’s budget.

This hearing sought to provide an opportunity for Director Walters to discuss the administration’s general views and priorities in the President’s budget and for Members to discuss issues related to the national drug control budget, strategies, and policies. Members heard from Mr. O’Connell, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Mr. Charles, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs about the implementation of the National Drug Control Strategy in the Andean Region. Some of the major initiatives, listed as follows, were discussed: Alternative Economic Devel-

opment, Aerial Eradication, Air Bridge Denial Program, Plan Colombia, and Resource Allocation.

*b. Witnesses.*—John Walters, Director, Office of National Drug Control Policy; Tom O’Connell, Assistant Secretary, Department of Defense, Special Operations and Low Intensity Conflict; and Robert Charles, Assistant Secretary, Department of State, International Narcotics and Law Enforcement Affairs.

26. *“Cervical Cancer and Human Papillomavirus,” March 11, 2004; Serial No. 108–206*

*a. Summary.*—This hearing focused on cervical cancer and human papillomavirus [HPV], the virus that causes nearly all cervical cancer. Federal agencies discussed efforts to address cervical cancer, including prevention, screening, treatment and research.

During the last several decades, the incidence of cervical cancer and deaths from the disease have declined steadily in the United States due to treatment and an increase in the use diagnostic tools such as of PAP smears, which detect abnormal cervical changes that may indicate precancerous cells or cancer. In 2001, cervical cancer was estimated to be the 12th most commonly newly diagnosed cancer among women in the United States. In contrast, it is the second leading cancer of women worldwide. The rate of cervical cancer cases in African-American women (11.4 per 1,000) is 60 percent higher than the rate in white women (7.1 per 1,000), and African-American women are about 33 percent more likely to die from it.

*b. Witnesses.*—Dr. Dave Weldon, Member of Congress; Ed Thompson, M.D., Deputy Director for Public Health Services, Centers for Disease, Control and Prevention; Edward L. Trimble, M.D., M.P.H., Gynecologic Oncologist, National Cancer Institute, National Institutes of Health; Daniel G. Schultz, M.D., Director, Office of Device Evaluation, Center for Devices and Radiologic Health, Food and Drug Administration; Tom A. Coburn, M.D., Muskogee, OK; Freda Bush, M.D., FACOG, Jackson, MS; John Thomas Cox, M.D., Santa Barbara, CA; Margaret Meeker, M.D., Traverse City, MI; and Jonathan M. Zenilman, M.D., Baltimore, MD.

27. *“Centers for Faith-based and Community Initiatives: Promise and Progress,” March 23, 2004; Serial No. 108–194*

*a. Summary.*—Oversight hearing on “Legal and Practical Issues Related to the Faith-Based Initiative.” The hearing provided an opportunity to discuss the varied legal and practical issues that surround government partnerships with faith-based organizations.

Research in the area of the effectiveness of faith-based organizations is limited, and often largely anecdotal. The question remains as to what factors make the faith-based organization uniquely qualified to provide social services. This hearing was intended to continue consideration of what makes faith-based organizations especially equipped to provide social services to the community.

Faith-based organizations discussed with the subcommittee the need for technical assistance and networking among organizations, government agencies, and private foundations, and the need for development of private donations.

*b. Witnesses.*—Rev. Barry Lynn, executive director, Americans United for the Separation of Church and State; Holly Hollman, general counsel, Baptist Joint Committee; Nathan Diament, director of public policy, Union of Orthodox Jewish Congregations of America; Dr. Amy Sherman, director, Hudson Institute Faith-In-Communities Program; Rev. Wilson Goode, senior advisor on Faith-Based Initiatives for Public/Private Ventures; and Steve Fitzhugh, director, the House.

28. *“Measuring the Effectiveness of Drug Addiction Treatment,”* March 30, 2004; Serial No. 108–222

*a. Summary.*—This oversight hearing examined how the effectiveness of drug addiction treatment is measured. The Administrator of the Substance Abuse and Mental Health Services Administration [SAMHSA] and the Director of the National Institute of Drug Abuse [NIDA] of the National Institutes of Health [NIH], together with private citizen witnesses representing drug addiction treatment policy organizations, discussed measurement of the effectiveness of drug addiction treatment.

Defining and measuring the success of drug addiction treatment is fundamental to measuring the relative effectiveness of drug treatment programs and therapies supported by the Federal Government. Effective measurement methods can provide for reliable emphasis on results, which can lead to improvement in treatment. The witnesses addressed how to measure drug addiction treatment effectiveness: what the best methods are; how organizations and individuals are working to identify and improve those methods; and what the future holds in measuring effectiveness and improving treatment.

*b. Witnesses.*—Charles Currie, Administrator, Substance Abuse and Mental Health Services Administration; Nora D. Volkow, Director, National Institute on Drug Abuse, National Institutes of Health; A. Thomas McLellan, Ph.D., director, Treatment Research Institute, Philadelphia, PA; Charles O’Keefe, Virginia Commonwealth University, Richmond, VA; Karen Freeman-Wilson, executive director, National Drug Court Institute, Alexandria, VA; Jerome Jaffe, M.D., professor, University of Maryland, Baltimore, MD; Catherine Martens, senior vice president, Second Genesis, Silver Spring, MD; and Hendree Jones, Ph.D., research director, Center for Addiction and Pregnancy, Baltimore, MD.

29. *“Afghanistan: Are British Counternarcotics Efforts Going Wobbly?”* April 1, 2004; Serial No. 108–224

*a. Summary.*—This investigative hearing examined the eradication efforts of the British military and other coalition forces in Afghanistan. The CNC estimated over 60,000 hectares under cultivation in 2004, the second largest to date. The harvest amounted to approximately 3,000 metric tons of heroin. The Department of State discussed the disruption of the narcotics business by manual eradication and alternative economic development initiatives to the Afghan farmers.

This hearing provided an opportunity for Assistant Secretary of the Department of State Robert Charles to discuss the importance of eradication. DOS oversees all aerial eradication programs in

Latin America and as a result, their experience serves as a model of effective supply reduction efforts. The witness had recently returned from Afghanistan and other countries within the region.

*b. Witnesses.*—Robert Charles, Assistant Secretary, Department of State, International Narcotics and Law Enforcement Affairs.

30. *“Marijuana and Medicine: The Need For a Science Based Approach,” April 1, 2004; Serial No. 108–226*

*a. Summary.*—This hearing explored the numerous scientific and medical claims being made about marijuana, and the real health impact the drug has on individuals. The hearing also examined the potential impact that bypassing Federal regulations of medical drugs—as various State laws that purport to legalize marijuana as medicine have done—may have on consumer health and safety. The hearing provided an opportunity for representatives of Federal and State agencies with the responsibility for regulating drugs and the practice of medicine, as well as representatives of the medical and scientific communities, to discuss these issues and suggest solutions.

This hearing addressed one of the most contentious debates in modern drug policy: the use of marijuana for “medicinal” purposes. Marijuana is a plant which, when smoked or consumed, is a powerful psychoactive drug (due to the presence of its main chemical component, THC). It was once used as a folk “medicinal” remedy in many primitive cultures, and even in the 19th century was frequently used as a treatment for various maladies by some Western doctors (much as alcohol, cocaine and heroin were once so used). By the 20th century, however, its use by legitimate medical practitioners had dwindled, while its illegitimate use as a “recreational” drug had risen. The drug was finally banned as a medicine in the 1930’s. Beginning in the 1970’s, however, individuals began reporting anecdotal evidence that marijuana might have some medically beneficial uses, most notably in suppressing the nausea associated with cancer chemotherapy. By the 1990’s, the evidence was still anecdotal, but a large and well-funded pro-marijuana movement had succeeded in convincing many Americans that marijuana was a true “medicine.” Unable to change the Federal laws, pro-marijuana activists turned to the States, and succeeded in passing a number of “medical marijuana” laws. This has created a direct conflict between Federal and State law, and has put into sharp focus the competing claims about the scientific value of marijuana (and its components) as “medicine.”

*b. Witnesses.*—Nora D. Volkow, Director, National Institute on Drug Abuse, National Institutes of Health; Dr. Robert J. Meyer, M.D., Director, Office of Drug Evaluation II, Center for Drug Evaluation and Research, U.S. Food and Drug Administration; Patricia Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration; Dr. James D. Scott, M.D., board member, Oregon Board of Medical Examiners; Joan Jerzak, chief of enforcement, Medical Board of California; Dr. Claudia Jensen, M.D., Ventura, CA; Robert Kampia, executive director, Marijuana Policy Project; Dr. Phillip E. Leveque, D.O., Ph.D., Portland, OR; and Dr. Robert DuPont, M.D., Institute for Behavior and Health, Inc., Rockville, MD.

31. *“Northern Ice: Stopping Methamphetamine Precursor Chemical Smuggling Across the U.S.-Canada Border,” field hearing in Detroit, MI, April 20, 2004*

*a. Summary.*—The subcommittee held a public hearing to investigate the smuggling of methamphetamine precursor chemicals from Canada into the United States, as well as the response of Federal, State and local law enforcement agencies. The hearing provided an opportunity for representatives of law enforcement agencies with experience in fighting methamphetamine precursor trafficking to discuss this issue and suggest solutions.

This hearing, the fourth in a series of hearings held by this subcommittee since 2001 on methamphetamine trafficking and abuse, continued subcommittee work on this significant and growing drug problem. Methamphetamine (“meth”), among the most powerful and dangerous stimulants available, is relatively easy to produce; so-called meth “cooks” can create the drug from common household or agricultural chemicals and cold medicines like ephedrine and pseudoephedrine (such chemicals being referred to as meth “precursors”). The drug is highly addictive and has multiple side effects, including psychotic behavior, physical deterioration, and brain damage. Death by overdose is a significant risk.

These chemicals are being smuggled, usually by truck, across such border crossings as Detroit’s Ambassador Bridge and Port Huron, MI’s Blue Water Bridge. DEA and other law enforcement agencies have identified several organizations, many of Middle Eastern origin, as being the primary smugglers. Identifying and stopping smugglers using these bridges presents a serious challenge for law enforcement. Detroit is the busiest truck crossing in the United States, while Port Huron is the fourth busiest, and both crossings are at or near the top in the volume of passenger traffic as well. It is unclear whether U.S. Customs and Border Protection [CBP], which conducts the inspections of all trucks and persons entering the United States, has sufficient resources and facilities to check enough vehicles for drugs and other contraband.

*b. Witnesses.*—Abraham L. Azzam, Director, Southeast Michigan High Intensity Drug Trafficking Area, Office of National Drug Control Policy; Michael Hodzen, Interim Special Agent in Charge, Detroit, U.S. Immigration and Customs Enforcement, Department of Homeland Security; John Arvanitis, Acting Special Agent in Charge, Detroit Field Division, Drug Enforcement Administration; and Kevin Weeks, Director, Field Operations, Detroit Field Office, U.S. Customs and Border Protection, Department of Homeland Security.

32. *“DOD Counternarcotics: What Is Congress Getting For Its Money?” April 21, 2004; Serial No. 108–208*

*a. Summary.*—This oversight hearing examined the efficiency and effectiveness of Department of Defense [DOD] counternarcotics efforts.

The growth of poppy in Afghanistan has been a concern for decades, but only recently a new challenge for DOD’s Central Command [CENTCOM]. Most estimates of poppy cultivation are categorized into periods of control of that country. For example, the Mujahedin is recognized for the decade of the 1980s, while the

Warlord period covered the first half of the 1990s. The Taliban took over in 1995 and their control spanned through 2001. The U.S.-led War on Terrorism, the return of the King, and installation of the Karzai government comprise the period post 2001.

The increase of opium poppy production in Afghanistan in 2004 created anxiety in the international community that there is a significant risk that Afghanistan will fall into the status of a failed state once again, this time under the control of drug cartels and narco-terrorists instead of Islamic militants. The House Government Reform Committee shares this concern, and wants to see an increased level of effort and cooperation with United States and allied elements in the region.

*b. Witnesses.*—Tom O’Connell, Assistant Secretary, Department of Defense, Special Operations and Low Intensity Conflict; RADM David Kunkel, U.S. Pacific Command; and BG Benjamin Mixon, U.S. Southern Command.

33. *“Faith-Based Perspectives on the Provision of Community Services,” field hearing in Seattle, WA, April 26, 2004*

*a. Summary.*—The subcommittee held the seventh and final in a series of oversight hearings designed to examine the role of faith-based organizations in providing social services to the needy in communities across the United States. Faith-based providers discussed methods of the provision of social services that they have found to be effective in their communities.

Research in the area of the effectiveness of faith-based organizations is limited, and often largely anecdotal. This hearing was intended to continue consideration of what makes faith-based organizations especially equipped to provide social services to the community.

Faith-based organizations discussed with the subcommittee the need for technical assistance and networking among organizations, government agencies, and private foundations, and the need for development of private donations.

*b. Witnesses.*—Jill Esau, executive director, We Care Northwest, Seattle, WA; Dan Neary, senior vice president for college advancement, Northwest College, Kirkland, WA; Cal Uomoto, affiliate director, World Relief, Seattle, WA; Mary Diggs Hobson, executive director, African American Reach and Teach Ministry, Seattle, WA; Mike Meinser, director of development, Seattle Hebrew Academy, Seattle, WA; Pastor Aaron Haskins, executive director, Coalition for Community Development and Renewal, Seattle, WA; Pastor Doug Wheeler, Zion Preparatory Academy, Seattle, WA; Pastor Gregg Alex, director, the Matt Talbot Center, Seattle, WA; and Pastor Harvey Drake, executive director, Emerald City Outreach Ministry, Seattle, WA.

34. *“Terrorist Financing and Money Laundering Investigations: Who Investigates and How Effective Are They?” May 11, 2004; Serial No. 108–243*

*a. Summary.*—This hearing examined whether the Federal law enforcement agencies charged with money-laundering investigations have become more efficient in their efforts due to recent organizational changes. The subcommittee also reviewed agency lines of

responsibility and agency oversight designed to protect the American public from the terrorist and criminal enterprises funded by these illegal proceeds.

*b. Witnesses.*—Marcy Forman, Deputy Assistant Director, Financial Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Donald C. Semesky, Chief, Office of Financial Operations, Drug Enforcement Administration, Department of Justice; Michael Morehart, Section Chief, Terrorist Financing Operations Section, Federal Bureau of Investigation, Department of Justice; Dwight Sparlin, Director, Operations, Policy, and Support for the Criminal Investigations Branch, Internal Revenue Service, Department of Treasury; Bob Werner, Chief of Staff, FinCEN, Department of the Treasury; Daniel Glaser, Director, Executive Office for Terrorist Financing and Financial Crimes, Department of Treasury; John Roth, Chief of Criminal Division's Asset Forfeiture and Money Laundering Section, Department of Justice; Bonni Tischler, vice president, Pinkerton Global Transportation and Supply Chain Security Department; and Richard Stana, Director of Homeland Security and Justice, General Accounting Office.

35. *"Ensuring Accuracy and Accountability in Laboratory Testing: Does the Experience of Maryland General Hospital Expose Cracks in the System?" May 18, 2004; Serial No. 108-248*

*a. Summary.*—This hearing examined a situation at Maryland General Hospital where hundreds, perhaps thousands, of patients might have received incorrect HIV and hepatitis test results during a 14-month period ending in August 2004. The hospital failed to notify the patients of the problem. The hearing raised a number of issues related to the actual incident, including the impact of Federal regulations and policies on HIV testing and the ethics of HIV testing. The subcommittee has played an important role in these areas. Specifically, the subcommittee led the effort to secure FDA approval for an inexpensive, reliable rapid HIV test and to promote more routine HIV testing by the CDC.

*b. Witnesses.*—Steven I. Gutman, M.D., Director, Office of In Vitro Diagnostics Device, Evaluation and Safety, Food and Drug Administration, Department of Health and Human Services; Sean Tunis, M.D., Chief Clinical Officer, Centers for Medicare and Medicaid, Services [CMS] and Deputy Director, Office of Clinical Standards and Quality, CMS, Department of Health and Human Services; Teresa Williams, former employee of Maryland General Hospital; Richard Eckloff, Adaltis US Inc., Allentown, PA; Nelson J. Sabatini, Secretary, Maryland Department of Health and Mental Hygiene, Baltimore, MD; Ronald B. Lepoff, M.D., F.C.A.P., Chair of the Commission on Laboratory Accreditation, College of American Pathologists, Northfield, IL; and Edmond Notebaert, president, University of Maryland Medical System, Baltimore, MD.

36. *"Historic Preservation of the Peopling of America" May 20, 2004; Serial No. 108-230*

*a. Summary.*—This hearing examined how the history of the immigration, migration, and settlement of the population of the United States—the peopling of America—is being preserved. The

hearing particularly considered how this story is preserved through National Park Service [NPS] and community programs. It investigated what stories on this theme are currently represented and interpreted through NPS sites and National Historic Landmarks, and how NPS connects these places to tell the story of the peopling of America. The hearing also explored how preservation of sites significant to this story and education about these places can be improved.

*b. Witnesses.*—Dr. Janet Snyder Matthews, Associate Director for Cultural Resources, National Park Service; Katherine Toy, executive director, Angel Island Immigration Station Foundation, San Francisco, CA; Ellen von Karajan, executive director, Society for the Preservation of Federal Hill and Fell’s Point, and member, Board of Directors and Fiscal Agent, Baltimore Immigration Project, Baltimore, MD; and Dr. Kathryn Wilson, director of education and interpretation, Historical Society of Pennsylvania, Philadelphia, PA.

37. *“Ice in the Ozarks: The Methamphetamine Epidemic in Arkansas,” field hearing in Bentonville, AR, June 28, 2004; Serial No. 108-245*

*a. Summary.*—The subcommittee held this field hearing to examine the state of methamphetamine trafficking, production and abuse in Arkansas and the Southern region of the United States, and how the Federal Government can assist State and local authorities in combating this growing problem through law enforcement, environmental clean-up, and drug treatment and prevention programs. The hearing provided an opportunity for representatives of Federal and local agencies with experience in fighting methamphetamine trafficking, as well as organizations that specialize in the environmental aspects of the problem, and the treatment and prevention of meth addiction and abuse, to discuss these issues and suggest solutions.

*b. Witnesses.*—William J. Bryant, Assistant Special Agent in Charge, Little Rock, AR Office (New Orleans Field Division), Drug Enforcement Administration; William M. Cromwell, Acting U.S. Attorney, Western District of Arkansas; James MacDonald, Federal on Scene Coordinator, Region 7, U.S. Environmental Protection Agency; Keith Rutledge, State drug director, Office of the Governor of Arkansas; David Hudson, Sebastian County judge; J.R. Howard, executive director, Arkansas State Crime Lab; Shirley Louie, M.S., CIH, environmental epidemiology supervisor, Arkansas Department of Health; Sheriff Danny Hickman, Boone County Sheriff’s Office; David Gibbons, prosecuting attorney, 5th Judicial District; Mary Ann Gunn, circuit judge, Fourth Judicial District, Fourth Division; Larry Counts, director, Decision Point Drug Treatment Facility; Bob Dufour, RPH, Director of Professional and Government Relations, Wal-Mart Stores, Inc.; Greg Hoggatt, director, Drug Free Rogers-Lowell; Dr. Merlin D. Leach, executive director, Center for Children & Public Policy; and Michael Pyle.

38. *"The Impact of the Drug Trade on Border Security," field hearing in Las Cruces, NM, June 29, 2004; Serial No. 108–250*

*a. Summary.*—The subcommittee held this field hearing to explore the impact of the drug trade, the status of law enforcement along the border between the Texas/New Mexico region and Mexico, and ways to improve security there. The hearing provided an opportunity for regional representatives of the principal agencies entrusted with the security of our borders, as well as representatives of State and local agencies, to discuss these issues and suggest solutions.

*b. Witnesses.*—Luis E. Barker, Chief, El Paso Sector, U.S. Border Patrol, Department of Homeland Security; Kenneth Cates, Associate Special Agent in Charge, El Paso, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Errol Chavez, Regional Director, New Mexico Regional Partnership, Southwest Border High Intensity Drug Trafficking Area, Office of National Drug Control Policy; Luis Garcia, Director, Field Operations, El Paso Field Office, U.S. Customs and Border Protection, Department of Homeland Security; Sandalio Gonzalez, Special Agent in Charge, El Paso Field Division, Drug Enforcement Administration; Steve Swingle, Acting Aviation Group Supervisor, Albuquerque Air Branch, Office of Air and Marine Operations, Department of Homeland Security; Louise Peterson, Hidalgo County commissioner; Captain Richard Williams, commander, District 4 (Las Cruces), New Mexico State Police; Sheriff Robert E. Hall, Hidalgo County Sheriff's Department; and Sheriff Juan Hernandez, Doña Ana County Sheriff's Office.

39. *"Ensuring Accuracy and Accountability in Laboratory Testing: Does the Experience of Maryland General Hospital Expose Cracks in the System? Part II," July 7, 2004; Serial No. 108–252*

*a. Summary.*—In continuation of the subcommittee's May 18, 2004 hearing on this topic, this hearing examined a situation at Maryland General Hospital where hundreds, perhaps thousands, of patients might have received incorrect HIV and hepatitis test results during a 14-month period ending in August 2004. The hospital failed to notify the patients of the problem. The hearing raised a number of issues related to the actual incident, including the impact of Federal regulations and policies on HIV testing and the ethics of HIV testing. The subcommittee led the effort to secure FDA approval for an inexpensive, reliable rapid HIV test and to promote more routine HIV testing by the CDC. AIDS activists have long demanded heavily regulated counseling policies that have discouraged individuals from being tested and doctors from offering testing.

*b. Witnesses.*—Kristin Turner, former employee of Maryland General Hospital; Carol Benner, Director of the Office of Health Care Quality, Department of Health and Mental Hygiene; Dr. Mary Kass, MD, FCAP, president, College of American Pathologists, Northfield, IL; and Edmond Notebaert, president, University of Maryland Medical System, Baltimore, MD.

40. *“Drugs and Security in a Post-September 11 World: Coordinating the Counternarcotics Mission at the Department of Homeland Security,” July 22, 2004*

*a. Summary.*—The subcommittee held this hearing to discuss how well the Department of Homeland Security is fulfilling its counternarcotics mission, what level of material and personnel support it is providing to counternarcotics operations, and what steps it is taking to improve coordination and cooperation between its own subdivisions. The hearing was held jointly with the Select Committee on Homeland Security’s Subcommittee on Infrastructure and Border Security (chaired by Representative Dave Camp).

*b. Witnesses.*—Robert Bonner, Commissioner, U.S. Customs and Border Protection, Department of Homeland Security; Adm. Thomas Collins, Commandant, U.S. Coast Guard, Department of Homeland Security; Michael J. Garcia, Assistant Secretary, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and Roger Mackin, Counternarcotics Officer, Department of Homeland Security.

41. *“The Poisoning of Paradise: Crystal Methamphetamine in Hawaii,” August 2, 2004*

*a. Summary.*—The subcommittee held this field hearing to examine the state of methamphetamine trafficking, production and abuse in Hawaii, and how the Federal Government can assist State and local authorities in combating this growing problem through law enforcement, drug treatment, and prevention programs. The hearing provided an opportunity for representatives of Federal and local agencies with experience in fighting methamphetamine trafficking, and experts in the treatment and prevention of meth addiction and abuse, to discuss these issues and suggest solutions.

*b. Witnesses.*—James R. Aiona, Jr., Lieutenant Governor, State of Hawaii; Larry D. Burnett, Director, Hawaii High Intensity Drug Trafficking Area, Office of National Drug Control Policy; Charles Goodwin, Special Agent in Charge, Honolulu Office, Federal Bureau of Investigation; Briane Grey, Assistant Special Agent in Charge, Honolulu Office (Los Angeles Field Division), Drug Enforcement Administration; Harry Kim, mayor, county of Hawaii; Keith Kamita, chief, Narcotics Enforcement Division, Hawaii Department of Public Safety; Lawrence K. Mahuna, Police chief, Hawaii County Police Department; Richard Botti, executive director, Hawaii Food Industry Association; Dr. Kevin Kunz, Kona Addiction Services; Wesley Margheim, Big Island Substance Abuse Council; Alan Salavea, Hawaii County Prosecutor’s Office, Youth Builders; and Dr. Jamal Wasan, Lokahi Treatment Program.

42. *“Access to Recovery: Improving Participation and Access in Drug Treatment,” September 22, 2004; Serial No. 108-269*

*a. Summary.*—The subcommittee reviewed the Substance Abuse & Mental Health Services Administration [SAMHSA] Access to Recovery drug treatment program, which allows individuals to select from a range of community-based services to treat drug and alcohol addiction.

President Bush announced in his 2003 State of the Union Address a new substance abuse treatment initiative, Access to Recov-

ery. This new initiative provides people seeking drug and alcohol treatment with vouchers to pay for a range of appropriate community-based services. Congress appropriated \$100 million in the 2004 budget for the Substance Abuse and Mental Health Services Administration [SAMHSA].

This new program has established a State-run voucher program for substance abuse clinical treatment and recovery support services built on the following three principles: consumer choice, outcome orientation, and increased capacity.

*b. Witnesses.*—Charles G. Curie, M.A., A.C.S.W., Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Melody Heaps, president, Treatment Alternatives for Safe Communities, Chicago, IL; and Dr. Michael Passi, Associate Director, Department of Family and Community Services, city of Albuquerque, NM.

43. *“Law Enforcement and the Fight Against Methamphetamine,”*  
November 18, 2004

*a. Summary.*—The purpose of this hearing was to examine how the Federal Government can best assist State and local law enforcement authorities to stop the production and trafficking of methamphetamine. In particular, the subcommittee and the witnesses discussed potential changes in the regulation of methamphetamine precursor chemical sales, specialized training in dealing with meth labs for State and local law enforcement officials, and programs to improve communication and cooperation between precursor chemical manufacturers and retailers, and law enforcement agencies.

*b. Witnesses.*—Scott Burns, Deputy Director for State and Local Affairs, Office of National Drug Control Policy; Domingo S. Herraiz, Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice; Lonnie Wright, Director, Oklahoma Bureau of Narcotics and Dangerous Drugs; Sheriff Steve Bundy, Rice County (Kansas) Sheriff’s Department; Lt. George E. Colby, division commander/project director, Allen County Drug Task Force, Allen County (Indiana) Sheriff’s Department; Joseph Heerens, senior vice president, Government Affairs, Marsh Supermarkets, Inc., on behalf of the Food Marketing Institute; Dr. Linda Suydam, president, Consumer Healthcare Products Association; and Mary Ann Wagner, vice president, Pharmacy Regulatory Affairs, National Association of Chain Drug Stores.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL  
RESOURCES AND REGULATORY AFFAIRS

LEGISLATIVE HIGHLIGHTS

During 2003, the subcommittee authored six bills. During the 108th Congress, three were considered in congressional hearings and one of them passed the House. Another was folded into the comprehensive energy bill, which passed the House. The last two were not considered in congressional hearings during the 108th Congress; however, another Government Reform Subcommittee held hearings on predecessor versions of both bills during the 107th Congress.

The first three included: H.R. 2138, "Elevation of the Environmental Protection Agency;" H.R. 2193, "Port Security Improvements Act of 2003;" and H.R. 2432, "Paperwork and Regulatory Improvements Act of 2003." The fourth was H.R. 964, the "Electric Refund Fairness Act." The last two included: H.R. 1493, "Revocation of Executive Order Limiting Access to Presidential Records," and H.R. 1623, "Presidential Gifts Accountability Act."

#### LEGISLATION

As discussed in detail below, the subcommittee held two hearings on Chairman Ose's Environmental Protection Agency [EPA] elevation bill (H.R. 2138), and the full committee held a hearing on Chairman Ose's bi-partisan Paperwork and Regulatory Improvements bill (H.R. 2432). The EPA bill was not marked up or reported out. However, H.R. 2432 was marked up and reported out by the full committee on May 14, 2004 (House Report 108-490), and passed the House by a 373 to 54 vote on May 18th. On November 20, 2003 and June 9, 2004, two different Transportation and Infrastructure Subcommittees considered Chairman Ose's bi-partisan port security bill (H.R. 2193).

#### *EPA Elevation*

On May 15, 2003, subcommittee Chairman Ose introduced H.R. 2138, "Elevation of the Environmental Protection Agency." On June 6th and September 9th, the subcommittee held hearings to consider this bill and a second bill (H.R. 37), which would simply elevate EPA to department level status without making any reforms. During the 107th Congress, the subcommittee held three additional hearings on EPA elevation. During 2004, subcommittee staff negotiated certain changes with the House Science Committee staff and the Bush administration. In the end, time did not permit a subcommittee or full committee markup.

EPA is charged with protecting the Nation's natural resources and human health. Although EPA has enjoyed past successes, resolution of the next generation of environmental challenges will require leadership and statistical and scientific information that looks beyond the traditional point source pollution model. Currently, the fragmented organization of EPA is based on environmental media and pollution source, and provides for 9 Assistant Administrators and 10 Regional Administrators, each reporting directly to the Administrator. This structure stymies coordination, lacks upper-level management leadership, and facilitates inconsistent regulatory approaches to environmental protection.

H.R. 2183 redesignates EPA as the Department of Environmental Protection. The bill also reorganizes the Department based on function, and establishes an independently peer-reviewed Bureau of Environmental Statistics for the purpose of measuring environmental and human health risks that are used as bases for policy decisions. The reorganized structure and the new Bureau will prepare the Department to meet the goals of the next generation of environmental challenges.

*Port Security*

On April 24, 2003, the subcommittee held a hearing to examine port security. On May 21st, subcommittee Chairman Ose introduced the bi-partisan H.R. 2193, "Port Security Improvements Act of 2003." On November 20th, the Transportation and Infrastructure Subcommittee on Water Resources and Environment held a hearing entitled, "Financing Port Security: Who Should Pay?" Chairman Ose testified at the hearing on H.R. 2193 and the Members and other witnesses discussed it as well. On June 9, 2004, the Transportation and Infrastructure Coast Guard and Maritime Transportation Subcommittee held a legislative hearing on the bill. Chairman Ose submitted testimony and public witnesses, including the American Association of Port Authorities, expressed support for the Ose bill.

To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided sufficient Federal funding to fully ensure port security. The U.S. maritime system includes more than 300 ports with more than 3,700 cargo and passenger terminals. The vast maritime system is particularly susceptible to terrorist attempts to smuggle personnel, weapons of mass destruction, or other dangerous materials into the United States. A large-scale terrorist attack at a U.S. port would cause widespread damage and seriously affect our economy.

Currently, the U.S. Customs Bureau collects \$15.2 billion in duties on commodities entering the United States through marine transportation. H.R. 2193 dedicates a portion of these duties for 5 years toward port security enhancements. In addition, H.R. 2193 sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that include a national minimum set of standard security requirements for ports, facilities, and vessels.

Under the bill, "entitlement" funding to duty-collecting ports and their facilities and vessels will flow through the Department of Homeland Security, which by law must review and approve each Area Maritime Transportation Security Plan, Facility Security Plan, and Vessel Security Plan. The distribution within a port would be based on the approved Area Maritime Transportation Security Plan.

At the end of the 108th Congress, there were 34 bi-partisan co-sponsors.

*Paperwork and Regulatory Improvements*

On June 11, 2003, based on extensive hearings and oversight letters on paperwork and regulatory reform during the 107th and 108th Congresses, subcommittee Chairman Ose introduced the bi-partisan H.R. 2432, "Paperwork and Regulatory Improvements Act of 2003." On July 22nd, the full committee held a hearing on the bill. The bill seeks to make incremental improvements in the existing processes governing paperwork and regulations to: (a) increase the probability of results in paperwork reduction, (b) assist Congress in its review of agency regulatory proposals, and (c) improve regulatory accounting. A key provision in the bill is a required multi-agency study of and report to Congress on regulatory budgeting.

Paperwork has increased—instead of decreased—in each of the last 8 years. Since the Internal Revenue Service [IRS] accounts for over 80 percent of the government-wide paperwork burden on the public, H.R. 2432 requires additional Office of Management and Budget [OMB] review of and reporting to Congress on IRS paperwork reduction.

H.R. 2432 makes permanent the authorization for the Government Accountability Office [GAO] to respond to requests from Congress for an independent evaluation of selective economically significant rules proposed or issued by Federal agencies. With this analytic help, Congress will be better equipped to review final agency rules under the Congressional Review Act. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period.

Also, H.R. 2432 requires certain changes to improve the annual regulatory accounting reports. To date, OMB's six final and a seventh draft regulatory accounting reports have all failed to meet some of the statutorily-required content requirements. Part of the reason is that OMB has not requested agency estimates for each agency bureau and program, as it does annually for its paperwork budget and for the President's fiscal Budget. The bill requires agency input for OMB's annual regulatory accounting statements. The reported, but not House-passed, version of the bill also required integration into the fiscal Budget so that Congress would be better able to simultaneously review both the on-budget and off-budget costs associated with each Federal agency imposing regulatory or paperwork burdens on the public.

Last, the required multi-agency study of regulatory budgeting will determine if agencies can better manage regulatory burdens on the public. Agencies will identify regulatory alternatives and then prioritize them so that the worst societal problems can be addressed first.

#### *Electricity*

On February 27, 2003, subcommittee Chairman Ose introduced H.R. 964, the "Electric Refund Fairness Act of 2003." It was referred to the Energy and Commerce Subcommittee on Energy and Air Quality. The bill amends the Federal Power Act to provide greater protection for consumers. It increases the scope of the Federal Energy Regulatory Commission's [FERC's] civil penalty authority and increases criminal fines from a maximum of \$5,000 and 2 years in jail to \$1,000,000 and 5 years in jail. Violations of regulations are increased from \$500 per day to \$25,000 per day. In addition, the bill would make parties that were overcharged for power eligible for a refund beginning on the date they file a complaint at FERC, rather than 60 days later.

H.R. 964 was folded into H.R. 6, "Energy Policy Act of 2003," which passed the House on November 18th.

#### *Presidential Records*

On March 27, 2003, subcommittee Chairman Ose introduced the bi-partisan H.R. 1493, "Revocation of Executive Order Limiting Access to Presidential Records." This bill would simply revoke Presi-

dent Bush's 2001 Executive Order 13233, "Further Implementation of the Presidential Records Act," and replace it with President Reagan's 1989 implementing Executive Order 12267. It is a simpler version of the 107th bill (H.R. 4187), which was reported out by the Government Reform Committee.

In the 1978 Presidential Records Act, Congress clearly intended to make Presidential records available for congressional investigations and then for the public after a 12-year period. The act authorized the National Archives and Records Administration [NARA] to issue implementing regulations. President Reagan's order expanded on NARA's implementing regulations and clarified some areas not specifically addressed in the regulations. The Bush order made many changes, including broadening the grounds for Executive Privilege claims. This broadening could severely limit congressional access to key documents in its investigations of a former administration.

In addition, the Bush order is inconsistent both with the Presidential Records Act itself and with NARA's codified implementing regulations. H.R. 1493 would restore the public's rights to be fully informed about how its government operated in the past.

#### *Presidential Gifts*

On April 3, 2003, subcommittee Chairman Ose introduced H.R. 1623, "Presidential Gifts Accountability Act." This is a revised version of the bill (H.R. 1081) he introduced in the 107th Congress. This bill establishes responsibility in one agency for the receipt, valuation, and disposition of Presidential gifts.

In January 2001, there were press accounts of President Clinton's last financial disclosure report, which covered calendar year 2000 and January 1–20, 2001. This report revealed that the Clintons chose to retain \$190,027 in gifts (each over \$260) during this period. In February 2001, there were press accounts of numerous furniture gifts to the White House residence, which the Clintons returned to the U.S. Government. To prevent future abuses, the subcommittee conducted a 1-year investigation of how the current Presidential gifts system works and collected empirical data, and then identified what legislative changes, if any, were needed to prevent future abuses.

The subcommittee found that several laws, involving six Federal offices and agencies, govern the current system. The subcommittee identified a host of problems with the Presidential gifts system, such as consistently undervalued gifts and questionable White House counsel rulings. The current system is subject to abuse and political interference. H.R. 1623 establishes responsibility in one agency—staffed by career employees—for the receipt, valuation, and disposition of Presidential gifts.

On October 28, 2002, the subcommittee's analysis was presented in House Report 107–768, "Problems with the Presidential Gifts System." H.R. 1623 provides transparency for the public, establishes discipline in the multi-agency system, and ensures accountability.

At the end of the 108th Congress, some of the Presidential records requested by subcommittee Chairman Ose on March 5, 2001 were still not provided by the Bush administration.

## OVERSIGHT HIGHLIGHTS

During the 108th Congress, the subcommittee conducted oversight over a range of issues in each of the three principal areas within the subcommittee's jurisdiction: Energy Policy, Natural Resources, and Regulatory Affairs. As indicated below, the subcommittee sent 59 oversight letters—34 in Regulatory Affairs, 15 in Energy Policy, 8 in Natural Resources, and 2 in other areas.

In Regulatory Affairs, during the 108th Congress, the subcommittee submitted four comment letters on the Office of Management and Budget's [OMB's] regulatory accounting reports (final 5th, draft 6th, final 6th, and draft 7th) and two on OMB's draft June 2003 and draft June 2004 task force reports that were required by the Small Business Paperwork Relief Act [SBPRA]. In addition, the subcommittee sent OMB an August 2003 letter about its own investigation of agency SBPRA implementation and a May 2003 letter to the Department of Agriculture about its violations of the Paperwork Reduction Act. Last, the subcommittee sent 17 sets of post-hearing followup questions on regulatory accounting, paperwork reduction, and SBPRA, 10 of which went to OMB.

In addition, the subcommittee conducted a June 2003 investigation of commercial activities identified in each agency's Federal Activities Inventory Reform Act inventory, with especial attention to California. Also, the subcommittee submitted a May 2004 comment letter on the Small Business Administration's [SBA's] proposed rule to restructure small business size standards. In response to public comments, including this letter, SBA withdrew its proposed rule.

In the transportation area, the subcommittee sent letters to all six April 24, 2003 hearing witnesses on port security regulations, and two pre-hearing letters (in March and August 2003) to the Department of Transportation [DOT] on regulations to ensure private sector participation in mass transit and then four post-hearing letters (from May to October 2004) to DOT with questions on this need as well as other related private sector participation questions. In the labor area, the subcommittee sent a June 2003 letter to the Department of Labor [DOL] on its protective regulations to avoid another Union Labor Life Insurance Company-type scandal.

In Energy Policy, during 2003, the subcommittee sent four oversight letters. The subcommittee continued oversight of the Federal Energy Regulatory Commission's [FERC's] refund proceedings resulting from the California energy crisis, and, in June, requested the Government Accountability Office [GAO] to review the U.S. Department of Agriculture's [USDA's] Rural Utility Service's [RUS's] lending programs for electric power. It also sent March and August letters to the Energy Department's Energy Information Administration on California's and New York-Connecticut's transition from MTBE to ethanol in their gasoline and on gasoline prices.

In Energy Policy, during 2004, in addition to six sets of post-hearing followup questions for certain Federal agency witnesses, the subcommittee sent five oversight letters. These included a February letter to Agriculture's RUS asking it to extend the comment period for its proposed RUS rule to allow GAO and USDA time to complete their pending investigations on RUS's lending programs

for electric power. In February and April, it sent letters to the Environmental Protection Agency [EPA] regarding Federal requirements for gasoline content. The first letter urged EPA to approve California's request for a waiver from the Federal minimum oxygen requirement for reformulated gasoline. The second letter asked EPA to refrain from relaxing its sulfur content standards and to work on means to increase domestic gasoline supply, such as granting California's waiver request and finding ways to increase refinery capacity.

Last, the subcommittee sent two letters to FERC. The first, in March, requested reconsideration of FERC's approval of Southern California Edison's power purchase agreement with its affiliate Mountainview Power Co. The second, in October, recommended, in response to FERC's Notice of Inquiry (69 FR 58112), that it adopt regulations specific to the financial reporting and cost accounting, oversight and recovery practices of Regional Transmission Organizations [RTOs] and Independent System Operators [ISOs].

In Natural Resources, in addition to two sets of post-hearing followup questions for certain Federal agency witnesses, the subcommittee submitted four comment letters on proposed agency rules or guidance documents. In September 2003, the subcommittee commented to EPA on California's impending final rule on emission standards for small non-road engines. In January 2004, the subcommittee commented on USDA's proposed rule on mandatory country of origin labeling for certain food products. This letter questioned how the proposed rule related to congressional intent and presented options for USDA to consider in implementing an interim and final rule, i.e., to pursue legislative relief, reduce record-keeping requirements to limit regulatory burden, and publish non-binding guidance for implementing its rule. Also, in January 2004, subcommittee Chairman Ose sent a joint oversight letter with Chairmen Davis, Young and Duncan on EPA's proposed guidance on National Pollutant Discharge Elimination System permit requirements for "blending" in municipal wastewater treatment plants during wet weather events. Last, in September 2004, the subcommittee sent a comment letter to the Army Corps of Engineers on its Sacramento District Office's attempt to impose Regional Conditions on several nationwide water permits.

Last, in February 2003, the subcommittee asked GAO to conduct a study of Federal agency regulations of jurisdictional waters under Section 404 of the Clean Water Act. And, in March 2003, the subcommittee sent an oversight letter to Interior's Fish and Wildlife Service on conservation banks to insure the survival of endangered species.

In addition, not directly related to any of the three subcommittee's principal areas, the subcommittee sent an April 2003 oversight letter to the President as a follow up to its 107th investigation of the Presidential gifts system, and March 2004 post-hearing questions to the Department of Homeland Security regarding its implementation of the Ose Co-Location Amendment.

#### SUMMARY OF ACCOMPLISHMENTS

The subcommittee sent 25 oversight letters (including 6 comment letters on draft and final OMB reports, 17 sets of post-hearing

questions, and 2 additional oversight letters) concerning the administration's regulatory accounting and paperwork reduction reports and its implementation of SBPRA. This oversight resulted in increased current and promised future attention to all three areas by the Bush administration.

#### HEARINGS

During the 108th Congress, the subcommittee held 24 hearings, 11 during 2003 and 13 during 2004. In the Regulatory Affairs area, the subcommittee held 12 hearings, including: one on regulatory reform accomplishments and initiatives underway, two on implementation of required annual regulatory accounting, two on implementation of the Paperwork Reduction Act, three on implementation of the Small Business Paperwork Relief Act, one on port security regulations, two on private sector participation in transportation, and one on efficient and effective homeland security.

In the Energy Policy, the subcommittee held five hearings, including: three on gasoline prices, one on California energy markets, and one on liquefied natural gas. In Natural Resources, the subcommittee held seven hearings, including: two on elevation of the Environmental Protection Agency [EPA] to a Cabinet level department, one on EPA water enforcement, one on specialty crops, one on wildfires in the West, one on the West Nile Virus, and one on illegal drug production on public lands.

In addition, the full committee held a hearing on the subcommittee's Paperwork and Regulatory Improvements Act of 2003 (H.R. 2432). Each of these is summarized below.

1. *“How To Improve Regulatory Accounting: Costs, Benefits and Impacts of Federal Regulations,” March 11, 2003; Serial No. 108-3*

*a. Summary.*—On March 11, 2003, the subcommittee held its second annual hearing on the Office of Management and Budget's [OMB's] annual regulatory accounting report, which is required to be submitted with the President's fiscal budget. The law requires OMB to estimate the total annual costs and benefits for all Federal rules and paperwork in the aggregate, by agency, by agency program, and by major rule, and to include an associated report on the impacts of Federal rules and paperwork on certain groups, such as small business. The hearing examined OMB's draft sixth annual regulatory accounting report, which was published on the same day as release of the President's budget.

*b. Witnesses.*—Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs [OIRA], OMB; James C. Miller III, former OMB Director and first OIRA Administrator and current chairman, CapAnalysis Group; Dr. Jim J. Tozzi, former OIRA Deputy Administrator and current Advisory Board Member, the Center for Regulatory Effectiveness; Dr. Robert W. Hahn, Director, AEI-Brookings Joint Center for Regulatory Studies; Lisa Heinzerling, professor of law, Georgetown University Law Center; and Rabbi Daniel J. Swartz, executive director, Children's Environmental Health Network.

2. *“California Energy Markets: Refunds and Reform,” April 8, 2003; Serial No. 108-14*

*a. Summary.*—On April 8, 2003, the subcommittee held a hearing on California’s energy markets. The hearing examined actions by the Federal Energy Regulatory Commission [FERC] on March 26th regarding the California energy crisis, and reviewed progress California has made in reforming its electricity market. Since it takes years to propose, site, and build a power plant, reform is necessary to encourage investments in energy generation and transmission.

*b. Witnesses.*—Patrick Wood III, chairman, FERC; Terry Winter, president and chief executive officer, California Independent System Operator; Karen Tomcala, vice president, Regulatory Relations, Pacific Gas and Electric Co.; Gary Ackerman, executive director, Western Power Trading Forum; Jan Smutny-Jones, executive director, Independent Energy Producers; and George Fraser, general manager, Northern California Power Agency.

3. *“Mid-Term Report Card: Is the Bush Administration Doing Enough on Paperwork Reduction?” April 11, 2003; Serial No. 108-16*

*a. Summary.*—On April 11, 2003, the subcommittee held its fifth annual hearing on the administration’s progress in paperwork reduction. The Office of Management and Budget [OMB] estimates the Federal paperwork burden on the public at over 8 billion hours. The Internal Revenue Service [IRS] accounts for 81 percent of the total. In 1980, Congress established an Office of Information and Regulatory Affairs [OIRA] in OMB. By law, OIRA’s principal responsibility is paperwork reduction. Paperwork burden has increased, not decreased, in each of the last 7 years. In sum, OMB and the IRS are not doing a credible job in paperwork reduction.

*b. Witnesses.*—OMB’s OIRA Administrator John D. Graham; Acting IRS Commissioner Robert E. Wenzel; John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, Department of Labor; Victor S. Rezendes, Managing Director, Strategic Issues, General Accounting Office; Joanne E. Peterson, president and CEO, Abator in Pittsburgh, PA; Victor Schantz, president, Schantz Organ Co. in Orrville, OH; and Frank C. Fillmore, Jr., president, the Fillmore Group, Inc. in Ellicott City, MD.

4. *“What Regulations are Needed to Ensure Port Security?” April 24, 2003; Serial No. 108-23*

*a. Summary.*—On April 24, 2003, the subcommittee held a field hearing in California’s Port of Los Angeles on how best to achieve port security. On November 25, 2002, the President signed the Maritime Transportation Security Act into law. This law provided for interim final rules on anti-terrorism plans for port security, facility security, and vessel security, and other rules to follow, such as for transportation security cards. The hearing examined what Federal regulations are needed to ensure port security for various aspects, such as security of United States and foreign ports, facility security, vessel security, cargo identification and screening, and transportation security cards and background checks.

*b. Witnesses.*—Larry Keller, executive director, Port of Los Angeles; Timothy Parker, executive secretary, Steamship Association of Southern California; John Ochs, security manager, Maersk Sealand, Ltd.; Rob Marshall-Johns, director of operations and quality control, the Oppenheimer Group; Stephanie Williams, vice president, California Trucking Association; and Dr. Domenick Miretti, senior liaison, Ports of Los Angeles and Long Beach, International Longshore and Warehouse Union.

5 & 6. *“Elevation of the Environmental Protection Agency to Departmental Level Status: H.R. 37 and H.R. 2138,” June 6, 2003, and “Elevation of the EPA to Department Level Status: Federal and State Views,” September 9, 2003; Serial No. 108–50*

*a. Summary.*—The subcommittee held two legislative hearings on two bills to elevate the Environmental Protection Agency [EPA] to a Cabinet level department: H.R. 37 that simply elevates EPA to department-level status, and H.R. 2138 that reorganizes EPA and creates a Bureau of Environmental Statistics. Since its creation in 1970, EPA has grown from a small agency to one with about 18,000 employees and a budget of \$7.7 billion. Over the last 30 years, 11 major environmental laws expanded EPA’s jurisdiction and delegated most implementation activities to the States. EPA now faces new environmental challenges originating from non-point sources that are difficult to regulate. EPA’s current structure lacks adequate oversight and coordination of its offices to ensure that science, policy and implementation are integrated throughout EPA. By reorganizing EPA and providing the statistical tools to understand our changing environment, a Cabinet level department could do a better job of protecting the environment than it currently does as an independent Federal agency.

*b. Witnesses.*—June 6th hearing—Dr. Paul Portney, president, Resources for the Future; Janice Mazurek, director for innovation and the environment, Progressive Policy Institute; Dr. George Gray, deputy director, Center for Risk Analysis, Harvard School of Public Health; Dr. Steven Hayward, F.K. Weyerhaeuser fellow, American Enterprise Institute; Wesley Warren, senior fellow for environmental economics, Natural Resources Defense Council; and Rena U. Steinzor, professor, University of Maryland School of Law and Board Member, Center for Progressive Regulation.

September 9th hearing—Marianne L. Horinko, Acting Administrator, EPA; James L. Connaughton, chairman, Council on Environmental Quality; State Representative Warren Chisum, Texas House of Representatives; Howard Roitman, director of environmental programs, Colorado Department of Public Health and Environment; Dr. Ron Hammerschmidt, director, Division of Environment, Kansas Department of Health and Environment; E. Donald Elliott, former EPA general counsel and partner at the law firm of Willkie, Farr & Gallagher; Dr. A. Alan Moghissi, president, Institute for Regulatory Science; and Gary S. Guzy, former EPA General Counsel and partner at the law firm of Foley Hoag LLP.

7. *“California Gasoline Markets: From MTBE to Ethanol,” July 2, 2003; Serial No. 108–65*

*a. Summary.*—On July 2, 2003, the subcommittee held the first of three 108th hearings on gasoline prices. This field hearing in Diamond Bar, CA focused on California’s gasoline markets. It reviewed the transition from using MTBE to ethanol in California’s reformulated gasoline and the cause of the recent gasoline price spikes. The biggest difference between 2003’s price spike and previous price spikes was the use of ethanol in California’s gasoline. Ethanol is an inferior product to MTBE in terms of its performance as a gasoline additive and its effect on air quality. The hearing provided an important look into the challenges of using ethanol-blended gasoline outside the Midwest since 15 other States, besides California, have banned MTBE. In addition, on March 27th, the subcommittee requested that the Energy Information Administration [EIA] report on the cause of these price spikes.

*b. Witnesses.*—Guy Caruso, Administrator, EIA, Department of Energy; William J. Keese, chairman, California Energy Commission; Joe Sparano, president, Western States Petroleum Association; Bob Gregory, vice president and general manager of Valero’s Wilmington, CA Refinery; and Lynne Kiesling, director of economic policy, Reason Public Policy Institute.

8. *“What is OMB’s Record in Small Business Paperwork Relief?” July 18, 2003; Serial No. 108–82*

*a. Summary.*—On July 18, 2003, the subcommittee held the first of three joint hearings with the Small Business Subcommittee on Regulatory Reform and Oversight to examine the administration’s record in paperwork reduction and burden relief for small businesses. The Small Business Paperwork Relief Act of 2002 required the Office of Management and Budget [OMB] to take certain actions by June 28, 2003, including to: (a) publish the first annual list of all compliance assistance resources available to small businesses; (b) have each agency establish one point of contact to act as a liaison between small businesses and the agency regarding paperwork requirements; and, (c) report to Congress on the findings of an interagency task force, chaired by OMB. The hearing concluded that OMB’s two June 27th published documents were incomplete and unsatisfactory, its task force report was unresponsive, and its track record in small business paperwork reduction was dismal.

*b. Witnesses.*—Senator George V. Voinovich, chairman, Senate Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia; Representative Donald A. Manzullo, chairman, House Small Business Committee; Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Karen Kerrigan, chairman, Small Business Survival Committee; and Andrew Langer, manager, Regulatory Policy, National Federation of Independent Business.

9. “*H.R. 2432, Paperwork and Regulatory Improvements Act of 2003*,” July 22, 2003; Serial No. 108–68

*a. Summary.*—On July 22, 2003, the full committee held a legislative hearing on the subcommittee’s Paperwork and Regulatory Improvements Act of 2003 (H.R. 2432). The bill seeks to make incremental improvements in the existing processes governing paperwork and regulations to: (a) increase the probability of results in paperwork reduction, (b) assist Congress in its review of agency regulatory proposals, and (c) improve regulatory accounting. Among several provisions, the bill makes permanent the authorization for the General Accounting Office to respond to requests from Congress for an independent evaluation of selective economically significant rules proposed or issued by Federal agencies, and establishes pilot projects for regulatory budgeting.

*b. Witnesses.*—Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs [OIRA], Office of Management and Budget [OMB]; Thomas M. Sullivan, Chief Counsel for Advocacy, Small Business Administration; Fred L. Smith, Jr., president and founder, Competitive Enterprise Institute; Dr. Wendy Lee Gramm, Director, Regulatory Studies Program, Mercatus Center, George Mason University, and former Administrator, OIRA, OMB; John Sample, vice president of sales and marketing, Peake Printers, Inc. on behalf of the National Association of Manufacturers; and Raymond Arth, president and CEO, Phoenix Products, Inc. and first vice chairman, National Small Business Association.

10. “*Drug Production on Public Lands—A Growing Problem*,” October 10, 2003; Serial No. 108–138

*a. Summary.*—On October 10, 2003, the subcommittee held a joint hearing in California’s Sequoia National Park with the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources to examine drug production on public lands. The hearing explored the increase of illegal drug production in our national parks and forests and available tools to combat this problem. For years, relatively small illegal drug operations existed on our national lands. After September 11, 2001, however, our border security tightened significantly, and drug smugglers reacted by moving drug production from Mexico to the United States. Growers have little concern for the environmental damage they cause. In addition, drug production also increases the risk of forest fires.

*b. Witnesses.*—Richard Martin, Superintendent, Sequoia and Kings Canyon National Parks, National Park Service, Department of the Interior; Arthur Gaffrey, Forest Supervisor, Sequoia National Forest, Forest Service, Department of Agriculture; Stephen C. Delgado, Special Agent in Charge, San Francisco Field Division, Drug Enforcement Administration, Department of Justice; Val Jiminez, special agent supervisor, and commander, Campaign Against Marijuana Planting, California Bureau of Narcotics Enforcement; Lisa Mulz, superintendent of law enforcement and public safety, California Department of Parks and Recreation; Captain David Williams, Tulare County sheriff; and Joe Fontaine, member, Board of Directors, Wilderness Watch.

11. *“EPA Water Enforcement: Are We On the Right Track?” October 14, 2003; Serial No. 108–157*

*a. Summary.*—On October 14, 2003, the subcommittee held a field hearing in Ipswich, MA on water enforcement activities by the Environmental Protection Agency [EPA]. The hearing explored the mutually reinforcing relationship between EPA’s strategy of compliance assistance and formal enforcement. Since the mid-1990’s, EPA has increasingly used compliance assistance programs, in conjunction with traditional enforcement tools, to help facilities comply with Federal environmental laws and regulations. Tabulating the number of enforcement actions—or outputs—does not measure actual results. Collaborative efforts can only be measured by more meaningful outcome performance data, such as the changes in the quality of the water.

*b. Witnesses.*—J.P. Suarez, Assistant Administrator, Office of Enforcement and Compliance Assurance, EPA; Robert Varney, Regional Administrator, Region I, EPA; Steve Thompson, executive director, Oklahoma Department of Environmental Quality; Shelley H. Metzenbaum, visiting professor, University of Maryland School of Public Affairs and Director, Environmental Compliance Consortium; Roberta Savage, executive director, Association of State and Interstate Water Pollution Control Administrators; Scott H. Segal, partner at Bracewell & Patterson LLP; J. Charles Fox, vice president of public affairs, Chesapeake Bay Foundation; Pam DiBona, vice president for policy, Environmental League of Massachusetts; and Eric Shaeffer, director, Environmental Integrity Project.

12. *“Problems Facing the Specialty Crop Industry,” December 12, 2003; Serial No. 108–151*

*a. Summary.*—On December 12, 2003, the subcommittee held a field hearing in Salinas, CA on problems facing the U.S. specialty crop industry. The hearing examined the domestic and international issues faced by this industry, and identified needed legislative and regulatory changes to moderate adverse impacts so that U.S. specialty crops can effectively compete in the international marketplace.

The U.S. agricultural sector is primarily divided into two types of crops: program crops and specialty crops. Program crops are farm commodities, such as wheat, corn, cotton, and rice. Specialty crops are comprised of 250 different crops, including fruits, nuts, vegetables, forage crops, flowers, wine grapes, and other agricultural commodities. In contrast to program crops, specialty crops do not receive any Federal price supports. Moreover, they are marketed to foreign countries, some of which have provided price supports for their own specialty crop industries.

*b. Witnesses.*—A.G. Kawamura, secretary, California Department of Food and Agriculture; Joseph Zanger, president, California Farm Bureau Federation; Jim Bogart, president, Grower-Shipper Vegetable Association of Central California; John D’Arrigo, chairman, Western Growers Association; and Robert Nielsen, vice president, Tanimura & Antle.

13. *“What is the Administration’s Record in Relieving Burden on Small Business?” January 28, 2004; Serial No. 108–142*

*a. Summary.*—On January 28, 2004, the subcommittee held the second of three joint hearings with the Small Business Subcommittee on Regulatory Reform and Oversight to examine the administration’s record in paperwork reduction and burden relief for small businesses. The Small Business Paperwork Relief Act of 2002 required the Office of Management and Budget [OMB] to take certain actions by June 28, 2003 and others by December 31st.

The hearing reviewed: (a) OMB’s still incomplete listing of each agency’s single point of contact to act as a liaison between small business and the agency, (b) OMB’s still incomplete listing of agency compliance assistance resources available to small businesses, (c) the incomplete initial agency enforcement reports (due December 31st), and (d) additional significant (over 100,000 hours each) paperwork reduction accomplishments and plans to benefit small business. In addition, the three key regulatory agencies—the Departments of Labor [DOL] and Transportation [DOT] and the Environmental Protection Agency [EPA]—discussed their track record in relieving enforcement burdens on small business. The subcommittee sent extensive post-hearing questions to OMB and DOL.

*b. Witnesses.*—Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Patrick Pizzella, Assistant Secretary for Administration and Management, DOL; Jeffrey Rosen, General Counsel, DOT; Kimberly Terese Nelson, Assistant Administrator for Environmental Information, EPA; Harold Igdaloff, president, Sungro Chemicals, Inc., California, on behalf of the National Small Business Association; and Andrew Langer, manager, regulatory policy, the National Federation of Independent Business.

14. *“How to Improve Regulatory Accounting: Costs, Benefits, and Impacts of Federal Regulations—Part II,” February 25, 2004; Serial No. 108–159*

*a. Summary.*—On February 25, 2004, the subcommittee held its third annual hearing on the Office of Management and Budget’s [OMB’s] annual regulatory accounting report, which is required to be submitted with the President’s fiscal budget. The law requires OMB to estimate the total annual costs and benefits for all Federal rules and paperwork in the aggregate, by agency, by agency program, and by major rule, and to include an associated report on the impacts of Federal rules and paperwork on certain groups, such as small business. The hearing examined OMB’s draft seventh annual regulatory accounting report, which was published 11 days after the statutory deadline for the final report. The subcommittee sent extensive post-hearing questions to OMB.

*b. Witnesses.*—Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas M. Sullivan, Chief Counsel for Advocacy, Small Business Administration; William Kovacs, Vice President, Environment, Technology and Regulatory Affairs, U.S. Chamber of Commerce; Susan Dudley, director, regulatory studies program, Mercatus Center, George Mason University; Dr. Richard B. Belzer, president, Regulatory Checkbook; Joan Claybrook, president, Public Citizen; and Robert R.M. Verchick,

Ruby M. Hulen professor of law, University of Missouri at Kansas City School of Law, representing the Center for Progressive Regulation.

15. *“The Homeland Security Department’s Plan to Consolidate and Co-Locate Regional and Field Offices: Improving Communication and Coordination,” March 24, 2004; Serial No. 108–168*

*a. Summary.*—On March 24, 2004, the subcommittee held a joint oversight hearing with Government Reform Subcommittee on National Security, Emerging Threats and International Relations on the Department of Homeland Security’s [DHS’s] efforts to implement Section 706 of the Department of Homeland Security Act (Public Law 107–296). Section 706 required DHS to develop a plan to consolidate and co-locate the former Federal agencies’ regional and field offices within the same municipality that were transferred to DHS and to submit a report to Congress by November 25, 2003. DHS filed its plan on February 4, 2004 without addressing the specific issues mandated by Section 706. After the hearing, the subcommittee submitted followup questions to DHS Under Secretary Asa Hutchinson regarding implementation of a field and regional office plan, cost savings, cross training, technical assistance, best practices and cooperation with the Department of Defense. After responding to the questions, DHS agreed in writing to submit a final and responsive report on implementation of Section 706 to the subcommittee by 1 year after the statutory deadline, i.e., by November 25, 2004.

*b. Witnesses.*—Asa Hutchinson, Under Secretary for Border and Transportation Security, DHS; James Lee Witt, president, James Lee Witt Associates, LLP and former Director of the Federal Emergency Management Agency; C. Morgan Kinghorn, president, National Academy of Public Administration; Edward A. Flynn, secretary, Executive Office of Public Safety, State of Massachusetts, on behalf of the National Governors Association; Karen Anderson, mayor, city of Minnetonka, MN, on behalf of the National League of Cities; and Dr. Martin Fenstersheib, health officer for the Santa Clara County Public Health Department, San Jose, CA, on behalf of the National Association of County and City Health Officers.

16. *“What is the Bush Administration’s Economic Growth Plan Component for Paperwork Reduction?” April 20, 2004; Serial No. 108–197*

*a. Summary.*—On April 20, 2004, the subcommittee held its sixth annual hearing on the administration’s progress in paperwork reduction. The Office of Management and Budget [OMB] estimates the Federal paperwork burden on the public at over 8 billion hours. The Internal Revenue Service [IRS] accounts for over 80 percent of the total. In 1980, Congress established an Office of Information and Regulatory Affairs [OIRA] in OMB. By law, OIRA’s principal responsibility is paperwork reduction. Paperwork burden has increased, not decreased, in each of the last 8 years. In sum, OMB and the IRS are not doing a credible job in paperwork reduction. The subcommittee sent extensive post-hearing questions to OMB and the IRS.

*b. Witnesses.*—OMB’s OIRA Administrator John D. Graham; IRS Commissioner and former OMB Deputy Director for Management Mark W. Everson; Patricia A. Dalton, Director, Strategic Issues, General Accounting Office; Daniel Clifton, Federal affairs manager, Americans for Tax Reform; Paul Hense, president, Paul A. Hense CPA, P.C., on behalf of the National Small Business Association; and Raymond J. Keating, chief economist, Small Business Survival Committee.

17. *“Wildfires in the West: Is the Bush Administration’s Response Adequate?”* May 5, 2004; Serial No. 108–178

*a. Summary.*—On May 5, 2004, the subcommittee held a hearing on the administration’s efforts to prevent catastrophic wildfires in the West. In 2000 and 2002, the United States experienced two of the worst wildfires in 50 years. In response, President Bush launched his Healthy Forests Initiative [HFI] and signed into law the Healthy Forests Restoration Act [HFRA]. The hearing assessed the sufficiency of HFI and HFRA in the long-term prevention of wildfires and also examined how Federal, State, and local entities can further increase cooperation and coordination to address future fires. After the hearing, the subcommittee sent post-hearing questions to the U.S. Department of Agriculture [USDA] relating to the conditions for its release of Federal funds to States and counties for wildfire prevention.

*b. Witnesses.*—P. Lynn Scarlett, Assistant Secretary for Policy, Management, and Budget, Department of the Interior; Mark Rey, Under Secretary for Natural Resources and Environment, USDA; Montana Governor Judy Martz on behalf of Western Governors’ Association (who submitted written testimony); William Campbell, chairman, California Governor’s Blue Ribbon Fire Commission; Bruce Tuberville, chairman, the Fire Safe Council; William J. McCammon, president, California Fire Chiefs Association; and Amy Mall, senior forest policy analyst, Natural Resources Defense Council.

18. *“How Can We Maximize Private Sector Participation in Transportation?—Part I,”* May 18, 2004; Serial No. 108–220

*a. Summary.*—On May 18, 2004, the subcommittee held its first of two hearings on maximizing private sector participation in transportation. The hearing explored opportunities for further private sector participation in ground transportation and past experiences with public-private partnerships, service delivery by competitively-award private sector providers, and existing private sector transportation services. Also, the subcommittee examined the Department of Transportation’s [DOT’s] record in facilitating private sector participation in transportation and in faithfully implementing the various private sector participation statutory provisions through its codified rules, oversight, enforcement, and other initiatives. The subcommittee sent three sets of post-hearing questions to DOT—on May 28th, July 9th, and August 4th. Due to the answers received, the subcommittee held a followup hearing on September 30th.

*b. Witnesses.*—Emil Frankel, Assistant Secretary for Transportation Policy, DOT; William R. Allen, president, Amador Stage

Lines, Sacramento, CA; Katsumi Tanaka, chairman of the Board & CEO, E Noa Corp., Honolulu, HI; Terrence V. Thomas, president, Community Bus Services, Inc., Youngstown, OH; Dr. Adrian Moore, vice president, Reason Foundation and executive director, Reason Public Policy Institute; Dr. Ronald D. Utt, Herbert & Joyce Morgan senior research fellow, the Heritage Foundation; and Dr. Max B. Sawicky, economist, Economic Policy Institute.

19. *“Easing Pain at the Gasoline Pump: Finding Solutions for Western Woes,” May 28, 2004; Serial No. 108–203*

*a. Summary.*—On May 28, 2004, the subcommittee held the second of three 108th hearings on gasoline prices. This field hearing in Henderson, NV examined short and long-term regulatory solutions to the gasoline supply problem that had driven up prices in California and the Nation. The subcommittee considered various approaches, some of which focused on increasing supply, such as streamlining environmental laws and regulations, reducing the number of boutique fuels, increasing imports of finished gasoline and fuel blending components, and adding additional gasoline storage capacity. Potential demand-side solutions that the subcommittee considered were improving vehicle fuel economy, encouraging the use of alternative energy or hybrid vehicles, and providing incentives for public transportation and carpooling.

*b. Witnesses.*—Richard Burdette, energy advisor to Governor Guinn, State of Nevada; William Keese, chairman, California Energy Commission; Lynette Evans, policy advisor regulatory affairs, Office of Governor Napolitano, State of Arizona; Joe Sparano, president, Western States Petroleum Association; Sean Comey, media relations representative, AAA of Northern California, Nevada and Utah; David Hackett, president, Stillwater Associates; and Tyson Slocum, research director, Public Citizen’s Energy Program.

20. *“LNG Import Terminal and Deepwater Port Siting: Federal and State Roles,” June 22, 2004; Serial No. 108–238*

*a. Summary.*—On June 22, 2004, the subcommittee held a hearing addressing how Federal and State regulatory frameworks were furthering various policy goals, such as competitive pricing, regional supply, safety, and environmental integrity, and playing complementary or redundant roles. The agencies were asked how they planned to address barriers to liquefied natural gas [LNG] siting, such as local community fears and conflicting laws. The subcommittee also sent the three Federal agency witnesses (representing the Federal Energy Regulatory Commission [FERC], the Department of Energy [DOE], and the U.S. Coast Guard) followup questions about steps contemplated or being taken to streamline the siting process, clarify agency roles, and modernize regulations, and about anticipated economic consequences if sufficient new facilities failed to be sited.

*b. Witnesses.*—Patrick H. Wood III, chairman, FERC; David Garman, Acting Under Secretary, DOE; Rear Admiral Larry Hereth, Director, Office of Port Security, U.S. Coast Guard, Department of Homeland Security; Jay Blossman, commissioner, Louisiana Public Service Commission; Joe Desmond, deputy secretary, energy, California Resources Agency; Kenneth D. Schisler, chair-

man, Maryland Public Service Commission; Donald Santa, president, Interstate Natural Gas Association of America; and Philip Warburg, president, Conservation Law Foundation.

21. *“Driving Down the Cost of Filling Up,” July 7, 2004; Serial No. 108–241*

*a. Summary.*—On July 7, 2004, the subcommittee held the third of three 108th hearings on gasoline prices. This hearing focused on the regulatory causes underlying high gasoline prices and potential solutions, and examined steps appropriate from a regulatory standpoint to expand and enhance the petroleum infrastructure to encourage upgrades and expansions. The subcommittee addressed the cumulative affect of governmental regulations, such as those mandating fuel content, gasoline supply and prices, and California’s de facto ethanol mandate and its waiver request to the Environmental Protection Agency [EPA].

The subcommittee sent followup questions to EPA, the Federal Trade Commission [FTC] on its investigations of petroleum company mergers, the Government Accountability Office [GAO], and the National Petrochemical and Refiners Association on costs associated with refining gasoline.

*b. Witnesses.*—Guy F. Caruso, Administrator, Energy Information Administration, Department of Energy [DOE]; Mark R. Maddox, Acting Assistant Secretary for Fossil Energy, DOE; Jeffrey R. Holmstead, Assistant Administrator for Air and Radiation, EPA; William E. Kovacic, General Counsel, FTC; Jim Wells, Director, Natural Resources and Environment, GAO; Robert Slaughter, president, National Petrochemical and Refiners Association and on behalf of the American Petroleum Institute; Michael Ports, president, Ports Petroleum Co., Inc., and on behalf of the Society of Independent Gasoline Marketers and the National Association of Convenience Stores; Ben Lieberman, senior policy analyst, Competitive Enterprise Institute; and A. Blakeman Early, environmental consultant, American Lung Association.

22. *“What is the Administration’s Record in Relieving Burden on Small Business?—Part II,” July 20, 2004; Serial No. 108–255*

*a. Summary.*—On July 20, 2004, the subcommittee held the third of three joint hearings with the Small Business Subcommittee on Regulatory Reform and Oversight to examine the administration’s record in paperwork reduction and burden relief for small businesses. The Small Business Paperwork Relief Act of 2002 required the Office of Management and Budget [OMB] to take certain actions by June 28, 2003, others by December 31st, and others by June 28, 2004.

The hearing reviewed: (a) OMB’s still incomplete listing of each agency’s single point of contact to act as a liaison between small business and the agency, (b) OMB’s still incomplete listing of agency compliance assistance resources available to small businesses, (c) the still incomplete agency enforcement reports, (d) the second report of an OMB-chaired interagency task force (due June 28, 2004), and (e) additional significant (over 100,000 hours each) paperwork reduction accomplishments and plans to benefit small business. The hearing concluded that OMB’s June 2003 and June

2004 task force reports were unresponsive to congressional specifications and intent, and its track record in small business paperwork reduction remained dismal. The subcommittee sent extensive post-hearing questions to OMB, Treasury, and the General Services Administration [GSA].

*b. Witnesses.*—Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Jesus Delgado-Jenkins, Acting Assistant Secretary for Management and Budget & Chief Financial Officer, Department of the Treasury; Felipe Mendoza, Associate Administrator, Office of Small Business Utilization, GSA; Joseph Acker, president, Synthetic Organic Chemical Manufacturers Association; Anita Drummond, director of legal and regulatory affairs, Associated Builders and Contractors, Inc.; and John DiFazio, assistant general counsel—legal/regulatory affairs, Consumer Specialty Products Association.

23. *“How Can We Maximize Private Sector Participation in Transportation?—Part II,” September 30, 2004*

*a. Summary.*—On September 30, 2004, the subcommittee held its second of two hearings on maximizing private sector participation in transportation. The hearing focused on mass transit and highways, and further explored the Department of Transportation’s [DOT’s] record in implementing the various statutory and regulatory private sector participation requirements. The subcommittee found that, since Chairman Ose’s August 2003 request, DOT neither initiated a rulemaking to implement the various statutory private sector participation provisions nor took an enforcement action against a clearly noncompliant grantee. In addition, the subcommittee found that, in other cases, DOT has not enforced its own regulations and, thus, allowed local transit authorities to compete unfairly with existing private mass transit service providers.

The subcommittee sent extensive post-hearing questions to DOT, and more limited questions to the DC Department of Transportation and the former Chief Counsel for DOT’s Federal Transit Administration [FTA].

*b. Witnesses.*—Jennifer Dorn, Administrator, FTA, DOT; Dan Tangherlini, Director, DC Department of Transportation; Tom Mack, chairman, Tourmobile Sightseeing, Washington, DC; David Smith, director of marketing and sales, Oleta Coach Lines, Inc., Williamsburg, VA; Jerome Cooper, chairman, Transit Alliance & president, Jamaica Buses, Inc., Jamaica, NY; Steven Diaz, esq., former Chief Counsel, FTA, DOT; and Shirley Ybarra, president, Ybarra Group and council member, the National Council for Public-Private Partnerships, and former commissioner, Virginia Department of Transportation (who submitted written testimony).

24. *“Current Challenges in Combating the West Nile Virus,” October 6, 2004; Serial No. 108–274*

*a. Summary.*—On October 6, 2004, the subcommittee held a hearing examining recent activities and challenges to Federal, State and local efforts to control or eliminate the West Nile Virus epidemic. In the summer of 2004, California and Arizona faced a West Nile Virus epidemic. The subcommittee examined the impact of Federal court decisions and Clean Water Act citizen lawsuits

and the need for and effect of National Pollutant Discharge Elimination System [NPDES] permits on the ability of local vector control districts to fight the severe public health crisis caused by the West Nile Virus.

The subcommittee submitted post-hearing questions to the Environmental Protection Agency [EPA] regarding efforts to curb citizen lawsuits, issue final nonbinding guidance, promulgate a regulation, and the availability of reduced risk pesticides. Additionally, the subcommittee sent post-hearing questions to the California Vector Control Association regarding mosquito abatement efforts, impact of the NPDES permit, and nonbinding guidance or a binding regulation.

*b. Witnesses.*—Dr. Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Department of Health and Human Services [HHS]; Dr. Stephen M. Ostroff, Deputy Director, National Center for Infectious Diseases, Centers for Disease Control, HHS; Benjamin J. Grumbles, Acting Assistant Administrator, Office of Water, EPA; John Pape, chief epidemiologist, Colorado Department of Public Health & Environment; Dr. Jonathan Weisbuch, director of public health Maricopa County, AZ; Joe Conlon, technical advisor, American Mosquito Control Association; David Brown, Chair, Integrated Pest Management, Mosquito and Vector Control Association of California; Wendy Station, founder, Encephalitis Global; and Dr. A. Marm Kilpatrick, senior research scientist, Consortium for Conservation Medicine at Wildlife Trust.

25. *“What is the Bush Administration’s Record in Regulatory Reform?” November 17, 2004*

*a. Summary.*—On November 17, 2004, the subcommittee held a hearing to examine the Bush administration’s 4-year record in regulatory reform, especially for public nominations made in response to the Office of Management and Budget’s [OMB’s] annual regulatory accounting reports. The hearing also specifically explored public nominations affecting small business and several existing rules issued by the Department of Labor [DOL] and the Environmental Protection Agency [EPA], including DOL’s rules for the Family and Medical Leave Act [FMLA], and EPA’s rules for its Toxic Release Inventory [TRI], New Source Review [NSR], and mercury. The subcommittee submitted post-hearing questions to OMB for details about the administration’s record and process.

*b. Witnesses.*—Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Stephen L. Johnson, Deputy Administrator, EPA; Howard M. Radzely, Solicitor, DOL; Thomas M. Sullivan, Chief Counsel for Advocacy, Small Business Administration; William Kovacs, vice president, Environment, Technology and Regulatory Affairs, U.S. Chamber of Commerce; Todd O. McCracken, president, National Small Business Association; Nancy McKeague, senior vice president, Michigan Health & Hospital Association, representing the Society for Human Resource Management; James L. Gattuso, research fellow in regulatory policy, the Heritage Foundation; Catherine O’Neill, associate professor, Seattle University School of Law, representing the Center for Progressive Regulation; and John A. Paul, supervisor, Regional Air

Pollution Control Agency, Dayton, OH, representing the State and Territorial Air Pollution Program Administrators.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY AND  
FINANCIAL MANAGEMENT

LEGISLATION

*1. H.R. 4259, The Department of Homeland Security Financial Accountability Act*

The Chief Financial Officers Act (CFO Act) of 1990, Public Law 101-576, is the cornerstone of Federal financial management reform. It came about after 5 years of debate and made sweeping changes to the way the Federal Government manages its finances, with the advent of financial audits and a new commitment to sound financial management. The CFO Act established a leadership structure within the 24 largest departments and the Office of Management and Budget [OMB] by establishing a Chief Financial Officer [CFO] in all major executive departments. Legislation that created the Department of Homeland Security did not include the new agency among those covered by the CFO Act.

On July 24, 2003, Government Efficiency and Financial Management Subcommittee Chairman Todd Platts (R-PA) introduced H.R. 2886, the "Department of Homeland Security Financial Accountability Act," to ensure that DHS would be subject to the same financial accountability requirements as all other cabinet-level departments by applying the provisions of the CFO Act.

H.R. 2886 required the CFO at DHS to be appointed by the President with the advice and consent of the Senate, reporting directly to the Secretary. Furthermore, the bill ensured that DHS would be required to comply with the Federal Financial Management Improvement Act of 1996 (enacted as Title VIII of the Omnibus Consolidated Appropriations for Fiscal Year 1997, Public Law 104-208), which established important financial management systems requirements for CFO Act agencies. Additionally, H.R. 2886 required an opinion-level audit of internal accounting controls at DHS. The requirements spelled out in H.R. 2886 were designed to make sure that financial management was a high priority at DHS.

The subcommittee passed the bill unanimously by voice vote and reported it favorably to the full Committee on Government Reform on September 24, 2003. The full committee then passed the bill unanimously by voice vote on November 6, 2003 and reported it favorably to the House of Representatives. The House Select Committee on Homeland Security also marked up H.R. 2886 and reported a significantly different version to the House of Representatives. H.R. 2886 was not considered by the full House of Representatives.

The legislation was reintroduced in May 2004 as H.R. 4259 and represented a compromise between the House Government Reform Committee and Select Committee on Homeland Security. H.R. 4259, in addition to including the CFO Act and internal control audit requirements of H.R. 2886, also included important provisions insisted upon by the House Select Committee on Homeland Security to establish in statute the existing Office of Program Analysis and Evaluation, as well as an annual requirement for a Future

Years Homeland Security Program and Homeland Security Strategy.

H.R. 4259 passed the House Government Reform Committee in May 2004. The House Select Committee on Homeland Security discharged the legislation. The bill passed the House of Representatives on July 20, 2004, and cleared the Senate on September 30, 2004. On October 16, 2004, the legislation was signed into law by President Bush and became Public Law 108-330.

## *2. H.R. 3826, The Program Assessment and Results Act*

In August 2001, President Bush announced an ambitious agenda to reform government management and improve the performance of Federal programs. The President's management agenda focuses on areas where the need and opportunity to improve are the greatest. The budget and performance integration initiative, a key facet of the President's management agenda, stresses the need to make budget decisions based on results. To implement this initiative, the administration developed the Program Assessment Rating Tool [PART], to evaluate a program's purpose, management, results and accountability to determine its overall effectiveness.

The subcommittee believes that the process of evaluating the efficiency and effectiveness of the Federal Government program-by-program is necessary to ensure that tax dollars are being spent in the most appropriate manner. To that end, on February 25, 2004, subcommittee Chairman Todd R. Platts and full committee Chairman Tom Davis introduced H.R. 3826, the "Program Assessment and Results Act," to amend and improve the Government Performance and Results Act [GPRA] of 1993, Public Law 103-62.

The Program Assessment and Results [PAR] Act is designed to improve the GPRA by implementing a program review and evaluation process that attempts to determine the strengths and weaknesses of Federal programs with a particular focus on results. Furthermore, the information gathered in the review and evaluation process established by the PAR Act will build on the groundwork laid by GPRA to help the executive branch make informed management decisions and evidence-based funding requests aimed at achieving positive results. Finally, the program reviews created by the PAR Act will provide congressional policymakers with the information needed to conduct more effective oversight, to make better-informed authorization decisions, and to make more evidence-based spending decisions.

The PAR Act amends GPRA to require the Director of the Office of Management and Budget [OMB] to review each Federal program, as defined by OMB, at least once every 5 fiscal years. The choice of a 5-year cycle divides the workload of evaluating all Federal programs into manageable segments. Attempting to evaluate the performance of all Federal programs in 1 year was a major impediment to the success of past attempts at performance measurement. The 5-year cycle also parallels the timeframe used by OMB in its Program Assessment Rating Tool [PART], which OMB has used to evaluate programs, representing 20 percent of all Federal spending each year beginning with the fiscal year 2003 budget cycle. The PAR Act does not interfere with OMB's timeline for using PART to complete program assessments of each program in

the Federal budget, nor does the PAR Act attempt to codify the specific methodology used by PART. Instead, the PAR Act directs OMB to conduct reviews of programs in consultation with the relevant agency that administers the program and to evaluate each program's purpose, design, strategic plan, management, results, and any other matters that OMB considers appropriate.

On May 19, 2004, the Subcommittee on Government Efficiency and Financial Management held a business meeting to mark up H.R. 3826. H.R. 3826 was reported to the full Committee on Government Reform, as amended, by voice vote. On June 3, 2004 the full Committee on Government Reform held a business meeting to mark up H.R. 3826 and reported the legislation, as amended, by voice vote to the full House of Representatives for consideration. H.R. 3826 has not yet been considered by the full House of Representatives.

### 3. *H.R. 3457, The Improving Government Accountability Act of 2003*

Representative Jim Cooper (D-TN), H.R. 3457, introduced the "Improving Government Accountability Act of 2003," which seeks to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the independence and operational effectiveness of Inspectors General. H.R. 3457 was referred to the subcommittee and was the subject of two subcommittee hearings. In addition to reviewing H.R. 3457, the subcommittee is also working closely with the President's Council on Integrity and Efficiency [PCIE] and the Executive Council on Integrity and Efficiency [ECIE] on legislative ideas similar to those embodied in H.R. 3457.

The Improving Government Accountability Act of 2003 addresses a number of key issues of interest to the IG community. H.R. 3457 amends the Inspector General Act of 1978 to allow an Inspector General [IG] to be removed from office prior to the expiration of his term on the grounds of permanent disability, inefficiency, neglect of duty, malfeasance, or conviction of a felony or conduct involving moral turpitude. In addition, the bill establishes the term of office of each IG as 7 years. The legislation also establishes the Council of Inspectors General on Integrity and Efficiency to develop policies, standards, and approaches to facilitate a well-trained workforce in the offices of the IG. This council represents a consolidation of the existing PCIE and ECIE. The bill also directs the Office of Personnel Management to maintain a personnel management system applicable to the officers and employees of IG offices.

Although the independence and effectiveness of Inspectors General is of significant importance to the subcommittee, no specific legislative action on H.R. 3457 was taken during the 108th Congress. The subcommittee expects to consider a similar proposal, currently being drafted for introduction next year by Representative Cooper, in the 109th Congress.

## OVERSIGHT HIGHLIGHTS

The Subcommittee on Government Efficiency and Financial Management examines issues involving the overall economy, efficiency, and financial management of Federal operations and activities. More specifically, the subcommittee oversees the financial reporting and management requirements of laws such as the Chief Fi-

nancial Officers Act [CFO], the Inspector General Act, the Federal Financial Management Improvement Act, and the Accountability of Tax Dollars Act. Furthermore, the subcommittee examines the quality of agencies' performance goals and reports in accordance with the Government Performance and Results Act.

#### SUMMARY OF ACCOMPLISHMENTS

##### *1. Governing with Accountability*

A major part of the Subcommittee on Government Efficiency and Financial Management's oversight responsibility involves the performance and accountability measures of the President's management agenda. To meet this responsibility, the subcommittee completed a series of hearings focused on governing with accountability, a significant part of the President's management agenda. This included an overview of management initiatives included in the President's budget for fiscal years 2004 and 2005, a 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], including the possibility of making program assessments similar to the PART a statutory requirement. These hearings brought much needed attention to President Bush's efforts to incorporate performance information in his fiscal year 2004 budget submission. During both sessions of the 108th Congress, hearings were held during consideration of the President's budget by the House of Representatives in order to educate other Members on this increasingly important topic. In addition to these hearings, the subcommittee requested a GAO 10-year retrospective on the effectiveness of GPRA and an analysis of the use of the PART. The findings of these reports were presented at several hearings and served as a basis for legislative proposals.

One of the most important aspects of governing with accountability is the generation of timely, accurate, and useful financial information. Without this information, it is 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. One of the goals when Congress enacted the CFO Act was to place the CFO in the upper echelon of agency management structure. With a focus on improving agency management, Congress has created several positions—the Chief Information Officer, Chief Human Capital Officer, and Chief Acquisition Officer—whose responsibilities complement and sometimes duplicate those of agency CFOs. Through its oversight efforts, the subcommittee examined the changing dynamics of Federal management and how best to balance the roles of these new statutory offices with the unique fiduciary responsibilities of the CFO.

##### *2. Financial Management and Systems Modernization*

Since fiscal year 1996 all CFO Act agencies have been required to produce annual audited financial statements. In fiscal year 2002, 21 of the 24 CFO Act agencies received clean opinions from their auditors. Audits for fiscal year 2003 were similarly positive, with

20 of 23 agencies achieving clean opinions. Although the subcommittee applauds agencies for their commitment to getting clean opinions, many engaged in end-of-year heroic efforts to get there. The majority of agencies are working around financial management systems problems by expending significant resources and making extensive manual adjustments after the end of the fiscal year. The result has been a clean but stale snapshot of an agency's financial position as of September 30th of any given fiscal year. This practice does not yield useful information for day-to-day decisionmaking, and it undermines the congressional mandate that agencies develop and implement financial management systems capable of providing useful and timely decisionmaking data. A clean audit opinion should occur as a natural consequence of top-notch year-round financial management not because of end of the year heroic efforts requiring thousands of hours to create financial statements that are reliable for only 1 day.

During the 108th Congress, the subcommittee embarked on an extensive oversight schedule of hearings designed to improve government-wide financial management. The subcommittee began its financial management oversight each session with a hearing on the Financial Report of the U.S. Government—commonly known as the Consolidated Financials. Beginning with fiscal year 1997, the CFO Act, as expanded by the Government Management Reform Act of 1994, required consolidated financial statements for the entire Federal Government to be audited by March 31st each year. The Secretary of the Treasury compiles the statements in coordination with the OMB Director, and the Comptroller General then audits the statements. These statements reflect the overall financial position of the executive branch, including assets, liabilities, and the results of the operations.

On March 31, 2003, for the 6th straight year, the GAO was unable to render an opinion on the Federal Government's financial statements; in other words, the GAO found that the information in the financial statements was not reliable. In GAO's audit report, Comptroller General David Walker pointed to three major impediments to achieving a clean opinion on the consolidated financial statements: (1) serious financial management problems at the Department of Defense [DOD]; (2) the Federal Government's inability to account for billions of dollars of transactions between Federal Government entities; and (3) the Federal Government's inability to properly prepare financial statements.

Unless there is a marked improvement in the financial systems used throughout the executive branch, the Federal Government will not be able to produce the kind of financial information that it needs to effectively manage its day-to-day operations. Furthermore, Congress and the administration need timely, accurate, and useful financial and performance information to make choices about today's needs versus the long-term fiscal future.

The CFO Act calls for modernization of financial management systems so that the systematic measurement of performance, the development of cost information, and integration of program, budget, and financial information from management reporting can be achieved. The Federal Financial Management Improvement Act of 1996 [FFMIA] builds on the foundation laid by the CFO Act by em-

phasizing the need for agencies to have systems that can generate reliable useful and timely information with which to make fully informed decisions and to ensure accountability on an ongoing basis. FFMIA requires the CFO Act agencies to implement and maintain financial management systems that comply substantially with: Federal financial management systems requirements; Federal accounting standards; and the U.S. Government Standard General Ledger [SGL].

GAO is required to report annually to the Congress on how the agencies are complying with the congressional mandates of FFMIA. According to GAO (GAO-03-1062), the nature and seriousness of the reported problems indicate that agency management does not yet have a full range of reliable information needed for accountability, performance reporting, and decisionmaking. This situation exists notwithstanding the fact that the majority of CFO Act agencies received clean audit opinions. The number of unqualified or clean opinions has been increasing over the past 6 years, from 11 in fiscal year 1997 to 21 in fiscal year 2002 and 20 in fiscal year 2003, but the number of agencies reported to have substantially non-compliant systems has remained relatively stable: 20 in fiscal year 1997, 21 in fiscal year 1998 and 1999, 19 in fiscal year 2000, 20 in fiscal year 2001, and 19 in fiscal year 2002. As previously noted, many agencies are working around systems problems to obtain clean opinions by expending significant resources and making extensive manual adjustments after the end of the fiscal year.

#### BUSINESS MEETINGS

September 24, 2003, business meeting: Approved H.R. 2886 “The Department of Homeland Security Financial Accountability Act,” as amended by voice vote.

May 19, 2004, business meeting: Approved H.R. 3826 “The Program Assessment and Results Act,” as amended by voice vote.

#### HEARINGS

##### 1. *“Management and the President’s Budget,” March 26, 2003; Serial No. 108-45*

*a. Summary.*—This hearing focused on the President’s management agenda and the impact the agenda has had on the improvement of the executive branch’s operational efficiency and effectiveness. The subcommittee explored how the President’s management agenda impacted the budget numbers included in the President’s fiscal year 2004 budget and reviewed the President’s latest scorecard of the agencies’ progress in implementing the management agenda. The Federal Government has a responsibility to the taxpayers of this country to be productive and accountable. Unfortunately, the results of the scorecard show that many agencies are unable to demonstrate the value that they provide for the tax dollars that are spent on the programs they administer. Progress is being made on the management agenda’s five broad initiatives, but the status quo of these initiatives is still sub par at most agencies.

*b. Witnesses.*—The Honorable Pete Sessions (R-TX), U.S. House of Representatives, chairman, Results Caucus; Patricia A. Dalton, Director, Strategic Issues, U.S. General Accounting Office; Edward

R. McPherson, Chief Financial Officer, Department of Agriculture; Angela B. Styles, Administrator for Federal Procurement Policy, Office of Management and Budget; and Mark A. Forman, Associate Director, Information Technology and E-Government, Office of Management and Budget.

2. *“Performance, Results, and Budget Decisions,” April 1, 2003; Serial No. 108–32*

*a. Summary.*—Congressional spending decisions have traditionally been based on three things: the amount of funding that a program received in the previous year, the President’s requests, and the policy preferences of Congress. A more appropriate approach, however, is for Congress to focus on whether Federal taxpayers are receiving a good return on the investment of their hard-earned dollars. In 1993, Congress passed the Government Performance and Results Act [GPRA] in an effort to begin doing just that. In furtherance of the budget and performance integration initiative in the President’s management agenda, the Office of Management and Budget developed the Program Assessment Rating Tool [PART]. Unlike GPRA, which looks at agency-wide performance, the PART examines the performance of individual programs. The PART was used to rate 234 Federal programs, representing over 20 percent of all Federal funding in the fiscal year 2004 budget. An additional 20 percent of all funding will be reviewed in the fiscal year 2005 budget. While PART has the potential to be a very valuable tool, more than half of the programs examined thus far received grades of “results not demonstrated.” Chairman Platts is very interested in these grades, and the subcommittee will continue to monitor future PART scores.

*b. Witnesses.*—Donna McLean, Chief Financial Officer, Department of Transportation; Paul Posner, Director, Strategic Issues, U.S. General Accounting Office; and Maurice McTigue, QSO, director, Government Accountability Project, Mercatus Center at George Mason University.

3. *“The Consolidated Financial Statements of the Federal Government for Fiscal Year 2002,” April 8, 2003; Serial No. 108–34*

*a. Summary.*—Countless taxpayer dollars continue to be lost each year to fraud, waste and financial mismanagement in hundreds of Federal programs. In this hearing, the subcommittee examined the single most comprehensive statement of the status of the financial management of the Federal Government, the 2002 Financial Report of the U.S. Government. The Financial Report and the accompanying audit of the report performed by the General Accounting Office [GAO] were released on time as usual, on March 31, 2003. For the 6th straight year, GAO was unable to render an opinion on the Federal Government’s financial statements. GAO reported significant material deficiencies that affected both the financial statements and the management of government operations. It is clear from the report that until the Department of Defense solves their financial problems and receives a clean opinion, the entire Federal Government’s financial statements will continue to be unreliable.

*b. Witnesses.*—David M. Walker, Comptroller General of the United States, U.S. General Accounting Office; Linda M. Springer, Controller, Office of Federal Financial Management, Office of Management and Budget; and Donald V. Hammond, Fiscal Assistant Secretary, Department of the Treasury.

4. *“Why is SBA Losing Ground on Financial Management?” April 29, 2003; Serial No. 108–49*

*a. Summary.*—As one of the 24 Chief Financial Officer Act (CFO Act) agencies, the Small Business Administration [SBA] has been required to produce agency-wide audited annual financial statements since fiscal year 1996, and has been required to produce audited financial statements with respect to its loan programs since fiscal year 1991. Since 1996, SBA has consistently received a clean opinion from their auditors on their agency-wide financial statements. However, recently SBA’s auditors issued a disclaimer on SBA’s fiscal year 2002 financial statements and chose to withdraw their clean opinions on SBA’s financial statements for fiscal years 2001 and 2000. This turnaround occurred in part as the result of the findings by the GAO that SBA incorrectly calculated the accounting losses on \$4.4 billion of loan sales and lacked reliable financial data to determine the overall financial impact of the sales. This hearing raised serious questions about the quality of the financial management of SBA’s loan asset sales. It also demonstrated a point that is consistently raised by the subcommittee that sound financial management requires more than clean audit opinions.

*b. Witnesses.*—Linda Calbom, Director of Financial Management and Assurance, U.S. General Accounting Office; Thomas Dumaresq, Chief Financial Officer, Small Business Administration; Peter McClintock, Deputy Inspector General, Small Business Administration; Charles Hayward, partner, Cotton & Co.; and Bill Menth, consultant to Cotton & Co.’s SBA Audit Team for Fiscal Year 2002, post-audit consultant to SBA.

5. *“Show Me the Tax Dollars—How Much is Lost to Improper Payments Each Year?” May 13, 2003; Serial No. 108–39*

*a. Summary.*—An improper payment is any payment that should not have been made. It can be an incorrect payment, an over or under payment, and can include, among other things, a payment to an ineligible recipient, a payment for an ineligible service, a duplicate payment or a payment for a service not received. The President has made the reduction of improper payments a significant part of his management agenda. Improper payments by Federal agencies are a serious and growing problem which cost taxpayers at least \$35 billion each year. The total extent of the problem is still unknown. The subcommittee does know that these erroneous payments are made because agencies do not have adequate internal financial controls and business process systems to protect against them. The subcommittee convened this hearing to monitor this problem and the implementation of the “Improper Payments Information Act,” which is designed to address these concerns by establishing government-wide procedures for identifying and reducing improper payments.

*b. Witnesses.*—Linda M. Springer, Controller, Officer of Federal Financial Management, Office of Management & Budget; McCoy Williams, Director, Financial Management and Assurance, U.S. General Accounting Office; and Kerry N. Weems, Acting Assistant Secretary for Budget, Technology, and Finance, Department of Health and Human Services.

6. *“Fixing the Financials: Featuring USDA and Education,” June 10, 2003; Serial No. 108–58*

*a. Summary.*—The subcommittee brought before it, the Department of Agriculture [USDA] and the Department of Education, to discuss their significant progress on improving their overall financial management in fiscal year 2002. Both departments received clean audit opinions. While a clean audit opinion is certainly a goal that each of the CFO Act agencies shares, all too often agencies achieve clean opinions only through last minute heroic efforts or recreating their books at the end of the year. This is not what Congress intended under the CFO Act. Obtaining a clean audit opinion should be a by-product of good year round financial management and not just a test that agencies try to pass at the end of the fiscal year. USDA and Education have implemented real changes designed to improve the long-term management of their agencies and as a consequence were able to obtain clean audits. USDA achieved a clean opinion by focusing on improving internal controls and accountability. Education learned from suggestions that were made on their previous financial audits and implemented solutions that addressed those suggestions. Chairman Platts commended both departments for their diligent efforts.

*b. Witnesses.*—Edward McPherson, Chief Financial Officer, Department of Agriculture; Jack Martin, Chief Financial Officer, Department of Education; McCoy Williams, Director, Financial Management and Assurance, U.S. General Accounting Office; and Linda Calbom, Director of Financial Management and Assurance, U.S. General Accounting Office.

7. *“Federal Debt Management—Are Agencies Using Collection Tools Effectively?” June 17, 2003; Serial No. 108–61*

*a. Summary.*—An important part of solid financial management effort is the collection of debts owed to the government. This subcommittee, under the leadership of former Chairman Steve Horn (R-CA) and current member of the subcommittee, Representative Carolyn Maloney (D-NY), developed legislation that was enacted as the Debt Collection Improvement Act [DCIA] of 1996, a law that made sweeping reforms to the way the Federal Government manages debt. Since that time, the subcommittee has held numerous hearings focusing on the implementation of the act. In this hearing, the subcommittee examined debt collection successes and challenges at the Veterans Administration and the Department of Education’s Office of Federal Student Aid. The subcommittee also heard from the Treasury Department’s Financial Management Service for a look at government-wide progress in DCIA. In terms of all Federal agencies, implementation of the DCIA is improving, but more needs to be done before DCIA will realize its full potential.

*b. Witnesses.*—Richard Gregg, Commissioner of the Financial Management Service, Department of Treasury; William Campbell, Assistant Secretary for Management and Chief Financial Officer, Department of Veterans Affairs; Theresa Shaw, Chief Operating Officer of Federal Student Aid, Department of Education; and Deanne Loonin, staff attorney, National Consumer Law Center in Boston, MA.

8. *“Winning the War on Financial Management—Status of Department of Defense Reform Efforts,” June 25, 2003; Serial No. 108-64*

*a. Summary.*—The Department of Defense [DOD] readily acknowledges that it is years away from earning an unqualified or “clean” opinion on its financial statements. The financial management challenges of DOD are unlike those of any other agency—in fact, they are unlike any entity in the world. With an annual budget of \$400 billion, DOD is almost twice as large as the biggest publicly held corporation. It is our country’s largest employer. The consolidated statement for DOD encompasses at least 20 stand-alone financials, many of which are larger and more complex than the statements of other CFO Act agencies. In light of these challenges, DOD has begun a complete restructuring of its financial management and business processes. The subcommittee is very interested in these reforms because they could result in billions of dollars of savings. The transformation will take years to complete and will require strong support from the highest levels of leadership within DOD if this modernization effort is to be successful.

*b. Witnesses.*—Gregory D. Kutz, Director, Financial Management and Assurance, U.S. General Accounting Office; Lawrence J. Lanzillotta, Principle Deputy and the Deputy Under Secretary of Defense for Management Reform, Office of the Under Secretary of Defense (Comptroller); and Paul Granetto, Director, Defense Financial Auditing Service, Office of the Inspector General of the Department of Defense.

9. *“Show Me the Tax Dollars Part II—Improper Payments and the TennCare Program,” field hearing, Memphis, TN, July 14, 2003; Serial No. 108-76*

*a. Summary.*—This hearing was a follow up to the subcommittee’s hearing on May 13 on improper payments. Held in Memphis, TN, the subcommittee examined waste, fraud, and mismanagement in Tennessee’s Medicaid program, known as TennCare. Tennessee has been very aggressive in investigating potential fraud cases and has in place a number of mechanisms aimed at reducing TennCare fraud. The most identifiable form of fraud in the TennCare program is provider fraud, where providers commit fraud by lying to obtain an improper payment for services rendered (or allegedly rendered) to TennCare recipients. TennCare has an annual budget of approximately \$6 billion, \$4 billion of which is provided by the Federal Government with another \$2 billion provided by the State. The subcommittee conducted this hearing because not only are billions of dollars at stake here, the quality of the health care provided to TennCare recipients is in jeopardy as well.

*b. Witnesses.*—McCoy Williams, Director, Financial Management and Assurance, U.S. General Accounting Office; Kerry Weems, Acting Assistant Secretary for Budget, Technology and Finance, Department of Health and Human Services; Barry Thomas Mathis, Director of Program Integrity, TennCare; William A. Benson, special agent, Tennessee Bureau of Investigation, Medicaid Fraud Control Unit; and Holly E. Williams, director, Medicare Patrol Project, Upper Cumberland Area Agency on Aging.

10. *“SEC Strategic Planning—Will Additional Resources Help the SEC Fulfill Its Mission?” July 23, 2003; Serial No. 108–81*

*a. Summary.*—The Securities and Exchange Commission [SEC] faces a number of challenges, including a workload that has grown exponentially over the past decade and newly imposed requirements resulting from enactment of Sarbanes-Oxley in the 107th Congress. The SEC has not undertaken comprehensive strategic planning to assess the gaps that exist between the way the SEC currently operates and the way the SEC should operate to execute its mission properly. Under the Government Performance and Results Act, the SEC is required to create a 5-year strategic plan, an annual performance plan, and a year-end performance report. The SEC’s strategic plan includes four broad goals: “protect investors; maintain fair, honest and efficient markets; facilitate capital formation; and sustain and improve organizational excellence.” Unfortunately, the performance measures for achieving these goals have traditionally focused on outputs not outcomes. As a result, the SEC cannot gauge whether the actions taken result in greater protection for investors or the smooth functioning of markets. Congress has provided the SEC with additional budget authority as well as increased flexibility in hiring and compensating personnel. The subcommittee continues to monitor the SEC’s utilization of the tools and resources Congress has provided.

*b. Witnesses.*—Richard Hillman, Director of Financial Markets and Community Investment, U.S. General Accounting Office; and Peter Derby, Managing Executive for Operations, Office of the Chairman, Securities and Exchange Commission, accompanied by Jim McConnell, Executive Director, Office of the Executive Director, Securities and Exchange Commission.

11. *“Developing Sound Business Practices at the Department of Homeland Security,” September 10, 2003; Serial No. 108–103*

*a. Summary.*—On September 11, America sustained the most devastating attack on the homeland in its history. That day dealt a crushing blow to the confidence the Nation’s citizens have in the Federal Government. The ability to protect the country from terrorism has become a national priority, and, to that end, Congress and the President established the Department of Homeland Security [DHS]. The creation of DHS is the largest reorganization of the Federal Government since the Department of Defense was established more than 50 years ago. DHS inherits 22 agencies in varying financial condition with 19 different financial management systems and 15 compensation systems. Given the magnitude and importance of the mission of DHS, sound business practices are critical to success and must be established at the outset. The subcommittee

examined the status of the financial management integration efforts at DHS. The hearing was an essential step to ensuring that DHS establishes sound business practices from the outset. The subcommittee also received comments from the witnesses on H.R. 2886, the “Department of Homeland Security Financial Accountability Act,” which would help guarantee sound financial management at DHS during future administrations.

*b. Witnesses.*—Linda Springer, Controller, Office of Federal Financial Management, Office of Management and Budget; McCoy Williams, Director, Financial Management and Assurance Team, U.S. General Accounting Office; Dr. Bruce Carnes, Chief Financial Officer, Department of Homeland Security; and Richard Berman, Assistant Inspector General for Audit, Department of Homeland Security.

12. *“Improving Financial Management at USAID,” September 24, 2003; Serial No. 108–104*

*a. Summary.*—This hearing focused not only on the financial challenges facing the U.S. Agency for International Development [USAID], but also on successful improvements in USAID’s financial management practices. After receiving disclaimers for 5 consecutive years, USAID improved enough in fiscal year 2002 to earn a qualified opinion on its consolidated financial statements. In fact, four of the five statements that make up the consolidated financial statements actually received clean opinions. That being said, USAID still faces many financial management challenges including the material weaknesses cited in their audit report and the need to discontinue the practice of using costly and time-consuming manual accounting transactions to reconcile its books at year-end.

*b. Witnesses.*—John Marshall, Assistant Administrator for Management and Chief Information Officer, USAID; Everett Mosley, Inspector General, USAID; and Gregory Kutz, Director, of Financial Management and Assurance, U.S. General Accounting Office.

13. *“25th Anniversary of the Inspector General Act—Where Do We Go From Here?” October 8, 2003; Serial No. 108–110*

*a. Summary.*—Twenty-five years ago, Congress created Inspectors General [IGs] throughout the Federal Government in response to serious and widespread internal control breakdowns that resulted in significant monetary losses and reduced effectiveness and efficiency in Federal activities. Since their creation, IGs have been largely successful in carrying out their mission, reporting billions of dollars in savings and cost recoveries, as well as thousands of successful criminal prosecutions. There are currently 57 Inspector General offices throughout the Federal Government with 11,000 employees and a total budget of nearly \$1.5 billion. IGs are responsible for conducting and supervising audits and investigations, promoting economy, efficiency and effectiveness, and preventing and detecting fraud and abuse in their agencies’ programs and operations. IGs serve an important function in our system of separation of powers. Their autonomy and independence provide a crucial balance between the executive branch and the Congress. During this hearing, the subcommittee evaluated the progress that has been made in the 25 years since the IGs were created and what, if any,

legislative changes are needed to help the IG community maintain its independence and effectiveness.

*b. Witnesses.*—David M. Walker, Comptroller General, U.S. General Accounting Office; Clay Johnson III, Deputy Director for Management, Office of Management and Budget; Gaston Gianni, Vice Chair, President's Council on Integrity and Efficiency and Inspector General, Federal Deposit Insurance Corporation; and Barry Snyder, Vice Chair, Executive Council on Integrity and Efficiency and Inspector General, Federal Reserve Board.

14. *"Federal Financial Management—Private Sector Views," October 29, 2003; Serial No. 108–119*

*a. Summary.*—For fiscal year 2002, 21 of the 24 agencies mandated by the CFO Act to audit their statements earned an unqualified or "clean" opinion. Clean audit opinions are important but unfortunately, do not always signify that Federal agencies are using sound business practices. The thrust of the Federal Financial Management Improvement Act of 1996 [FFMIA] was to extend the reach of the CFO Act and ensure that agencies were developing financial management systems that would produce timely, reliable, and useful information. FFMIA addressed concerns ranging from computer systems to the use of standard accounting practices, aiming to create uniformity in financial reporting throughout the Federal Government. During fiscal year 2002, 19 of the 24 CFO Act agencies were in substantial non-compliance with FFMIA. During this hearing, the subcommittee focused on the reasons agencies are not FFMIA compliant from the viewpoint of the private sector vendors of the financial management software. The software is put through a rigorous testing process before it can be marketed to Federal agencies so there are no quality control problems. The financial systems problems instead seem to center on the inability of the agencies to commit the resources needed to fully implement the new systems.

*b. Witnesses.*—Sally Thompson, Director, Financial Management and Assurance, U.S. General Accounting Office; Karen Clearly Alderman, executive director, Joint Financial Management Improvement Program; Donna Morea, executive vice president of public sector and co-chief operating officer, American Management Systems; Thomas B. Moogan, vice president and chief financial officer, Digital Systems Group, Inc.; Leslie Casson Stevens, director of Federal solutions support, SAP Public Services Inc.; and Wayne Bobby, senior manager, Oracle Corp.—Federal.

15. *"Identify, Disrupt and Dismantle: Coordinating the Government's Attack on Terrorist Financing," joint field hearing with the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, Tampa, FL, December 15, 2003; Serial No. 108–140*

*a. Summary.*—The subcommittee in conjunction with the Subcommittee on Technology, Information Policy, Intergovernmental Affairs and the Census held a joint field hearing to examine the Federal Government's efforts to combat money laundering and terrorist financing. The intricacy of identifying and prosecuting financial crimes requires the involvement of many Federal law enforce-

ment and regulatory agencies, State and local authorities, and private sector financial institutions. Effective coordination and the best use of information technology are critical. Prior to September 11, most law enforcement and regulatory efforts focused primarily on money laundering (the disguising of illicit funds to appear legitimate). The attacks of September 11 highlighted the urgent need to combat a different form of financial crime—terrorist financing. While money laundering involves schemes to legitimize proceeds from illegal activities, terrorist funding often originates from legitimate enterprises, further complicating the investigation and prosecution of this type of financial crime. The ultimate goal of terrorist financing investigations is to disrupt the flow of money—a result that is difficult to quantify. Still, tangible progress is being made. The United States has sought and received unprecedented support from other countries in overhauling the laws governing the international financial system and designating entities as supporters of terror, and has increased transparency and vigilance in the private sector.

*b. Witnesses.*—Jeff Ross, Senior Advisor, Office of Terrorist Financing and Financial Crime, U.S. Department of the Treasury; George Glass, Director, Office of Terrorist Financing and Economic Sanctions Policy, Bureau of Economic and Business Affairs, U.S. Department of State; Carl Whitehead, Special Agent in Charge, Federal Bureau of Investigation, Tampa Office; Marcy Forman, Deputy Assistant Director for Financial Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and Bruce Townsend, Deputy Assistant Director, Office of Investigations, U.S. Secret Service.

16. *“Should We PART Ways With GPRA: A Look at Performance Budgeting and Program Review,” February 4, 2004; Serial No. 108–144*

*a. Summary.*—This hearing reviewed the findings of a January 30, 2004 GAO report entitled “Performance Budgeting: Observations on the Use of OMB’s Program Assessment Rating Tool for the Fiscal Year 2004 Budget.” The report and the hearing examined: (1) how the Program Assessment Rating Tool [PART] changed the Office of Management and Budget’s [OMB] budget decisionmaking process; (2) PART’s relationship to the Government Performance and Results Act [GPRA]; and (3) PART’s strengths and weaknesses as an evaluation tool.

*b. Witnesses.*—Paul Posner, Director, Strategic Issues, U.S. General Accounting Office; Jonathan Breul, senior fellow, IBM Center for the Business of Government; and Maurice McTigue, QSO, director, Government Accountability Project, Mercatus Center, George Mason University.

17. *“The President’s Management Agenda: Are Agencies Getting To Green?” February 11, 2004; Serial No. 108–155*

*a. Summary.*—This hearing focused on the President’s Fiscal Year 2005 Budget, which was transmitted to Congress on February 2, 2004. The hearing was second in a series of hearings on performance budgeting and looked at the budget submission, the President’s management agenda, and agencies’ progress under the man-

agement agenda's five government-wide priority initiatives, with a particular focus on the budget and performance integration initiative and the administration's use of the Program Assessment Rating Tool [PART].

*b. Witnesses.*—Clay Johnson, Deputy Director for Management, Office of Management and Budget; and Kyle McSlarrow, Deputy Secretary, Department of Energy.

18. *“Financial Report of the U.S. Government for Fiscal Year 2003,”* March 3, 2004; Serial No. 108–145

*a. Summary.*—This hearing set the stage for the subcommittee's financial management oversight throughout the Second Session of the 108th Congress as it focused on the General Accounting Office's [GAO] audit of the consolidated financial statements for the Federal Government for fiscal year 2003. The hearing examined the consolidated financial statements, the reasons that GAO was unable to express an opinion on them, and the managerial changes that need to take place in order for the Federal Government to produce reliable financial data for the Congress and the American people.

*b. Witnesses.*—David M. Walker, Comptroller General of the United States, U.S. General Accounting Office; Linda M. Springer, Controller, Office of Federal Financial Management, Office of Management & Budget; and Donald V. Hammond, Fiscal Assistant Secretary, Department of the Treasury.

19. *“Making Financial Management a Priority at the Department of Homeland Security,”* March 10, 2004; Serial No. 108–174

*a. Summary.*—This hearing, the subcommittee's second look at financial management challenges facing the newly-created Department of Homeland Security, continued the important discussion of the steps needed to ingrain sound financial management and business processes at the Department. The hearing also focused on the findings of the Department's fiscal year 2003 financial audit and provided an overview of the continuing financial management challenges facing DHS in the realignment of its 22 component agencies.

*b. Witnesses.*—Clark Kent Ervin, Inspector General, Department of Homeland Security; and Andrew Maner, Chief Financial Officer, Department of Homeland Security.

20. *“10 Years of GPRA—Results, Demonstrated,”* March 31, 2004; Serial No. 108–175

*a. Summary.*—This hearing focused on the findings of the GAO report entitled “Results Oriented Government: GPRA has Established a Foundation for Achieving Greater Results,” GAO–04–38. The report and the hearing itself looked at the effect of Government Performance and Results Act over the last 10 years in creating a government-wide focus on results and the government's ability to deliver results to the American public, the challenges agencies face in measuring performance and using performance information in management decisions, and on how the Federal Government can continue to shift toward becoming more results-oriented.

*b. Witnesses.*—Patricia Dalton, Director, Strategic Issues, U.S. General Accounting Office; Jonathan Breul, senior fellow, IBM

Center for the Business of Government; Carl DeMaio, president and founder, the Performance Institute; Richard Keevey, director, Performance Consortium, National Academy of Public Administration; Patricia McGinnis, president and CEO, the Council for Excellence in Government; John Mercer, GPRA & Performance Management Services; and Carl J. Metzger, director, Government Results Center.

21. *“\$35 Billion and Counting—A Review of the Improper Payments Act of 2002,” field hearing, York, PA, April 15, 2004; Serial No. 108–176*

*a. Summary.*—This field hearing, held in Chairman Platts’ Congressional District in York, PA, examined agency progress in implementing the Improper Payments Information Act, reviewed OMB’s improper payment guidance, and discussed strategies that agencies should consider for preventing future erroneous payments. The “Improper Payments Information Act of 2002” (Public Law 107–300), for the first time, requires Federal agencies to estimate the amount of erroneous or improper payments that their agency makes annually. While the full extent of the improper payments problem is not known today, this law, and the guidance stated by the Office of Management and Budget will get us closer to fully understanding the extent of the problem in the near future.

*b. Witnesses.*—Linda Springer, Controller, Office of Federal Financial Management, Office of Management and Budget; McCoy Williams, Director, Financial Management and Assurance, U.S. General Accounting Office; Paul Gessing, National Taxpayers Union; and Charlie Gerow, chairman, Citizens Against Government Waste, Pennsylvania Chapter.

22. *“Strategic Planning, Resource Allocation and Crisis Management—Is the SEC Ready?” field hearing, New York City, NY, April 20, 2004; Serial No. 108–177*

*a. Summary.*—In light of the recently uncovered abuses in the mutual fund industry, a workload that has grown exponentially over the past decade, newly imposed requirements under the Sarbanes-Oxley Act of 2002, and changes in technology that have deeply affected the financial services industry, the subcommittee held a field hearing in New York City to review strategic planning and resource allocation at the Securities and Exchange Commission [SEC]. This hearing followed up on the subcommittee’s hearing last July by reviewing the status of the Commission’s new strategic plan, and how will it impact the SEC’s overall mission, as well as whether or not the SEC has the necessary resources and appropriate focus to protect investors by regulating financial markets effectively.

*b. Witnesses.*—Eliot Spitzer, Attorney General, State of New York; Richard Hillman, Director, Financial Markets and Community Investment, U.S. General Accounting Office; James McConnell, Executive Director, Securities and Exchange Commission; John Bogle, Bogle Financial Markets Research Center, founder, Vanguard Mutual Funds; and Dr. Matthew R. Morey, Ph.D., Associate Professor of Finance and Economics, Pace University.

23. *“Mission Impossible? Fixing NASA’s Financial Management,”*  
*May 19, 2004; Serial No. 108–193*

*a. Summary.*—In light of recent financial audits, which revealed serious weaknesses in financial management at NASA, the subcommittee called this hearing to review the lessons learned during the fiscal year 2003 audit process, including how the auditor’s findings will help improve overall financial management at NASA. Although the agency received unqualified or “clean” opinions on its fiscal year 1996–2000 statements from Arthur Andersen, a congressional staffer discovered a discrepancy in its fiscal year 1999 statements. A subsequent investigation by the General Accounting Office [GAO] called into question the reliability of all previous audits. NASA’s new auditor, PricewaterhouseCoopers [PwC], expressed only a qualified opinion for fiscal year 2001. The following year, fiscal year 2002, NASA earned a clean opinion only after making \$10 billion in adjustments to balance its books. Most recently, PwC was unable to express an opinion as to the reliability of financial information for fiscal year 2003, pointing to more than \$500 billion in undocumented year-end adjustments, a \$2 billion discrepancy in its Fund Balance with Treasury, and major internal control weaknesses. The hearing also reviewed the status of NASA’s new systems implementation, the Integrated Financial Management Program [IFMP].

*b. Witnesses.*—Gwendolyn Brown, Chief Financial Officer, National Aeronautics and Space Administration; Robert Cobb, Inspector General, National Aeronautics and Space Administration; and Greg Kutz, Director, Financial Management and Assurance, U.S. General Accounting Office.

24. *“Private Sector Consultants and Federal Financial Management: More than Balancing the Books,”* June 16, 2004; Serial No. 108–244

*a. Summary.*—As part of its ongoing review of Federal financial management, the subcommittee conducted an oversight hearing to discuss the role of private sector consultants in implementing financial management systems. Achieving sound financial management involves more than just accounting, and Federal agencies are beginning to use financial data to change the way they do business. This shift impacts human capital management and the use of information technology. As agencies move from data entry to data analysis, many are hiring private-sector experts for a broad range of financial advice. The hearing provided an overview of consulting and systems integration services available to the Federal Government and how those services help agencies achieve sound business practices, provided a forum for the discussion of best practices and how they can be applied government-wide, and looked at barriers to success unique to the Federal Government, when implementing systems that have worked in the private sector.

*b. Witnesses.*—George Crusier, partner, Public Sector Financial Management, IBM Corp.; David Halstead, vice president, Bradson Corp.; Robin Lineberger, senior vice president, BearingPoint; and Greg Pellegrino, partner, public sector, Deloitte Consulting.

25. *“Business Process Modernization at the Department of Defense,” joint hearing with the Subcommittee on National Security, Emerging Threats and International Relations, July 7, 2004; Serial No. 108–229*

*a. Summary.*—Recent audits and investigations by GAO and DOD auditors continue to confirm the existence of pervasive weaknesses in DOD’s financial management and related business processes and systems. The problems have (1) resulted in a lack of reliable information needed to make sound decisions and report on the status of day-to-day activities, including accountability of assets, and financial and other reports to Congress and DOD decision-makers, (2) hindered operational efficiency, (3) adversely affected mission performance, and (4) left the Department vulnerable to fraud and waste. Although the senior Department of Defense leadership has repeatedly committed itself to transforming and improving the department’s financial management and business process systems, limited progress has been made since Secretary Rumsfeld announced the effort in 2001. This hearing provided an update on the status of the Business Enterprise Architecture [BEA] and the implementation of financial management and business process reforms (the Business Management Modernization Project) including reviewing suggestions for accelerating reforms and overcoming obstacles that hinder their implementation.

*b. Witnesses.*—Lawrence Lanzilotta, Under Secretary of Defense, Comptroller (Acting), Department of Defense; and Greg Kutz, Director, Financial Management and Assurance, U.S. Government Accountability Office

26. *“Improving IG Functionality and Independence: A Review of Legislative Ideas,” July 14, 2004; Serial No. 108–205*

*a. Summary.*—In August 2002, the General Accounting Office [GAO] issued a report on office consolidation and related issues affecting Inspectors General. GAO surveyed the IG community to obtain their views on how independence, quality of work, and use of resources might be affected by consolidation. Specifically, this report discusses raising the USPS, NSF and the Federal Reserve Board IGs to Presidential appointment status and consolidating the smaller DFE IG offices by transferring them into larger Presidential IG offices with related missions. In addition, the report looked at creating a statutory alternative to the President’s Council on Integrity and Efficiency [PCIE] and the Executive Council on Integrity and Efficiency [ECIE]. In addition to the suggested revisions to the IG Act reported by GAO, there are a number of other potential reforms that have been discussed in the IG community recently. It is these potential reforms that were the subject of the subcommittee’s July 14th hearing. The hearing discussed the proposals made in H.R. 3457, the “Improving Government Accountability Act of 2003.” Among this bill’s most important provisions are the establishment of a “removal for cause” clause governing IG’s service to their respective agencies and the establishment of a statutory term of office.

*b. Witnesses.*—Gaston L. Gianni, Jr., Inspector General, Federal Deposit Insurance Corporation; Barry R. Snyder, Inspector Gen-

eral, Federal Reserve Board; and J. Russell George, Inspector General, Corporation for National and Community Service.

27. *“Are Financial Management Problems at the Department of Defense Impacting Army Reserve Pay?” July 20, 2004; Serial No. 108–235*

*a. Summary.*—The House Government Reform Committee held a hearing on January 28, 2004, to look at pay problems with several National Guard units, which were identified by GAO in a November 2003 report. In GAO’s case study, they found that 94 percent of mobilized Army National Guard soldiers had pay problems. These problems distracted soldiers from their missions, imposed financial hardships on their families, and had a negative impact on retention. GAO identified significant systemic problems and made a number of recommendations. DOD acted on several of those recommendations and devised solutions to other concerns as well, and they have kept the committee updated on their progress with several briefings since the report was issued. This hearing, in looking specifically at pay for Reserve soldiers, is part of the subcommittee’s ongoing oversight of DOD financial management from a broad perspective and also a follow-up to the National Guard hearing. Members of the Government Reform Committee requested that GAO begin reviewing, in similar fashion, the pay experiences of Army Reserve soldiers mobilized to active duty. Since many problems for Reservists are identical to those experienced by Guardsmen, measures DOD put in place should mitigate many of the problems. The hearing allowed the Department the opportunity to present the extensive work they have done to address these problems proactively.

*b. Witnesses.*—Gregory D. Kutz, Director, Financial Management and Assurance, U.S. Government Accountability Office; Lieutenant Colonel Donald J. Campbell, USAR, (Ret.), former Unit Commander, 3423rd Military Intelligence Unit, Connecticut; Major George W. Riggins, USA, (Ret.), FORSCOM Support Unit, Maryland; Sergeant Melinda Sue DeLain, USAR, 948th Forward Surgical Team, Michigan; Lieutenant General James R. Helmly, Chief, Army Reserve, Department of the Army; Ernest J. Gregory, Acting Assistant Secretary of the Army for Financial Management and Comptroller, Department of the Army; and Patrick T. Shine, Director, Military and Civilian Pay Services, Defense Finance and Accounting Service, Department of Defense.

28. *“The Evolving Role of the Federal CFO,” September 15, 2004; Serial No. 108–267*

*a. Summary.*—After 5 years of debate, Congress passed the Chief Financial Officers Act of 1990. The CFO Act became the cornerstone for a host of management reforms. For the first time, Federal agencies were required to submit to audit. Congress imparted the importance and prominence of sound financial management by establishing a management structure that placed the Chief Financial Officer in a position of power, reporting directly to the agency head, appointed by the President with the advice and consent of the Senate. The underlying goal was clear: CFOs would become more than stewards—they would become strategists who were part of an

agency's top leadership team. As time has moved forward, Congress has created other management positions—the Chief Information Officer, Chief Human Capital Officer, and Chief Acquisition Officer—whose responsibilities complement and sometimes duplicate those of agency CFOs. The CFO now operates in a crowded management environment. However, the subcommittee's oversight has shown agency CFOs are fundamentally different given their fiduciary responsibility to the American taxpayer. This hearing discussed the changing dynamics of Federal management and how these statutory offices can work together most effectively, while maintaining the unique fiduciary responsibilities of the CFO.

*b. Witnesses.*—Linda Springer, Controller, Office of Management and Budget; Morgan Kinghorn, president, National Academy of Public Administration; Edward DeSeve, senior vice president and managing director, ACS State and Local Solutions, Inc.; and Dr. Virginia McMurtry, Ph.D., Congressional Research Service.

29. *“Financial Management at the Department of Health and Human Services,” September 30, 2004; Serial No. 108–273*

*a. Summary.*—Across government, Federal agencies are attempting to implement new financial management systems because most existing systems lack the full range of reliable, useful, and timely information needed for accountability, performance reporting and decisionmaking. The subcommittee has examined ongoing efforts in a number of these agencies including DOD, NASA, DHS, and USAID among others, and found that agencies consistently do not follow the necessary disciplined processes for efficient and effective implementation of financial management systems and as a result billions are wasted in failed project implementation efforts. As part of this ongoing review of the agencies efforts, the subcommittee requested the Government Accountability Office to review the efforts under way at the Department of Health and Human Services [HHS] which has undertaken a multiyear effort to implement a Unified Financial Management System [UFMS]. The GAO was asked to focus on whether the HHS has (1) effectively implemented disciplined processes; (2) implemented effective information technology [IT], investment management, enterprise architecture, and information security management; and (3) taken actions to ensure that the agency has the human capital needed to successfully design, implement, and operate UFMS. The GAO report released September 24, 2004 concluded that HHS had not followed the disciplined processes necessary to reduce risks associated with implementing UFMS to acceptable levels and thereby risks failure in its efforts. HHS disagrees with the GAO and continues to believe it will be successful in the implementation of the UFMS project. The finding of the GAO report, as well as HHS's response was the subject of this hearing.

*b. Witnesses.*—Jeffrey C. Steinhoff, Managing Director, Financial Management and Assurance, U.S. Government Accountability Office; accompanied by Keith A. Rhodes, Chief Technologist, Center for Technology and Engineering, Government Accountability Office; and Kerry N. Weems, Acting Assistant Secretary for Budget, Information, and Finance, Department of Health and Human Services.

## SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

## OVERSIGHT

*1. Federal Autism Initiatives and Research*

The subcommittee is continuously examining the Federal Government's initiatives regarding Autism Spectrum Disorders. Incidences of autism are increasing exponentially in modern times which has created a need for further Federal Government research and programs to assist the afflicted population and their families.

Congress has recognized the need for further Autism research, and has passed appropriations legislation and resolutions on these matters. The subcommittee has continuously provided oversight into the progress that the Department of Health and Human Services has utilized these tools to facilitate the most up to date research on the causation of these spectrum disorders, and potential treatments to alleviate some of the symptoms associated with these diseases.

The subcommittee is dedicated to ensuring that the National Vaccine Injury Compensation Program [NVICP], a Federal initiative enacted in 1988 to offer a non-adversarial process to review claims of vaccine injury, is providing families of autistic individuals the opportunity to have their petitions reviewed to allow for potential monetary awards to assist the families of autistic individuals with the costs associated with the continuous healthcare and related treatments necessary to sustain the well-being of autistic individuals. In addition, the subcommittee is also examining possible legislative solutions to improve and update the program.

The subcommittee has also provided oversight into the special education programs that are offered to students with Autism Spectrum Disorders by the U.S. Department of Education.

Currently, the subcommittee is coordinating an effort with the Government Accountability Office [GAO] to initiate a study on the costs of providing care to autistic individuals, as well as the current level of governmental assistance on these matters.

*2. Oversight of Federal Government Initiatives Regarding Trafficking in Persons*

Trafficking in persons, in modern day society, has become the third most lucrative and widespread form of trafficking in the world, next to illicit gun and drug trading. It is estimated that approximately 27,000,000 individuals are forced in to some type of slavery today, constituting the greatest concentration in known history. While the problem domestically in the United States is of a relatively smaller scale than in other areas around the world, Congress has initiated legislation such as the Trafficking Victims Protection Act of 2000, and its successor, the Victims Protection Reauthorization Act of 2003 to further combat instances of trafficking in the United States by imposing greater penalties for facilitators of trafficking, and providing victims of these crimes with services to improve their quality of life.

The strategies for combating trafficking in persons has greatly evolved in the United States in the last several years after the enactment of Federal legislation to decrease the incidences of slavery

in our Nation (encompassing an estimated 17,500–21,500 persons a year) and abroad. The subcommittee has provided oversight of both international and domestic initiatives to combat trafficking in persons, working with the Department of State, U.S. Agency for International Development [USAID], Department of Justice, Department of Health and Human Services, Department of Labor, and the Department of Homeland Security to ensure that they are provided with the necessary tools to cease these illicit crimes.

### *3. Federal Progress Regarding Dietary Supplements*

Dietary Supplements have been shown through credible research and historical use to be of benefit to personal health. In 1994, Congress passed the Dietary Supplement Health Education Act [DSHEA] to promulgate guidelines for how the Federal Government was to ensure the safety and efficacy of dietary supplements sold in the United States.

Prior to DSHEA, dietary supplements were treated and regulated as food products. Seeing a need for the Federal Government to address the American consumer's growing interest in dietary products and public safety, DSHEA was enacted to make certain that all dietary health products sold in the United States are held to the highest safety and quality standards.

This legislation ensures the safety and efficacy of dietary supplements by requiring manufacturers to follow standards called good manufacturing practices [GMPs]. Essentially, all ingredients in supplements sold in the United States must be previously approved by the FDA and listed on the bottle label, and distributors must follow strict guidelines on any claims that are made in regard to a particular product—to provide consumers with the most accurate information on supplements. Additionally, if at any time the FDA decides that a particular product or dietary ingredient is detrimental to human health, it reserves the right to have those items removed from the marketplace, as the case with the FDA's ban on Ephedra products during the 108th Congress.

The subcommittee has continued the oversight into the implementation of this legislation by ensuring that the Department of Health and Human Services (FDA and NIH more specifically), as well as the dietary supplement industry have preserved the integrity of this legislation, as it was intended when it was passed a decade ago. The subcommittee has also investigated Federal Government and other credible research studies to identify particular dietary supplements that have the ability to reduce the incidences of certain life-debilitating disease, in addition to further educating the public regarding the safe usage of these products.

### *4. Access to and Affordability of Prescription Drugs*

A major focus of the subcommittee's health oversight activities during the 108th Congress centered on access to and affordability of prescription drugs for Americans, particularly our senior citizens.

Millions of senior citizens on fixed incomes in the United States continue to reportedly have difficulty affording the high costs of medicines needed to sustain their health, compelling many to make the difficult choice of spending their limited financial resources ei-

ther on food or to purchase life-saving prescription drugs. These reports led the subcommittee to conduct a series of five investigative hearings during the first session of the 108th Congress examining various aspects of the topic, including the safety and economic implications of facilitating the reimportation of Canadian prescription drugs in America, and the effectiveness and true cost of a new Medicare prescription drug benefit. These hearings provided valuable information and policy proposals that contributed to the introduction of several viable legislative initiatives designed to assist the rapidly aging American population.

The subcommittee's investigations into the feasibility of reimportation proved especially pivotal in the development of the Pharmaceutical Market Access Act (H.R. 2427). This legislation would have required the Secretary of Health and Human Services to promulgate guidelines that would allow Americans to purchase U.S. Food and Drug Administration [FDA]-approved drugs from FDA-approved facilities in foreign Nations to be accessed in the United States. On July 25, 2003, this legislation was passed in the House of Representatives by a margin of 243–186 (Roll No. 445) and became the official House of Representative's position on reimportation as it pertained to the legislative Conference on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (H.R. 1). However, the provisions of H.R. 2427 were not adopted by the Conference Committee which opted instead for a formal study on the feasibility of reimportation.

No additional hearings on the subject of pharmaceutical pricing and reimportation were held by the subcommittee during the Second Session of the 108th Congress. Nevertheless, the Subcommittee on Human Rights and Wellness' actively continued to investigate this matter and document State, county and municipal efforts to implement reimportation programs. In addition, the subcommittee continued to monitor and record the growing public debate over the potential benefits of reimportation—a debate that reached as high as the Presidential race and witnessed two major national pharmacy chains and a high ranking executive with Pfizer embracing the idea of reimportation—as well as efforts by the U.S. Food and Drug Administration, and the pharmaceutical industry in general, to curtail the growing reimportation movement.

So long as pharmaceutical prices continue to skyrocket and Americans are compelled to choose between buying critically needed prescription drugs and paying their home mortgage or buying food, reimportation will be an attractive option. As a result, the subcommittee fully expects to continue its investigation into the economic pressures within the pharmaceutical industry driving the astronomical growth in prescription drug prices being experienced in the United States.

#### HEARINGS

##### 1. *“International Prescription Drug Parity: Are Americans Being Protected or Gouged?” April 3, 2003; Serial No. 108–12*

*a. Summary.*—This hearing discussed the regulatory environment for Canadian pharmacies who provide lower-cost prescription drugs to Americans. In particular Members discussed recently in-

roduced legislation that would invoke monetary penalties to pharmaceutical companies who threaten to stop selling their products to Canadian pharmacies who sell these products to Americans.

*b. Witnesses.*—William K. Hubbard, Senior Associate Commissioner for Policy, Planning and Legislation at the Food and Drug Administration [FDA]; Dr. Elizabeth Wennar of the Coalition for Access to Affordable Prescription Drugs; Dr. Andy Troszok of the Canadian International Pharmacists Association; and Robert M. Hayes of the Medicare Rights Center.

2. *“Consumer Choice and Implementing Full Disclosure in Dentistry,” May 8, 2003; Serial No. 108–22*

*a. Summary.*—This hearing focused primarily upon new information relating to possible health implications of mercury in the human body. In addition, the subcommittee reviewed the need for disclosing adequate information to patients to enable them to make informed choices about the type of dental restorative material that is used in their treatment.

*b. Witnesses.*—Congressman Mike Michaud (ME–02); Dr. Maths Berlin of the University of Lund, Sweden; Dr. Frederick C. Eichmiller, D.D.S. of the American Dental Association Health Foundation; Sandra Duffy, esq. of the Consumers for Dental Choice Northwest; Dr. Chester Yokoyama, D.D.S. of the Dental Board of California; and Emmitt Carlton of the NAACP.

3. *“Canadian Prescription Drug Importation: Is There a Safety Issue?” June 12, 2003; Serial No. 108–59*

*a. Summary.*—This hearing discussed safeguards that either already were in place, or could be put in place, to maintain safety of U.S. Food and Drug Administration [FDA] approved prescription drugs that are re-imported into the United States, as well as efforts by the U.S. pharmaceutical industry to restrict Canadian wholesalers and pharmacists from selling their products on the U.S. market or to Canadian pharmacists that sell to U.S. consumers.

*b. Witnesses.*—William K. Hubbard, Senior Associate Commissioner for Policy, Planning, and Legislation at FDA; Chris Veihbacher of GlaxoSmithKline Pharmaceuticals; and David Brennan of Astrazeneca Pharmaceuticals.

4. *“The Economic Aspects of the Pharmaceutical Industry in the United States,” June 25, 2003; Serial No. 108–63*

*a. Summary.*—This hearing was a follow up to the April 3, 2003 hearing, and focused primarily on retail prices of prescription drugs in the United States. It also explored the reasons Americans pay remarkably higher prices for their drugs than citizens of Canada and Europe. Testimony contained information on cost containment remedies other than price controls as well.

*b. Witnesses.*—Congressman Gil Gutknecht (R–MN); James Love of the Consumer Project on Technology; Dr. Stephen Schondelmeyer of the University of Minnesota; William Vaughn of Families USA; and Stephen Moore of the CATO Institute.

5. *“International Child Abduction: The Absence of Rights of Abducted American Citizens in Saudi Arabia,” July 9, 2003; Serial No. 108–67*

*a. Summary.*—This hearing was held to discuss ways to better facilitate the safe return of abducted American citizens abroad. Members also were able to hear the first hand experience of Sarah Saga, an American citizen abducted to Saudi Arabia in 1985 who only recently returned, and Debbie Dornier, her mother.

*b. Witnesses.*—Maura Harty, Assistant Secretary for Consular Affairs at the U.S. Department of State [DOS]; Sarah Saga, American citizen abducted to Saudi Arabia in 1985; and Debbie Dornier, mother of Sarah Saga.

6. *“A New Medicare Prescription Drug Benefit: Is It Good for Seniors?” July 17, 2003; Serial No. 108–78*

*a. Summary.*—This hearing was held to discuss the merits of H.R. 2427, the Pharmaceutical Market Access Act, which sought to allow American consumers access to affordable FDA-approved prescription drugs from the FDA-approved facilities in Canada and other industrialized nations. The second panel discussed the impact of adding a prescription drug bill to Medicare, as proposed in H.R. 1.

*b. Witnesses.*—Congressman Rahm Emanuel (D–IL); Congressman Gil Gutknecht (R–MN); Ed Haislmaier of the Heritage Foundation; Joseph Antos of the American Enterprise Institute; Donald Newcomb of the Alliance for Retired Americans; Helen Darling of the Washington Business Group on Health; and Gail Shearer of Health Policy Analysis for the Consumers Union.

7. *“The SV–40 Virus: Has Tainted Polio Vaccine Caused an Increase in Cancer,” September 10, 2003; Serial No. 108–85*

*a. Summary.*—This hearing was held to further explore the handling of the situation involving contaminated vaccines containing the SV–40 virus. Witnesses were questioned as to whether the full scope of the problem was known particularly in regard to how many people were actually affected. Also the current guidelines for immunization safety were reviewed to ensure nothing like the SV–40 situation occurs again.

*b. Witnesses.*—Dr. James J. Goedert, Chief of the Viral Epidemiology Branch and Senior Investigator at the National Cancer Institute [NCI]; Barbara Loe Fisher of the National Vaccine Information Center; Stanley J. Kops, attorney at law; Dr. Adi Gazdar of the University of Texas Southwestern Oncology; and Eileen Grabinski, mother of an injured child.

8. *“A Medicare Prescription Drug Safety Net: Creating a Targeted Benefit for Low-Income Seniors,” September 24, 2003; Serial No. 108–86*

*a. Summary.*—This hearing is a follow-up to the subcommittee’s hearing of July 17, 2003 examining the short and long-term financial costs of adding a prescription drug component to the Medicare program.

*b. Witnesses.*—Congressman Calvin Dooley (D–CA); Joseph Antos of the American Enterprise Institute; Thomas Miller of the CATO

Institute; Jeff Lemeiux of the Progressive Policy Institute; and Ed Haislmaier of the Heritage Foundation.

9. *“Dying for Help: Are Patients Needlessly Suffering Due to the High Cost of Medical Liability Insurance?” October 1, 2003; Serial No. 108–105*

*a. Summary.*—This hearing discussed the desperate need for tort reform to curb sky rocketing medical liability rewards that are crippling many doctors across the nation due to the exorbitant costs of medical liability insurance. It reviewed some crisis states more closely, such as Pennsylvania.

*b. Witnesses.*—Kathryn G. Allen, Director of Health Care, Medicaid and Private Health Insurance Issues of the General Accounting Office [GAO]; Richard G. Hillman, Director of the Financial Markets and Community Investment of the GAO; Dick Thornburgh, former Attorney General of the United States and former Governor of Pennsylvania; Dr. John C. Nelson of the American Medical Association; Jay Angoff, former Insurance Commissioner of the State of Missouri; Dr. Sherman Joyce of the American Tort Reform Association; and Dr. James Tayoun of the Politically Active Physicians Association.

10. *“The Environmental Impact of Mercury-Containing Dental Amalgams,” October 8, 2003; Serial No. 108–102*

*a. Summary.*—This hearing was held as a follow-up to the subcommittee’s hearing on May 8, 2003, entitled, “Consumer Choice and Implementing Full Disclosure in Dentistry,” the subcommittee examined the issue of whether mercury-containing dental amalgam can pose a danger to the public health when mercury from discarded amalgam scraps and capsules leach into the environment.

*b. Witnesses.*—Geoffrey Grubbs, Director of the Office of Science and Technology at the Environmental Protection Agency [EPA]; Capt. James Ragain, Jr., Dental Corps of the U.S. Navy; Dr. Fredrick Eichmiller of the American Dental Association; Norman LeBlanc of the Association of Metropolitan Sewage Agencies; Peter Berglund, PE of the Metropolitan Council of Environmental Services; and David Galvin of the King County Department of Natural Resources and Parks in the Water and Land Resources Division.

11. *“Castro’s Cuba: What’s the Proper U.S. Response to Ongoing Human Rights Violations in Our Hemisphere?” October 16, 2003; Serial No. 108–120*

*a. Summary.*—This hearing was convened to discuss the current human rights violations in the island nation of Cuba, as well as how the United States should properly respond to permanently end those violations and usher in a free and democratic Cuba.

*b. Witnesses.*—Roger Noriega, Assistant Secretary for the Western Hemisphere at DOS; Adolfo Franco, Assistant Administrator for Latin America and the Caribbean for the U.S. Agency for International Development [USAID]; R. Richard Newcomb, Director of the Office of Foreign Assets Control for the Department of Treasury [DOT]; Frank Calzon of the Center for a Free Cuba; Eric Olson of Amnesty International; and Tom Malinowski of Human Rights Watch.

12. *“The Ongoing Tragedy of International Slavery and Human Trafficking: An Overview,”* October 29, 2003; Serial No. 108–137

*a. Summary.*—This hearing investigated and discussed human trafficking around the world, addressing the main forms of human trafficking, including illicit sex trade, child slavery, and indentured servitude. The Members had an opportunity to hear personal accounts of victims across the globe, and discuss innovative ways to combat the problem both in the United States and abroad.

*b. Witnesses.*—John Miller, former U.S. Congressman (WA–01), Director of the Office to Monitor and Combat Trafficking in Persons at DOS; Dr. Kent Hill, Assistant Administrator for USAID; Kevin Bales of Free the Slaves; Dr. Mohamed Mattar of the Protection Project at Johns Hopkins University School of Advanced International Studies; Dr. Janice Raymond of the Coalition Against Trafficking in Women; Andrew Johnson of Save the Children Federation; and Mary Covington of the International Labour Organization of the United Nations.

13. *“Preventing Another SV40 Tragedy: Are Today’s Vaccine Safety Protocols Effective?”* November 13, 2003; Serial No. 108–127

*a. Summary.*—This hearing is a follow up to the September 10, 2003 hearing. The subcommittee invited representatives from the National Cancer Institute [NCI] to reappear before the subcommittee to better explain the inconsistencies in the research being supported by the NCI’s Division of Cancer Epidemiology and Genetics regarding the relationship of SV–40 to contaminated polio vaccines. Additionally, the subcommittee heard from the FDA to present evidence that supports compliance with safe manufacturing protocols, and that supports the assertion that all polio vaccines have been, are, and will continue to be SV–40 free.

*b. Witnesses.*—Dr. William Egan, Acting Director in the Office of Vaccines Research and Review for the FDA; and Dr. Robert Hoover, Director of the Edpidemiology and Biostatistics Program in the Division of Cancer Epidemiology and Genetics at NCI.

14. *“The Future Challenges of Autism: A Survey of the Ongoing Initiatives in the Federal Government to Address the Epidemic,”* November 20, 2003; Serial No. 108–125

*a. Summary.*—This hearing was held to discuss the current U.S. Government research in regard to Autism Spectrum Disorders, Federal Government assistance given to Autistic individuals, and therapies that have been found useful in the treatment of persons with Autism.

*b. Witnesses.*—Dr. Peter van Dyck, Associate Administrator in the Office of the Maternal and Child Health Bureau for the Health Resources and Service Administration [HRSA] at the Department of Health and Human Services [HHS]; Ilene Schwartz of the Center for Training Personnel to Provide Evidence-Based Educational Services to Students with Autism Spectrum Disorders; Rick Rollens of the MIND Institute at the University of California-Davis; Dr. Stephen Edelson of the Edelson Center for Environmental and Preventative Medicine; and Colleen Pettinati, mother of two autistic children.

15. *“California’s Compliance with Dental Amalgam Disclosure Policies,” January 26, 2004; Serial No. 108–141*

*a. Summary.*—This field hearing was held to look into the California Dental Board’s non-compliance with Proposition 65, specifically in regards to regulations stating information must be posted in every dental office disclosing the makeup and potential risks associated with dental amalgams.

*b. Witnesses.*—State Representative Karen Johnson of the Arizona State Legislature; Dr. Chester Yokoyama of the Dental Materials Fact Sheet Commission; Parin Shah of Community Toolbox for Children’s Environmental Health; Dr. Harold Slavkin of USC School of Dentistry, and Shawn Khorrami, esquire.

16. *“Investigation into Health Care Disparities in U.S. Pacific Island Territories,” February 25, 2004; Serial No. 108–160*

*a. Summary.*—This hearing was held to investigate current health problems affecting the U.S. Pacific Island Territories. The primary focus was on Guam and the Northern Mariana Islands, and how access to quality health care and emergency medical services is limited, as well as increased incidences of diabetes and other diseases among the Pacific Island community.

*b. Witnesses.*—David Cohen, Deputy Assistant Secretary in the Office of Insular Affairs at the Department of Interior [DOI]; Dr. Nathan Stinson, Jr., Deputy Assistant Secretary in the Office of Minority Health at HHS; Felix Camacho, Governor of the U.S. Territory of Guam; Juan Babauta, Governor of the Commonwealth of the Northern Mariana Islands; Togiola Tulaffono, Governor of American Samoa; and Dr. Jefferson Benjamin of the Pacific Island Health Officers Association.

17. *“10 Years After the Implementation of DSHEA: The Status of Dietary Supplements in the United States,” March 24, 2004; Serial No. 108–146*

*a. Summary.*—This hearing was held to discuss Federal Government research and implementation of Public Law 103–417, the Dietary Supplement Health Education Act [DSHEA]. In addition, the subcommittee received testimony from dietary supplement industry leaders, medical doctors, and policy researchers regarding the impact of DSHEA in the United States. The Members had an opportunity to further explore some of the complications Federal agencies have encountered implementing DSHEA, and to consider the merit of proposals to amend DSHEA.

*b. Witnesses.*—Dr. Robert Brackett, Director of the Center for Food Safety and Applied Nutrition at FDA; Dr. Marc Micozzi of the Policy Institute for Integrative Medicine at the Thomas Jefferson University Hospital; Alan Dumoff, JD of the American Association for Health Freedom; David Seckman of the National Natural Foods Association; Annette Dickinson of the Council for Responsible Nutrition; and Doug Rose, dietary supplement user.

18. *“Autism Spectrum Disorders: An Update of Federal Government Initiatives and Revolutionary New Treatments of Neurodevelopmental Diseases,”* May 6, 2004; Serial No. 108–192

*a. Summary.*—This hearing was held to discuss the Federal Government initiatives in regard to autism stemming from a Department of Health and Human Services & Department of Education summit held in November 2003. In addition, the subcommittee heard from medical professionals who have found useful innovative treatments for patients afflicted with an Autism Spectrum Disorder.

*b. Witnesses.*—Troy Justesen, Assistant Secretary of the Office of Special Education and Rehabilitative Services at the Department of Education [DOEd]; Dr. Rashid Buttar; Dr. Paul Harch of the International Hyperbaric Medical Association; Dr. Ken Stoller; and Julie Gordon of Mothers United for Moral Support.

19. *“Decades of Terror: Exploring Human Rights Abuses in Kashmir and the Disputed Territories,”* May 12, 2004; Serial No. 108–212

*a. Summary.*—This hearing was held to examine the ongoing Kashmir land dispute between India and Pakistan, specifically the resulting egregious human rights violations, including summary executions, rape, and routine beatings.

*b. Witnesses.*—Michael Kozak, Principal Deputy Assistant Secretary of the Bureau of Democracy, Human Rights and Labor at DOS; Don Camp of the Bureau of South Asian Affairs at DOS; T. Kumar of Amnesty International; Bob Giuda of the Americans for Resolution of Kashmir; Dr. Ghulam-Nabi Fai of the Kashmiri American Council; Dr. Gurmit Singh Aulakh of the Council of Khalistan; Attiya Inayatullah; and Selig Harrison of the Center for International Policy.

20. *“Living in Fear: The Continued Human Rights Abuses in Castro’s Cuba,”* June 16, 2004; Serial No. 108–202

*a. Summary.*—This hearing was held to discuss the continued human rights violations occurring in the island nation of Cuba following the 1-year anniversary of a crackdown of 75 dissidents. The subcommittee also heard proposals designed to assist Cuba in transitioning into a democratic form of government.

*b. Witnesses.*—Michael Kozak, Principal Deputy Assistant Secretary of the Bureau of Democracy, Human Rights and Labor at DOS; David Mutchler, Senior Advisor on Cuba for the USAID; Jamie Suchlicki of the Cuban Transition Project at the University of Miami; Omar Lopez Montenegro of the Cuban American National Foundation; Eric Olson of Amnesty International; and Miguel Reyes.

21. *“Living with Disabilities in the United States: A Snapshot,”* June 24, 2004; Serial No. 108–242

*a. Summary.*—This hearing was held to examine the quality of life experienced by the persons afflicted with a disability in the United States. In addition, the subcommittee discussed the ways in which the Federal Government and non-governmental organiza-

tions are working to expand the participation and contributions of this population.

*b. Witnesses.*—Congressman James R. Langevin (D-RI); Troy Justesen, Assistant Secretary of the Office of Special Education and Rehabilitative Services at DOE; Don Young, Deputy Assistant Secretary of the Office of Health Policy at HHS; Alan A. Reich of the National Organization on Disability; Robert David Hall, actor, CSI: Crime Scene Investigation; Dr. Peter Blanck of the University of Iowa College of Law; and John Register of the U.S. Olympic Committee.

22. *“Trafficking in Persons: The Federal Government’s Approach to Eradicate this Worldwide Problem,” July 8, 2004; Serial No. 108-247*

*a. Summary.*—This hearing was held to discuss the recently released State Department report on Trafficking in Persons, as well as the first-ever report in domestic trafficking by the Department of Justice. In addition, the subcommittee examined how the Federal Government and non-governmental organizations are working together to combat trafficking and assist victims of trafficking in the United States.

*b. Witnesses.*—John Miller, former U.S. Congressman (WA-01), Director of the Office to Monitor and Combat Trafficking in Persons at DOS; R. Alexander Acosta, Assistant Attorney General in the Civil Rights Division of the Department of Justice [DOJ]; Christopher Gersten, Principal Deputy Assistant Secretary for the Administration for Children and Families at HHS; Charles Sung of the Coalition to Abolish Slavery and Trafficking; Michele Clark of the Johns Hopkins University School of Advanced International Studies; and Derek Ellerman of the Polaris Project.

23. *“Balancing Act: The Health Advantages of Naturally-Occurring Hormones in Hormone Replacement Therapy,” July 22, 2004; Serial No. 108-249*

*a. Summary.*—This hearing was held to discuss the differences between synthetic and naturally occurring hormones, or bioidentical hormones, for use in hormone replacement therapy. In addition, the subcommittee discussed additional health benefits that are evident in the utilization of bioidentical hormones in men and women.

*b. Witnesses.*—Dr. Barbara Alving, Acting Director of the Heart, Lung, and Blood Institute at the National Institutes of Health [NIH]; Dr. Steven F. Hotze of the Hotze Health and Wellness Center; Dr. David Brownstein of the Center for Holistic Medicine; Carol Peterson of the Women’s International Pharmacy; Vicki Reynolds, Hormone Replacement Therapy Patient, and Dr. Adriane Fugh-Berman of the Georgetown Medical Center.

24. *“Truth Revealed: New Scientific Discoveries Regarding Mercury in Medicine and Autism,” September 8, 2004; Serial No. 108-262*

*a. Summary.*—This hearing was held to discuss the new scientific discoveries regarding the damaging effects due to the use of mercury in medicine. Specifically, the subcommittee looked at new

research regarding the influence of genetics in how mercury may affect individuals.

*b. Witnesses.*—Dr. William Egan, Acting Director of the Office of Vaccines and Research and Review for the Center for Biologics Evaluation and Research at FDA; Dr. Melinda Wharton, Acting Deputy Director of the National Immunization Program at the Centers for Disease Control [CDC]; Dr. Richard Deth of Northeastern University; Dr. Marcel Just of Carnegie Mellon University; Richard Fischer of the International Academy of Oral Medicine and Toxicology; and Lyn Redwood, R.N. of Safeminds.

25. *“Conquering Obesity: the U.S. Approach to Combating this National Health Crisis,”* September 15, 2004; Serial No. 108–268

*a. Summary.*—This hearing was held to discuss the ever-increasing incidences of obesity in the United States and the health implications of these increases in body weight. In addition, the hearing provided an opportunity for Members to discuss various government initiatives with representatives from the U.S. Department of Health and Human Services.

*b. Witnesses.*—Dr. Ed Thompson, Chief of Public Health Practice at CDC; Eric Bost, Undersecretary for Food, Nutrition, and Consumer Services at the U.S. Department of Agriculture [USDA]; Alison Krester of the Grocery Manufacturers of America; Hunt Shipman of the National Food Processors Association; Morgan Downey of the American Obesity Association; Dr. Daniel Spratt of the Endocrine Society of America; and Dr. Thomas Wadden of the North American Association for the Study of Obesity.

26. *“Dietary Supplements: Nature’s Answer to Cost Effective Preventative Medicine,”* September 22, 2004; Serial No. 108–270

*a. Summary.*—The purpose of this hearing was to discuss the use of dietary supplements as an integral means of preventative medicine in an individual’s health care regime with a particular focus on folic acid, saw palmetto, omega-3 fatty acids, calcium, and glucosamine. In addition, the subcommittee examined the possible cost savings derived by using various supplements on a regular basis to ensure well-being.

*b. Witnesses.*—Dr. Paul Coates, Director of the Office of Dietary Supplements at NIH; Dr. Allen Dobson of the Lewin Group; Dr. Jeffrey Blumberg of Tufts University; Dr. Barbara Levine of Cornell University; Elliot Balbert of the Dietary Supplement Alliance; and Marilu Henner, Actress, Author and Health Advocate.

## SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS AND INTERNATIONAL RELATIONS

### SUMMARY OF OVERSIGHT ACTIVITIES

#### HIGHLIGHTS

At the close of the 108th Congress, the subcommittee had conducted 48 hearings, forwarded 4 oversight reports to the full committee and was pursuing more than 30 investigations and programmatic reviews. Oversight focused in six major issue areas:

### *1. Counterterrorism and Homeland Security*

During four hearings, the subcommittee continued oversight of administration counterterrorism and homeland security programs. Two hearings examined U.S. strategies to combat terrorism, and focused on the questions: “Do national strategies to combat terrorism articulate clear visions, statements, goals, and objectives to protect the United States from terrorist acts?,” and “Are the recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) incorporated into the goals, objectives and initiatives of the 2002 National Strategy for Homeland Security and the 2003 National Strategy to Combat Terrorism?”

Witnesses at the hearing identified a set of desirable characteristics for strategies: (1) purpose, scope, and methodology; (2) problem definition and risk assessment; (3) goals, subordinate objectives, activities, and performance measures; (4) resources, investments, and risk management; (5) organizational roles, responsibilities, and coordination; and (6) integration and implementation.

The subcommittee found considerable variation in the extent to which strategies related to combating terrorism and homeland security address the characteristics. A majority of the strategies at least partially address the characteristics. However, none of the strategies addresses all of the elements of resources, investments, and risk management; or integration and implementation.

Additionally, the subcommittee found the 9/11 Commission recommendations share many features of the administration’s National Strategy for Combating Terrorism, and National Strategy for Homeland Security. Each document emphasized the importance of timely and actionable intelligence. Each document also emphasized a need for pre-emptive strategy, for attacking terrorists and their organizations, for international cooperation, for foreign economic assistance, for winning hearts and minds, for strengthening counter-proliferation efforts, for attacking terrorist financing, for denying sanctuaries, and for border security. Most of the 9/11 Commission recommendations were included in the national strategies to combat terrorism.

Two hearings were held related to homeland security—The Homeland Security Advisory System [HSAS] and chemical plant security. The hearing on HSAS examined the Department of Homeland Security [DHS] program, and the adequacy of information on threats and appropriate protective measures provided to the public.

The subcommittee found the utility of the Homeland Security Advisory System [HSAS] was being questioned by State and local officials, first responders, and the public. Department of Homeland Security [DHS] Secretary Tom Ridge acknowledged the need to refine the five-color scheme that seemed to be losing both its credibility and its audience. Witnesses testified public warning systems should, to the extent possible, include questions to determine if the entities receiving the alerts have the necessary information to respond appropriately to heightened alerts. The HSAS does not meet this standard.

The chemical plant security hearing examined voluntary actions the chemical industry has taken to address security preparedness and challenges the industry faces protecting facility assets and operations from terrorist attacks.

Witnesses testified chemical facilities might be attractive targets for terrorists intent on causing economic harm and loss of life. Many facilities exist in populated areas where a chemical release could threaten thousands. The Environmental Protection Agency [EPA] reported 123 chemical plants located throughout the Nation could each potentially expose more than a million people if a chemical release occurred. To date, no one has comprehensively assessed the security of chemical facilities.

## *2. Post-Conflict Iraq*

The subcommittee continued efforts to examine post-conflict issues in Iraq. During the first and second congressional sessions, subcommittee representatives made six trips to Iraq, and held two hearings concerning issues related to post-conflict Iraq.

The trips generated several recommendations that were sent to administration representatives:

- The administration should consider independent assessments of reconstruction efforts in Iraq.
- The administration should redouble efforts to internationalize the rebuilding of Iraq.
- The position of special advisor to the President for Public Diplomacy should be created.
- The face and voice of the Coalition Provisional Authority should be an Iraqi.
- Representation from the Iraqi Governing Council should participate in all Coalition Provisional Authority briefings.
- The establishment of an Iraqi government should not be put off until the security situation is stabilized.

The hearing, “Iraq: Winning Hearts and Minds,” examined assumptions and significant policy decisions that contributed to changes in Iraqi confidence and cooperation with the Coalition Provisional Authority.

The subcommittee found three policy decisions contributed to changes in Iraqi confidence and cooperation with the Coalition Provisional Authority [CPA]. The CPA focused their attention on the Iraqi religious sheiks rather than on Iraqi tribal sheiks. The De-Ba’athification program was a miscalculation. Planners for Iraq underestimated the resilience of Saddam Hussein’s regime and underestimated the need for the number of forces needed to maintain stability in post-conflict Iraq.

The other hearing, “Training and Equipping Reserve Component Forces,” focused on post-conflict Iraq, examined how the U.S. military applies lessons learned from dynamic combat environments to the development of training and equipment requirements, especially for National Guard and Reserve units.

The subcommittee found that despite improvements in training and equipping Reserve Component forces, some still reported equipment shortages and inadequate training for units deploying to combat environments. Witnesses testified shortfalls and lessons learned in-theater need to be integrated into pre-deployment decisionmaking.

### *3. Strengthening Disease Surveillance*

The subcommittee conducted an oversight investigation of disease surveillance systems. Concerns about bioterrorism and improvements in technology have led to an increased emphasis on the development of early warning systems to detect the presence of disease. The sooner public health authorities are made aware of contagious disease outbreaks, the sooner protective measures can be put in place to contain and control its spread. An effective public health response will depend on the timeliness and quality of communication among local, State and Federal levels.

The oversight investigation found disease surveillance systems are fragmented and have been slow to adapt to new technologies, which could improve the timeliness of data collection. The subcommittee recommended the Centers for Disease Control and Prevention set a clear timeframe for the establishment of a nationwide disease surveillance system. Steps should be taken to modernize, improve, and link disease surveillance systems.

### *4. Post-Conflict Humanitarian Assistance*

Two hearings and substantial interaction with international aid organizations and U.S.-based non-governmental organizations [NGOs] gave the subcommittee an in-depth understanding of the scope, successes and challenges of assistance efforts in Bosnia, Afghanistan and Iraq. NGOs remain concerned about limited international participation in aid efforts and find themselves limited by a lack of traditional “humanitarian space” to operate outside polarizing political or military structures.

### *5. Department of Defense*

Efficient management of complex and costly Pentagon programs was the focus of seven subcommittee hearings. Efforts to modernize business processes, control weapons system acquisition costs and modernize force structures were the subject of General Accounting Office [GAO] reports and testimony produced at the subcommittee’s request. Waste, and an increased risk of diversion to unlawful use, were found in DOD disposal of surplus chemical and biological lab equipment and protective ensemble items.

### *6. State Department*

Through STAFFDEL travel to examine embassy construction, USAID activities and consular operations, the subcommittee undertook a thorough examination of State Department initiatives to strengthen overseas operations. Hearings on rightsizing, a key element of the President’s management agenda, visa revocation followup processes and USAID workforce planning highlighted important issues in improving U.S. diplomatic operations. An oversight report entitled, “Efforts to Rightsize the U.S. Presence Abroad Lack Urgency and Momentum,” (House Report 108–395), was approved by the committee on November 21, 2003.

### *7. Department of Energy*

The subcommittee conducted an oversight investigation of Department of Energy [DOE] efforts to improve nuclear facility security. The subcommittee examined DOE’s National Nuclear Security

Administration [NNSA] and the Office of Energy, Science and Environment [ESE] divisions to determine the reasons behind persistent reports of facility security lapses. The Department of Energy is the Nation's custodian for the protection nuclear weapons, components and special nuclear material. The oversight investigation found substantial institutional, technical and fiscal challenges faced by efforts to develop and implement a strengthened design basis threat [DBT] within a reasonable timeframe. A multi-discipline team has been created to review the DBT and reassess divergence between DBT threat levels and the intelligence community analysis. In addition, a Consolidation of Materials Task Force has been formed and has compiled a list of excess material in the effort to reduce the number of facilities housing special nuclear materials.

#### *8. Nuclear Regulatory Commission*

The subcommittee conducted an oversight investigation of the Nuclear Regulatory Commission [NRC] efforts to improve commercial nuclear power facility security. The United States has 103 commercial nuclear reactors at 65 nuclear plant sites in 31 States. The Nation's nuclear energy utilities have primary responsibility for safety, security and protection for these nuclear reactors and spent fuel storage sites. As a result of September 11, 2001, the Nuclear Regulatory Commission [NRC] has directed the nuclear energy industry to take additional steps improve security at these sites.

The subcommittee found it would take several more years for the NRC to have assurances that the plants are protected against the terrorist threat. The plants' development and implementation of security plans to comprehensively address the new design basis threat [DBT] is a critical step in ensuring that individual plants can defend against terrorism. Although new security plans are to be approved and implemented by October 29, 2004, the NRC will not have the detailed knowledge about security at individual facilities to ensure that these plans provide this protection.

#### *9. Veterans Health*

The subcommittee continued to monitor implementation of the DOD anthrax vaccine immunization program, the smallpox inoculation effort, and other force health protection programs, to determine if lessons learned in Operations Desert Storm and Desert Shield are being applied. Deliberations of the Department of Veterans Affairs Advisory Committee on Gulf War Veterans Illnesses were monitored closely to assess the scope and rigor the Federal research agenda, particularly with regard to studies into the potential impact of environmental exposures and other toxins referenced in the Persian Gulf War Veterans Health Act of 1998.

#### *10. United Nations Oil-for-Food Program*

Following the production of exhaustive documentation, much of which was produced under subpoena, travel to Iraq, and two hearings, it has become apparent the Oil-for-Food Program [OFFP] suffered from several weaknesses. These weaknesses include: a lack of support by certain Security Council member states; insufficient guidance and support from U.N. personnel; too much control by

Iraqi authorities; too little authority and resources in the hands of contracted overseers; and a lack of transparency.

### *11. Public Diplomacy*

The subcommittee continued its oversight of U.S. public diplomacy efforts, holding two hearings on U.S. efforts. Both hearings focused on efforts to strengthen relationships between the United States and Arab and Muslim publics. However, as both hearings demonstrated, U.S. efforts still lack effective coordination and imagination. Nevertheless, the subcommittee was told of several new initiatives that hold promise to rectify some of the concerns voiced about existing public diplomacy efforts.

#### SUMMARY OF ACCOMPLISHMENTS

Subcommittee inquiries, investigations, hearings and followup questions prompted administrative and regulatory actions to address issues raised and recommendations made with regard to policies and practices in the following areas:

##### *1. Surplus DOD Chem/Bio Equipment*

Weaknesses in risk assessment and inventory controls over potentially sensitive chemical and biological lab equipment identified by the subcommittee and GAO investigators are being addressed by the DOD Defense Logistics Agency. Internet sales of certain items have been suspended pending completion of the recommended risk assessment.

##### *2. Preparedness Standards*

The subcommittee participated in the planning and execution of a tabletop exercise of local response capabilities to a WMD incident sponsored by the Department of Homeland Security. Based in part on those hearing findings regarding first responder training and readiness, government and private sector organizations acknowledged the urgent need for preparedness standards to guide substantial Federal investments and measure progress. The bipartisan Federal Preparedness Standards Act was introduced and significant elements of the proposal were incorporated into legislation approved the Select Committee on Homeland Security Subcommittee on Emergency Preparedness and Response.

##### *3. Deployment Health*

Applying lessons learned from extensive oversight of the 1991 Persian Gulf war with regard to the adequacy of medical record-keeping in theater, environmental monitoring for toxic exposures and administration of vaccines and treatments to counter biological and chemical weapons, the subcommittee closely examined statutorily mandated processes to assess pre- and post-deployment health of U.S. military personnel. Subsequent to a hearing on these issues, the Assistant Secretary of Defense for Health Affairs agreed to substantially augment the post-deployment health assessment instrument and to study the potentially detrimental impacts of multiple inoculations.

#### *4. Chemical Weapons Demilitarization*

At the request of subcommittee Vice Chairman Mike Turner, the subcommittee examined the management and execution of an Army contract for the disposal of hydrosolite, the byproduct of the chemical neutralization and dilution of the nerve agent VX. After subcommittee review of substantial program documentation, and after a field hearing to assess the extent of “public acceptance” of program activities required by the contract, the Army terminated the subcontract.

#### *5. Rightsizing the U.S. Presence Abroad*

At the subcommittee’s request, the General Accounting Office, working with the Department of State and the Office of Management and Budget [OMB], formulated an analytical framework to guide the President’s management agenda initiative to put the right people, with the right skills at the right places to achieve U.S. strategic and diplomatic missions abroad. Both State and OMB have adopted the framework to guide rightsizing efforts. Based on the subcommittee’s work, rightsizing language was inserted into H.R. 1950, the Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003. The language requires chiefs of mission to reassess each staff position under their authority every 5 years.

#### *6. Army National Guard Pay*

The subcommittee requested GAO to undertake a series of case studies to determine if pay and benefit calculation errors noted 9 years ago had been rectified. GAO again found a largely manual, error prone system used to calculate complex base pay, special pay and allowances for deployed Army National Guard personnel. In some instances, Guard members were billed for substantial arrearages, up to \$48,000 in some cases, when in fact any actual amount owed due to erroneous processing was far less. Pay errors cause significant financial and emotional hardships for deployed Guard members and their families. Agreeing with the GAO findings, and responding to the recommendations, DOD offices responsible for mobilization and pay processes took immediate steps to correct specific errors and formulated a detailed action plan for near-, mid- and long-term corrections.

#### *7. Visa Revocation*

After subcommittee inquiries and hearing testimony documented a lack of coordination in identifying the risks posed by the presence of aliens whose visas had been revoked, the Departments of State and Justice agreed to review the language of the visa revocation document to strengthen the ability to expel an alien in the United States on a revoked visa. If the foreign visitor manages to enter the United States on a revoked visa, current language states the revocation becomes effective only after the alien departs voluntarily. With the exception of the Federal Bureau of Investigation, agencies involved also said greater efforts would be made to standardize dissemination and review of revocation notifications and indicate if the “prudential” reason for the action was based on an increased risk of terrorist activity.

### 8. Nuclear Weapons Complex Security

Subcommittee oversight helped persuade the Department of Energy that the defensive security standard—called the design basis threat [DBT]—needs to be updated more quickly and more frequently and be as reflective of current threat postulations as possible. As a result, the Deputy Secretary of Energy has directed a review of the May 2003 DBT to better reflect the threat of improvised devices at sites containing fissile material.

#### HEARINGS

##### 1. “Combating Terrorism: A Proliferation of Strategies,” March 3, 2003; Serial No. 108–20

*a. Summary.*—The purpose of the hearing was to assess the extent to which U.S. strategies to combat terrorism articulate clear vision statements, goals, and objectives to protect the United States from terrorist acts. Discussion focused on the strategic framework developed since September 11, 2001 and the need to better integrate and coordinate efforts so the approach is truly national, not just Federal.

*b. Witnesses.*—Mr. Raymond Decker, Director, Defense Capabilities and Management Team, U.S. General Accounting Office; James Gilmore III, chairman, Advisory Panel to Assess the Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; Dr. Michael E. O’Hanlon, senior fellow foreign policy studies, the Sydney Stein, Jr. Chair, the Brookings Institution; Dr. Andrew F. Krepinevich, executive director, Center for Strategic and Budgetary Assessments; and John Newhouse, senior fellow, Center for Defense Information.

##### 2. “Emerging Threats: Assessing Public Safety and Security Measures at Nuclear Power Facilities,” March 10, 2003; Serial No. 108–43

*a. Summary.*—The purpose of the hearing was to examine nuclear power facility security and emergency evacuation plans. Focus of discussion was the need to update security and evacuate security and evacuation plans at the plant, and to involve nearby communities in planning and public education efforts.

*b. Witnesses.*—W. Craig Conklin, Director, Technological Services Division, Office of National Preparedness, Emergency Preparedness and Response Directorate, Department of Homeland Security; Hubert Miller, NRC Region I Administrator, Nuclear Regulatory Commission; John T. Wiltse, Director, Office of Emergency Management, State of Connecticut; Richard Bond, first selectman, town of New Canaan; Richard Blumenthal, attorney general, State of Connecticut; Jim Wells, Director, Natural Resources and the Environment, U.S. General Accounting Office; Michael J. Slobodien, director, emergency programs, Entergy Nuclear Operations, Inc.; William F. Renz, director, nuclear protection services and emergency preparedness, Dominion Resources Services, Inc.; Angelina S. Howard, executive vice president, Nuclear Energy Institute [NEI]; Alex Matthiessen, executive director, Riverkeeper; and David Lochbaum, nuclear safety engineer, Union of Concern Scientists.

3. *“Protecting the Health of Deployed Forces: Lessons Learned from the Persian Gulf War,”* March 25, 2003; Serial No. 108–54

*a. Summary.*—The purpose of the hearing was to examine deployment health lessons learned from the 1991 Persian Gulf war. Discussion focused on subsequent efforts to focus on deployment health and the extent to which the Pentagon was implementing a statutory requirement to administer “medical examinations” to deploying forces through primary reliance on a brief questionnaire.

*b. Witnesses.*—Dr. William Winkenwerder, Assistant Secretary of Defense for Health Affairs, U.S. Department of Defense; Dr. Robert H. Roswell, Under Secretary for Health, U.S. Department of Veterans Affairs; Dr. John H. Moxley III, managing director, North American Health Care Division, Korn/Ferry International; Dr. Manning Feinleib, professor of epidemiology, Bloomberg School of Public Health, Johns Hopkins University; and Steve Robinson, executive director, National Gulf War Resource Center, Inc.

4. *“Strengthening Oversight of DOD Business Systems Modernization,”* joint hearing with the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, March 31, 2003; Serial No. 108–44

*a. Summary.*—The purpose of the hearing was to examine and evaluate the effectiveness of DOD management and oversight of Defense Financial and Accounting Service [DFAS] information technology [IT] investments. Discussion focused on the management failures in four system development projects in which requirements to articulate an incremental business case for continued spending were not observed. Discussion also focused on how similar uncoordinated system development could be prevented as DOD attempts to implement an “enterprise architecture” to integrate all financial and management data.

*b. Witnesses.*—Randolph Hite, Director, Information Technology Architecture and System Issues, GAO; JoAnn Boutelle, Director, Deputy Chief Financial Officer, U.S. Department of Defense; John R. Landon, Principal Director, Deputy Assistant Secretary of Defense, Command, Control Communications and Intelligence Surveillance, Reconnaissance, Space & IT Programs; and Thomas Bloom, Director, Defense Finance and Accounting Service [DFAS], U.S. Department of Defense.

5. *“The President’s Management Agenda: Rightsizing the U.S. Presence Abroad,”* April 7, 2003; Serial No. 108–21

*a. Summary.*—The purpose of the hearing was to examine the processes used to determine the appropriate size of the U.S. diplomatic and Federal agency presence abroad. Discussion focused on one element of the President’s management agenda calling for greater coordination between Federal departments to increase security at U.S. posts abroad and assure the right U.S. staff, at the right place with the right skills and training.

*b. Witnesses.*—Jess T. Ford, Director International Affairs and Trade Division, GAO; Ruth A. Davis, Director General, U.S. Department of State; Maj. Gen. Charles E. Williams, USA Ret. Director, Overseas Buildings Office, U.S. Department of State; Richard Nygard, Deputy Assistant Administrator for Management, U.S.

Agency for International Development; Anne Sigmund, Ambassador, Acting Inspector General, U.S. Department of State; William H. Itoh, Ambassador, Acting Deputy Inspector General, U.S. Department of State; and Testimony Submitted for the Record by Mitchell E. Daniels, Director, Office of Management and Budget.

6. *“Controlling Costs in Tactical Aircraft Programs,” April 11, 2003; Serial No. 108–47*

*a. Summary.*—The purpose of the hearing was to examine the causes and implications of schedule delays and cost growth in the F/A–22 Raptor program. Discussion focused on efforts to contain costs and sustain the F/A–22 program under statutory spending caps. Additionally, discussion centered on the validity of cost savings estimates and the risks of concurrently developing production plans while attempting to mature critical technologies.

*b. Witnesses.*—David M. Walker, Comptroller General of the United States, GAO; Dr. Glen Lamartin, Director, Strategic and Tactical Systems, Department of Defense; Dr. Marvin Sambur, Assistant Secretary of the Air Force (Acquisition), Department of the Air Force, Department of Defense; Eric Miller, senior defense investigator, Project on Government Oversight; Christopher Hellman, senior analyst, Center for Defense Information; and Steven Ellis, vice president of programs, Taxpayers for Common Sense.

7. *“Homeland Defense: Old Force Structures for New Missions?” April 29, 2003; Serial No. 108–48*

*a. Summary.*—The purpose of the hearing was to examine the role of the Department of Defense [DOD] in homeland defense. The creation of a unified combatant command for North America, NORTHCOM and designation of an Assistant Secretary of Defense for Homeland Defense were examined. Discussion focused on the challenges of integrating the homeland defense mission into a force structure and training cycle currently centered on “major” global war fighting requirements. Stress on reserve component forces (National Guard, Reserves) was also discussed as those units are called upon to perform both missions.

*b. Witnesses.*—Paul McHale, Assistant Secretary of Defense for Homeland Defense; Thomas F. Hall, Assistant Secretary of Defense for Reserve Affairs; Lieutenant General Edward G. Anderson III, Deputy Commander, U.S. Northern Command and Aerospace Defense Command; Raymond Decker, Director, Defense Capabilities Management Team GAO; General Dennis J. Reimer, director, Oklahoma City National Memorial Institute for the Prevention of Terrorism; Dr. James Jay Carafano, senior fellow, Center for Strategic and Budgetary Assessments; and Michael Wermuth, senior policy analyst, RAND Corp.

8. *“Homeland Security: Improving Public Health Surveillance,” May 5, 2003; Serial No. 108–55*

*a. Summary.*—The purpose of the hearing was to examine the status of public health surveillance programs and the challenges to improving local, State, Federal and international health data collection and reporting. Discussion focused on both lab networks, and

new “syndromic surveillance” systems to mine public data to detect signs of disease outbreaks.

*b. Witnesses.*—Dr. David W. Fleming, Deputy Director for Public Health Science, Centers for Disease Control and Prevention; Dr. David Tornberg, Deputy Assistant Secretary of Defense for Clinical and Program Policy, Department of Defense; Mary C. Selecky, secretary, Washington State Department of Health, president, the Association of State and Territorial Health Officials, Council of State and Territorial Epidemiologists; Dr. Seth L. Foldy, medical director, city of Milwaukee health commissioner, Chair of National Association of County and City Health Officials Information Technology Committee; Dr. Julie Hall, medical officer, World Health Organization; and Karen Ignagni, president and CEO, American Association of Health Plans.

9. *“Humanitarian Assistance Following Military Operations: Overcoming Barriers,” May 13, 2003; Serial No. 108–56*

*a. Summary.*—The hearing examined problems encountered by nongovernmental organizations providing humanitarian assistance in the wake of a military conflict and prospects for overcoming those difficulties. Discussions focused on techniques to assess need, overcome cultural barriers to aid and deploy resources efficiently. A taped statement was provided from Iraq by Gen. Jay Garner (USA, Retired).

*b. Witnesses.*—Lieutenant General Jay Garner (Retired), Director, Office of Reconstruction and Humanitarian Assistance, Department of Defense, (taped testimony); Richard Greene, Principal Deputy Assistant, Bureau of Population, Refugee and Migration, Department of State; William J. Garvelink, Senior Deputy Assistant Administrator, Bureau of Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development; Curtis R. Welling, president and CEO, AmeriCares; George C. Biddle, senior vice president, International Rescue Committee; Rudy Von Bernuth, vice president and managing director, Children in Emergencies and Crisis, Save the Children; and Kevin M. Henry, director, policy and advocacy, CARE.

10. *“Stamping Out Anthrax in USPS Facilities: Technologies and Protocols for Bioagent Detection,” May 19, 2003; Serial No. 108–57*

*a. Summary.*—The purpose of the hearing was to examine available technologies for detecting anthrax and other bio-agents, and appropriate protocols for selecting and using those technologies. The discussion at the hearing centered on the uncertainties of sampling techniques, the quantification of laboratory findings and the need to standardize sampling and testing protocols in the event of future terrorist attacks.

*b. Witnesses.*—Dr. Keith Rhodes, Chief Technologist, GAO; Dr. Robert G. Hamilton, director, John Hopkins Dermatology Allergy and Clinical Immunology; Colonel Erik A. Henchal, Commander, U.S. Army Medical Research Institute of Infectious Diseases; Thomas G. Day, vice president of engineering, U.S. Postal Service; William Burrus, president, American Postal Workers Union; Captain Kenneth Martinez, engineer, Center for Disease Control; Dr.

James L. Hadler, State epidemiologist, State of Connecticut Department of Public Health; and R. Davis Layne, Deputy Assistant Secretary, Occupational Safety and Health Administration.

11. *“Following Toxic Clouds: Science and Assumptions in Plume Modeling,” June 2, 2003; Serial No. 108–91*

a. *Summary.*—The purpose of the hearing was to examine the strengths and weaknesses of current methodologies to model the spread of aerosolized biological, chemical or radiological agents. At the hearing, discussion focused on advances in atmospheric plume modeling since the first Gulf war and remaining technical and management challenges to improving the real-time accuracy and predictive power of dispersion models.

b. *Witnesses.*—Keith Rhodes, Chief General Accounting Office Technologist, GAO; Dr. Anna Johnson-Wineger, Deputy Assistant to the Secretary of Defense for Chemical/Biological Defense Programs, Department of Defense; Dr. Donald L. Ermak, program leader, National Atmospheric Release Advisory Center [NARAC], Lawrence Livermore Laboratory; Bruce Hicks, director, Air Resources Laboratory National Oceanic and Atmospheric Administration [NOAA]; Dr. Eric Barron, Chair, Board on Atmospheric Sciences and Climate, National Research Council; and Dr. Steven R. Hanna, adjunct associate professor, Harvard School of Public Health, Boston, MA.

12. *“Visa Revocations: Catching the Terrorist Among Us,” June 18, 2003; Serial No. 108–84*

a. *Summary.*—The purpose of the hearing was to examine the process of revoking visas and locating those who may have entered the country prior to the revocation of their visa. Based on GAO findings that persons with revoked visas were being admitted to the United States and not pursued once here, discussion concluded that more could be done jointly to prevent entry or remove persons whose visas had been revoked. However, the FBI represented that only their TIPOFF system could be relied upon to identify persons posing a terrorism risk, a representation not contained in the agency’s submitted testimony.

b. *Witnesses.*—Jess T. Ford, Director, International Affairs and Trade Division, GAO; Catherine Barry, Managing Director, Office of Visa Services, Bureau of Consular Affairs, U.S. Department of State; Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, Bureau of Customs and Border Protection, U.S. Department of Homeland Security; Charles H. DeMore, Interim Assistant Director for Investigations, Bureau of Immigration and Customs Enforcement, U.S. Department of Homeland Security; and Steven C. McCraw, Inspector-Deputy Assistant Director of Intelligence, Federal Bureau of Investigation.

13. *“Emerging Threats: Assessing Nuclear Weapons Complex Facility Security,” June 24, 2003; Serial No. 108–62*

a. *Summary.*—The purpose of the hearing was to examine the adequacy of security at nuclear weapon facilities within the Department of Energy [DOE]. Discussion centered on recent efforts to update the fundamental security doctrine at nuclear weapons facili-

ties—the design basis threat. Participants in the forum differed on the rigor of the effort and on the soundness of inspections and force-on-force threat. Additionally, differences arose on the rigor of that effort and on the soundness of inspections and force-on-force exercises to assess facility safeguards. A closed session followed to discuss classified matters dealing with the DBT and facility security.

*b. Witnesses.*—Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; Glenn S. Podonsky, Director, Office of Independent Oversight and Performance Assurance, Department of Energy; Linton F. Brooks, Administrator, National Nuclear Security Administration, Department of Energy; Joseph S. Mahaley, Director, Office of Security, Department of Energy; Danielle Brian, executive director, Project on Government Oversight; and Ronald E. Timm, president, RETA Security.

14. *“Humanitarian Assistance Following Military Operations: Overcoming Barriers,” July 18, 2003; Serial No. 108–88*

*a. Summary.*—The purpose of the hearing was to examine problems encountered by nongovernmental organizations providing humanitarian assistance in the wake of a military conflict and prospects for overcoming operational and political barriers. Drawing on lessons learned in Haiti, Bosnia, Kosovo and other locations, the discussion focused on current operations in Iraq to determine the efficacy of current approaches there.

*b. Witnesses.*—Lieutenant General (Retired) Jay M. Garner, president of SY Coleman, former Director of the Office of Reconstruction and Humanitarian Assistance; Dr. Susan Westin, Managing Director, International Affairs and Trade, GAO; Dr. Joseph Collins, Deputy Assistant Secretary of Defense for Stability Operations, Department of Defense; Richard Greene, Principal Deputy Assistant, Bureau of Population, Refugee and Migration, U.S. Agency for International Development; James Kunder, Deputy Assistant Administrator for Asia and Near East, U.S. Agency for International Development; Tammie Willcuts, humanitarian operations specialist, Save the Children; Serge Duss, director of public policy and advocacy, World Vision, Inc., USA; and Pat Carey, senior vice president for programs, CARE.

15. *“Is DOD Meeting Joint Strike Fighter [JSF] International Cooperative Program Goals?” July 21, 2003; Serial No. 108–94*

*a. Summary.*—The purpose of the hearing was to determine if international cost sharing agreements will adversely affect the overall development and production of the Joint Strike Fighter [JSF] and examine whether the JSF program office can mitigate the risks associated with technology transfers to foreign suppliers. Discussion at the hearing focused on the scope and implications of technology transfers required to implement international cooperative agreements and whether current laws, regulations and management practices can accomplish the transfers without compromising U.S. security interests.

*b. Witnesses.*—Katherine V. Schinasi, Director, Acquisition and Sourcing Management, GAO; Al Volkman, Director, Acquisition, Technology & Logistics (International Cooperation), Department of

Defense; Suzanne Patrick, Deputy Under Secretary, Acquisition, Technology & Logistics (Industrial Policy), Department of Defense; and Major General John L. “Jack” Hudson, Program Manager, Joint Strike Fighter [JSF] Program, Department of Defense.

16. *“Combating Terrorism: Preparing and Funding First Responders,”* September 9, 2003; Serial No. 108–111

*a. Summary.*—The purpose of the hearing was to review efforts to improve domestic preparedness, focusing particularly on the recent Council on Foreign Relations report, “Emergency Responders: Drastically Underfunded, Dangerously Unprepared.” Discussion at the hearing focused on support for the Council on Foreign Relations’ findings that much more money is needed to enhance emergency responder preparedness and that standardizing emergency responder requirements is a necessity.

*b. Witnesses.*—Senator Warren B. Rudman, chairman, Independent Task Force on Emergency Responders, Council of Foreign Relations; Dr. Amy Smithson, Center for Strategic and International Studies; Adrian H. Thompson, chief, DC Fire and EMS Department, Government of the District of Columbia; and Ed Plaughter, fire chief, county of Arlington, VA, International Association of Fire Chiefs.

17. *“Combating Terrorism: Assessing Federal Assistance to First Responders,”* field hearing in Stamford, CT, September 15, 2003; Serial No. 108–112

*a. Summary.*—The purpose of the hearing was to assess the impact of Federal training and equipment programs on local preparedness to deal with the consequences of a terrorist incident, particularly one involving the use of a radiological, chemical or biological weapon. Discussion at the hearing focused on the role of first responders in the event of a terrorist attack involving a weapon of mass destruction [WMD]. In addition to the hearing, there was a tabletop exercise sponsored by the Department of Homeland Security designed to model local response to a WMD event. In the exercise, a chemical agent was released into the city and first responders were asked to respond to the event. After the conclusion of the exercise, discussion focused on the strengths and weakness of the exercise and what was needed to help combat future terrorist attacks.

*b. Witnesses.*—Dannel P. Malloy, mayor, city of Stamford, CT; Ted Macklin, Assistant Director, Office for Domestic Preparedness, DHS; Daniel Craig, Regional Director, DHS; Vincent J. DeRosa, deputy commissioner, Department of Public Safety, State of CT; and Christopher P. Bruhl, president and CEO, Southwestern Area Commerce and Industry Association.

18. *“Strategic Workforce Planning at USAID,”* September 23, 2003; Serial No. 108–113

*a. Summary.*—The purpose of the hearing was to examine efforts of the U.S. Agency for International Development to reshape its workforce to better meet new missions and mandates. The hearing focused on USAID lack of a strategic workforce plan and what affect that has on key missions in Afghanistan and Iraq. Discussion

focused on the lack of an effective plan and described ongoing efforts to put such a plan in place and confront other longstanding management challenges.

*b. Witnesses.*—John Marshall, Assistant Administrator for Management, USAID; and Jess T. Ford, Director, International Affairs and Trade Division, GAO.

19. *“Counterterrorism Technology: Picking Winners and Losers,” September 29, 2003; Serial No. 108–114*

*a. Summary.*—The purpose of the hearing was to examine the extent to which Federal agencies are succeeding in prioritizing, promoting, assessing and funding cutting-edge sciences and technologies designed to counter terrorism.

*b. Witnesses.*—Michael A. Jakub, Director of Technical Programs, Office of the Coordinator for Counterterrorism, U.S. Department of State; Edward McCallum, Director, Combating Terrorism Technology Support Office, U.S. Department of Defense; Dr. David Bolka, Director of the HSARPA, DHS; Dr. Gordhan Patel, president, JP Laboratories, Middlesex, NJ; Jack Sawicki, director of business development, GEOMET Technologies, LLC, Germantown, MD; Lee F. Sword, program manager, Military Systems Division, iRobot Corp., Burlington, MA; Richard Mastronardi, vice president of product management, American Science and Engineering, Inc., Billerica, MA; Bruce deGrazia, chairman, Homeland Security Industries Association [HSIA], Washington, DC; Kenneth P. Ducey, president, Markland Technologies, Inc., Ridgefield, CT; and Lawrence D. Bory, vice president, Federal Government Relations, HDR, Inc., Orlando, FL.

20. *“Emerging Threats: Assessing DOD Control of Surplus Chemical and Biological Equipment and Material,” October 7, 2003; Serial No. 108–121*

*a. Summary.*—The purpose of the hearing was to discuss weaknesses in Department of Defense [DOD] controls of surplus chemical and biological [CB] equipment and material. Discussion at the hearing focused on how serviceable, or good as new, chemical and biological [CB] lab and protective equipment was being sold to individuals with little or no scrutiny while defective equipment remained in the system and was given to first responders.

*b. Witnesses.*—Gregory Kutz, Director, Financial Management and Assurance Team, GAO; Shelton Young, Director, Readiness and Support Directorate, Office of Inspector General, U.S. Department of Defense; Alan F. Estevez, Assistant Deputy Under Secretary of Defense, Supply Chain Integration, Department of Defense; Frederick N. Baillie, Executive Director, Distribution and Reutilization Policy, Defense Logistics Agency; and Patrick E. O'Donnell, Commander, Defense Reutilization and Marketing Service.

21. *“Army Contract Management: Compliance with Outreach and Public Acceptance Agreements,” field hearing in Dayton, OH, October 22, 2003; Serial No. 108–136*

*a. Summary.*—The purpose of the hearing was to review Army contract and subcontract management in the chemical weapons de-

militarization program, specifically a subcontract with Perma-Fix of Dayton Inc. (through prime contractor Parsons Inc.) involving the treatment and disposal of VX hydrolysate, the waste product from neutralized VX nerve agent.

*b. Witnesses.*—Idotha Bootsie Neal, commissioner, city of Dayton; Angela Jones, trustee, Jefferson Township; Mary Johnson, private citizen; Ellis Jacobs, attorney, Legal Aid Society of Dayton; Dennis Bristow, coordinator, Dayton Regional Hazardous Materials Team; James Brueggeman, director, Montgomery County Sanitary Engineering Department; Dr. Louis Centofanti, president and CEO, Perma-Fix, Incarceration; Micheal A. Parker, Acting Director, Chemical Materials Agency, U.S. Army; and John T. Stewart, Parsons Infrastructure & Technology Group, Incarceration.

22. *“Assessing September 11th Health Effects: What Should Be Done?” Field hearing in New York City, NY, October 28, 2003; Serial No. 108–124*

*a. Summary.*—The purpose of the hearing was to examine what is known about the short and long term health effects of the September 11th attack on those who worked at Ground Zero and live there today. The hearing looked at the steps the Federal and local government have taken to investigate any health effects and to provide treatment for those injured from the terrorist attacks which occurred at the World Trade Center on September 11, 2001.

*b. Witnesses.*—Dr. Robin Herbert, co-director of the World Trade Center Worker and Volunteer Medical Screen Program, medical co-director of the Mount Sinai-Selikoff Center for Occupational and Environmental Medicine; Commissioner Thomas R. Frieden, New York City Department of Health and Mental Hygiene; Dr. Michael Weiden, medical officer, New York Fire Department, assistant professor of medicine, Pulmonary Division, New York University Medical School; Jimmy Willis, vice chair for Conductors, assistant to the president, Transport Workers Union; John Graham, health and safety instructor, Carpenters Union; David Rapp, former worker at the World Trade Center site; Dr. Paul Gilman, Assistant Administrator for Research and Development, EPA; Diane Porter, Deputy Director, NIOSH; and Pat Clark, area office director for NY, NY, OSHA.

23. *“First Responder Interoperability: Can You Hear Me Now?” Joint hearing with the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, November 6, 2003; Serial No. 108–139*

*a. Summary.*—The purpose of the hearing was to examine the challenges of communications interoperability for first responders and look at Federal programs and policies in responding to those challenges. The hearing focused on the e-government initiative SAFECOM, the Wireless Public Safety Interoperable Communications Program at the Department of Homeland Security, and the role of the Federal Communications Commission in regulating State and local first responder spectrum allocation and licensing.

*b. Witnesses.*—William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, GAO; Marilyn Ward, chairman, National Public Safety Telecommunications Council [NPSTC] manager, Pub-

lic Safety Communications Division, Orange County, FL; Aldona Valicenti National Association of State Chief Information Officers, NASCIO Member to PSWN/SAFECOM Chief Information Officer, State of Kentucky; Marilyn Praisner, councilwoman, Montgomery County, MD, chair, Telecommunity, chair, Technology Committee, National Association of Counties PSWN Executive Board, CAPWIN Executive Board; George Ake, program director, Capital Wireless Integrated Network [CAPWIN]; and Vincent Stile, president, Association of Public-Safety Communications Officials, International [APCO].

24. *“First Responder Interoperability: Can You Hear Me Now? (Federal Perspectives),” joint hearing with the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, November 6, 2003; Serial No. 108–139*

*a. Summary.*—The purpose of the hearing was to examine the challenges of communications interoperability for first responders. Federal officials responsible for spectrum allocation and other policies effecting interoperability discussed ongoing efforts to link tactical communications and share critical data in the event of a terrorist attack.

*b. Witnesses.*—Karen S. Evans, E-Gov/IT Director, OMB; Dr. David Boyd, Program Manager SAFECOM, Wireless Public Safety Interoperable Communications Program, DHS; John Morgan Assistant Director for Science and Technology, National Institute of Justice, AGILE; John Muleta, Chief, Wireless Bureau, FCC; and Edmond Thomas, Chief, Office of Engineering and Technology, FCC.

25. *“Effective Strategies Against Terrorism,” February 3, 2004; Serial No. 108–150*

*a. Summary.*—Oversight of the processes used to develop and implement multiple national strategy statements to combat terrorism. Witnesses were asked to describe the elements of an effective strategy, assess whether current U.S. strategic statement possess those characteristics and analyze the extent to which the various strategies articulate clear goals, guide resource allocations and link to form a coordinated approach. Testimony was received from GAO and a panel of private sector experts.

*b. Witnesses.*—Randall Yim, Managing Director, Homeland Security and Justice Team, GAO; Dr. Ilana Kass, professor of military Strategy and Operations, National War College; Dr. David H. McIntyre, former dean of faculty, National Defense University; Colonel Randall J. Larsen, USAF (Retired), CEO, Homeland Security Associates; and Frank Ciluffo, associate vice president for homeland security, the George Washington University.

26. *“Public Diplomacy in the Middle East,” February 10, 2004; Serial No. 108–153*

*a. Summary.*—Oversight of State Department and interagency efforts to communicate U.S. policies to broader audiences in the Middle East. Ambassador Margaret Tutwiler, Under Secretary of State for Public Diplomacy and Public Affairs, testified on the range of efforts undertaken to convey U.S. policies and interests to

governments and the broader publics in the region. Witnesses from the Broadcasting Board of Governors, the Advisory Commission on Public Diplomacy, GAO, the Heritage Foundation and others described past missteps and current efforts to inject the U.S. voice into regional electronic media to compete with the perceived anti-American bias of regional outlets like Al Jazeera.

*b. Witnesses.*—Ambassador Margaret Tutwiler, Under Secretary of State for Public, Diplomacy and Public Affairs, U.S. Department of State; Kenneth Y. Tomlinson, chairman, Broadcasting Board of Governors; Harold Pachios, chairman, Advisory Commission on Public Diplomacy; Jess T. Ford, Director, International Affairs and Trade, GAO; Stephen Johnson, senior policy analyst, the Heritage Foundation; David E. Morey, president & CEO, DMG, Inc., (& member of the Council on Foreign Relations public diplomacy task force); and Dr. Stephen P. Cohen, president, Institute for Middle East Peace and Development (& member of the Advisory Group on Public Diplomacy for the Arab and Muslim World).

27. *“Combating Terrorism: Chemical Plant Security,” field hearing, Moon Township, PA, February 23, 2004; Serial No. 108–156*

*a. Summary.*—Oversight of DHS and intergovernmental efforts to assess vulnerabilities and mitigate the risks of terrorist attacks against chemical production, transmission and storage facilities. DHS Assistant Secretary for Infrastructure Protection Robert Liscouski testified on the Department’s efforts to increase and standardize voluntary, cooperative efforts by industry and local regulators to strengthen safety and security measures at plants producing or holding toxic and flammable materials of interest to terrorists. State and local officials, and industry trade association representatives, testified on the progress made in securing chemical plants since September 11, 2001 and the need for clearer Federal standards to guide further progress.

*b. Witnesses.*—Michael Lowder, Operations Branch, Chief, Response Division, DHS, FEMA; Chief Robert Full, chief, Allegheny County Department of Emergency Services; Thomas Headley, vice-chairman, Forward Township, Board of Supervisors; Dave Sanko, director, Pennsylvania Management Agency; John Stephenson, director of Natural Resources and Environment, GAO; Pamela Witmer, president, Pennsylvania Chemical Industry Council; Marty Durbin, team leader, security & operations, senior director, Federal relations, American Chemistry Council; and Jennifer C. Gibson, vice president, government & public affairs, National Association of Chemical Distributor.

28. *“Nonproliferation: Assessing Missile Technology Export Controls,” March 9, 2004; Serial No. 108–165*

*a. Summary.*—Oversight of management of multi-agency categorization and licensing regimes used to control the spread of enabling technologies used in construction of unmanned aerial vehicles and cruise missiles. Witnesses from CRS, GAO, a think tank, Commerce, State and DOD described efforts to coordinate and strengthen controls on sensitive technologies and the challenges of doing so in the context of a rapidly growing global supply and demand for UAV capabilities.

*b. Witnesses.*—Andrew Feickert, Specialist in National Defense, CRS; Joseph A. Christoff, Director, International Affairs and Trade Team, GAO; Dennis M. Gormley, senior fellow Monterey Institute of International Studies; Matthew S. Borman, Deputy Assistant Secretary for Export Administration, Department of Commerce; Robert W. Maggi, Managing Director of Defense Trade Controls, U.S. Department of State; Lt. Gen. Tome H. Walters, Jr., USAF, Defense Security Cooperation Agency, U.S. Department of Defense; and Lisa Bronson Deputy Under Secretary of Defense for Technology Security Policy and Counterproliferation, U.S. Department of Defense.

29. *“Homeland Security Advisory System: Threat Codes and Public Responses,” March 16, 2004; Serial No. 108–166*

*a. Summary.*—Oversight of the homeland security advisory system administered by DHS. Witnesses from DHS, GAO, CRS, the American Red Cross and other private organizations discussed the “evolving” color code system used by DHS. Testimony by non-government witnesses generally agreed the current system is inadequate in terms of informing the public about appropriate preparedness and countermeasures when the threat level is raised. According to one witness, the current system is only a “threat” alert, not a true “warning” system that would use existing broadcast and emergency communication (i.e. FCC, NOAA) capabilities to convey specific information to the public about heightened threats and what to do about them.

*b. Witnesses.*—General Patrick Hughes, Assistant Secretary for Information Analysis, DHS; Randall Yim, Managing Director, Homeland Security and Justice Team, GAO; Shawn Reese Analyst in American National Government, CRS; Charles D. Connor, senior vice president, Communications & Marketing, American Red Cross; Michael Wermuth, senior policy analyst, RAND Corp.; Dr. James Jay Carafano, senior research fellow, Defense and Homeland Security, Heritage Foundation; and Kenneth B. Allen, executive director, Partnership for Public Warning.

30. *“U.S. Preparation for the World Radio Conferences: Too Little, Too Late?” March 17, 2004; Serial No. 108–180*

*a. Summary.*—Oversight of the processes used to select delegates and formulate U.S. positions for World Radio Conferences, the intermittent international meetings at which critical decisions are made regarding radio spectrum allocations and other telecommunications policies. Testimony from the Departments of State, Transportation, Commerce, Defense, NASA, FCC and former WRC Ambassadors described an increasingly sophisticated system of internal and bi-lateral sessions to coordinate national and regional spectrum policies. However, concerns were expressed whether the current system will be adequate to meet the demand for inter-agency dispute resolution and timely formulation of positions. One key concern was the practice of not appointing a WRC Ambassador until 6 months before the conference, while other nations are able to communicate at the head-of-delegation level long before that.

*b. Witnesses.*—Jeffrey N. Shane, Under Secretary for Transportation Policy, U.S. Department of Transportation; William Readdy,

Associate Administrator for Space Flight, NASA; Michael Gallagher Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, U.S. Department of Commerce; Commissioner Kathleen Abernathy Federal Communications Commission; Ambassador David Gross, U.S. Coordinator, International Communications and Information Policy, U.S. Department of State; Dr. Lin Wells, Acting Assistant Secretary for NII (Networks and Information Integration), U.S. Department of Defense; Dr. James Scheslinger, Center for Strategic and International Studies; John Bryant former Congressman and U.S. Ambassador to 1997 World Radio Conference; Gail Schoettler U.S. Ambassador to 2000 World Radio Conference; and Janice Obuchowski, U.S. Ambassador to 2003 World Radio Conference.

31. *“The Homeland Security Department’s Plan to Consolidate and Co-locate Regional and Field Offices: Improving Communication and Coordination,” joint hearing with the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, March 24, 2004; Serial No. 108–168*

a. *Summary.*—Oversight of DHS implementation of Section 706 of the Homeland Security Act, authored by Representative Ose, requiring a plan to coordinate overlapping regional and field structures inherited from “legacy” units and agencies when the new Department was created. Testimony from the DHS Deputy Secretary for Border and Transportation Security indicated plans and consultations were underway to reconfigure DHS units into a truly regional system. But efforts appear hampered by lease management issues and involvement of State and local stakeholders seems limited.

b. *Witnesses.*—Asa Hutchinson, Under Secretary, Border and Transportation Security, DHS; James Lee Witt, former Administrator, Federal Emergency Management Agency, currently president, James Lee Witt Associates, LLC; C. Morgan Kinghorn, president, National Academy of Public Administration; Edward Flynn, Secretary, Executive Office of Public Safety, State of Massachusetts on behalf of the National Governors Association; Karen Anderson, mayor, city of Minnetonka, MN, on behalf of the National League of Cities; and Dr. Martin Fenstersheib, health officer, Santa Clara County Public Health Department on behalf of the National Association of County and City Health Officers.

32. *“Does the ‘Total Force’ Add Up? The Impact of Health Protection Programs on Guard and Reserve Units,” March 30, 2004; Serial No. 108–181*

a. *Summary.*—Oversight of DOD force health protection programs, instituted after the first Persian Gulf war, to assess pre- and post-deployment health, maintain accurate medical records and assess the impact of environmental exposures in the field. Testimony from National Guard and Reserve members, and their spouses, described unique difficulties faced by Reserve Component units in accessing post-deployment health care. The DOD Assistant Secretary for Health Affairs and the Army Surgeon General testified on the implementation of congressionally mandated pre- and

post-deployment medical examinations and efforts to improve in-theater mental health and suicide prevention programs.

*b. Witnesses.*—First Sergeant Gerry L. Mosley, 296th Transportation Co., Brookhaven, MS, U.S. Army Reserves; Specialist John A. Ramsey, 32nd Army Air Missile Defense Command, Florida National Guard; Laura Ramsey; Sergeant First Class Scott Emde, 20th Special Forces Group, B Co., 3rd Battalion, Virginia National Guard; Lisa Emde; Specialist Timothy McMichael, U.S. Army Reserves, Medical Hold Unit, Fort Knox, KY; Dr. William Winkenwerder, Assistant Secretary of Defense for Health Affairs, U.S. Department of Defense; and Lieutenant General James B. Peake, the Surgeon General, U.S. Army, U.S. Department of Defense.

33. *“The Iraq Oil-For-Food Program: Starving for Accountability,” April 21, 2004; Serial No. 108–216*

*a. Summary.*—Oversight of U.S. participation in the United Nations Oil-for-Food Program and efforts to investigate allegations of sanctions violations and profiteering in the largest-ever humanitarian program. Witnesses from the State Department, Defense Contract Audit Agency, Department of Treasury and private analysts—including a British advisor to the Iraqi Governing Council—testified on allegations nations and companies conspired with the former Iraqi regime of Saddam Hussein to skim proceeds from U.N. sanctioned oil sales and humanitarian purchases. GAO previously concluded more than \$10 billion was siphoned from the flow of funds intended to benefit the Iraqi population.

*b. Witnesses.*—Patrick F. Kennedy, U.S. Representative for United Nations Management and Reform, U.S. Mission to the United Nations, U.S. Department of State; Robin L. Raphel, Coordinator, Office of Iraq Reconstruction, U.S. Department of State; Michael J. Thibault, Deputy Director, Defense Contract Audit Agency, U.S. Department of Defense; Jeff Ross, Senior Advisor to the Deputy Assistant Secretary, Executive Office for Terrorist Financing & Financial Crimes, U.S. Department of the Treasury; Claude Hankes-Drielsma, advisor, Iraq Governing Council, chairman, Roland Berger, Strategy Consultants; Dr. Nimrod Raphaeli, senior analyst, the Middle East Media Research Institute; Dr. Nile Gardiner, fellow in Anglo-American security policy, the Heritage Foundation; Claudia Rosett, senior fellow, Foundation for the Defense of Democracies, adjunct fellow, Hudson Institute; and Dr. Edward C. Luck, Director, Center on International Organization, School of International and Public Affairs, Columbia University.

34. *“Nuclear Security: Can DOE Meet Physical Facility Security Requirement,” April 27, 2004; Serial No. 108–207*

*a. Summary.*—Oversight of the National Nuclear Security Administration and Department of Energy efforts to implement new, enhanced physical security standards—called the design basis threat [DBT] at the nuclear weapons facility. The weapons “complex” consists of a number of aging, widely dispersed facilities that pose varying degrees of difficulty meeting heightened, post-September 11 requirements to deny access to special nuclear material. Witnesses from NNSA, DOE, GAO, and the Project on Government

Oversight testified on the pace and projected cost to bring facilities up to the new DBT standards. Consolidation of nuclear material within facilities, and eventually into fewer facilities was strongly advocated.

*b. Witnesses.*—Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; Danielle Brian, Executive Director, Project on Government Oversight; Linton F. Brooks, Administrator, National Nuclear Security Administration, Department of Energy; and Glenn S. Podonsky Director, Office of Security and Safety Performance Assurance, Department of Energy.

35. *“Combating Terrorism: Training and Equipping Reserve Component Forces,” May 11, 2004; Serial No. 108–211*

*a. Summary.*—Oversight of Department of Defense management of Reserve Component (National Guard and Reserve) units’ deployment mobilization. Reservists and National Guard members, DOD witnesses and service advocacy organizations testified on challenges to old RC systems and procedures posed by frequent mobilizations and changing missions. Limited access to equipment and training facilities can make it more difficult for RC units to “train as they fight” than their active duty counterparts. Incorporation of lessons learned from forward areas was also an issue discussed.

*b. Witnesses.*—First Sergeant Gerald Neill, 323 Military Intelligence Battalion, U.S. Army Reserve, Maryland; Staff Sergeant Juan SanchezLopez, 2nd Battalion 23rd Marines Reserves; Specialist Michael Tanguay, 143 Military Police Co., National Guard, Connecticut; Lieutenant Colonel Steve J. Novotny, 530th Military Police Battalion, U.S. Army Reserve, Nebraska; Dr. Andrew F. Krepinevich, Executive Director, Center for Strategic and Budgetary Assessments, Major General (Retired) Richard C. Alexander, president, National Guard Association of the United States; Brigadier General Louis Weber, Director of Training, U.S. Army; Lieutenant General James R. Helmly, Chief of Army Reserve; Lieutenant General Roger C. Schultz, Director of Army National Guard; and Lieutenant General Edward Hanlon, Commandant, Marine Corps Combat Development Command.

36. *“Examining the Status of Gulf War Research and Investigations on Gulf War Illnesses,” June 1, 2004; Serial No. 108–228*

*a. Summary.*—Oversight of VA and DOD efforts in managing the research portfolio of studies into toxic exposures and subsequent illnesses in Gulf war veterans. Witnesses from the GAO, VA, Research Advisory Committee, DOD, veterans advocacy groups and others testified that promising results from previous studies are not being followed due to a reduction in the overall research effort. A Member of the British House of Lords, Lord Morris of Manchester, was invited to sit with the subcommittee based on his sustained advocacy on behalf of UK veterans of the 191 war.

*b. Witnesses.*—Jim Bunker, chairman, Veteran Information Network, Gulf War Veteran, Topeka, KS; Dr. Derek Hall, Gulf war veteran, United Kingdom; Dr. Janet Heinrich, Director, Health Care Public Health Issues, GAO; Dr. Keith Rhodes, Chief General Accounting Office Technologist, GAO; Jim Binns, chairman, Research Advisory Committee on Gulf War Veterans Illnesses; Steve Robin-

son, Executive Director, National Gulf War Resource Center, Inc.; Dr. Jonathan B. Perlin, Acting Under Secretary for Health and Acting Chief Research and Development Officer, Department of Veterans Affairs; Major General Lester Martinez-Lopez, Commanding General of U.S. Army Medical Research and Materiel Command, Fort Detrick, MD; Dr. Robert Haley Professor of Internal Medicine, University of Texas Southwestern Medical Center; Dr. Rogene Henderson, Senior Scientist, Lovelace Respiratory Research Institute; and Dr. Paul Greengard, Vincent Astor professor and head of Laboratory of Molecular and Cellular Neuroscience, the Rockefeller University, Nobel Laureate in Medicine 2000.

37. *"Iraq: Winning Hearts and Minds," June 15, 2004; Serial No. 108-233*

*a. Summary.*—Oversight of U.S. policy and operations to secure popular support for Coalition actions in Iraq. The Iraqi diplomatic representative to the United States testified on effective tactics, and dashed expectations, that have liberated Iraqis but also resulted in a steady erosion of public trust in Coalition intentions. Witnesses from the Departments of State, DOD, the Joint Staff and USAID described efforts underway to rebuild civil society in Iraq.

*b. Witnesses.*—Ambassador Rend Al-Rahim, Iraqi Interests Section; Ambassador Ronald L. Schlicher, Deputy Assistant Secretary, Bureau of Near Eastern Asia/Iraq, U.S. Department of State; Peter Rodman, Assistant Secretary of Defense, International Security Affairs, Office of Secretary of Defense; Lieutenant General Walter L. Sharp, Director for Strategic Plans and Policy, Joint Chiefs of Staff; Gordon West, Senior Deputy Assistant Administrator, Bureau for Asia and the Near East, USAID; Dr. Samer S. Shehata, Center for Contemporary Arab Studies, Georgetown University; Richard Galen, former director, strategic media, Coalition Provisional Authority; and Danielle Pletka, vice president, foreign and defense policy studies, American Enterprise Institute.

38. *"Nuclear Security: Can DOE Meet Facility Security Requirements?" June 22, 2004; Serial No. 108-237*

*a. Summary.*—Continuing the subcommittee's oversight of physical security upgrades at DOE nuclear complex sites, witnesses from GAO and DOE described efforts to assess security needs at so-called "environmental management" sites containing special nuclear materials. These sites are not part of the active weapons complex, and some are scheduled to be decommissioned altogether. As a result, weighing the costs and benefits of expensive security enhancements called for by the new design basis threat can be challenging.

*b. Witnesses.*—Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; Danielle Brian, executive director, Project on Government Oversight; David Garman, Under Secretary, Office of Energy, Science, and the Environment, U.S. Department of Energy; and Glenn S. Podonsky, Director, Office of Security and Safety Performance Assurance, U.S. Department of Energy.

39. *“Business Process Modernization at the Department of Defense,” joint hearing with Subcommittee on Government Efficiency and Financial Management, July 7, 2004; Serial No. 108–229*

*a. Summary.*—Oversight of ongoing DOD efforts to identify, consolidate and eliminate legacy information technology systems and migrate key business management functions to an enterprise architecture environment. Witnesses from DOD and GAO described progress to date and identified barriers that require sustained, high-level attention and dedicated resources.

*b. Witnesses.*—Lawrence Lanzilotta, Under Secretary of Defense, Comptroller (Acting); and Greg Kutz, Director of Financial Management and Assurance, GAO.

40. *“Visa Revocations II: Still Porous, Slow to Fix,” July 13, 2004; Serial No. 108–253*

*a. Summary.*—Oversight of State Department and DHS efforts to fix problems noted previously by GAO and the subcommittee in coordinating visa revocations so that persons denied visas on terrorism grounds do not enter the United States. GAO testified that information sharing problems noted 6 months ago persist so that visa revocation information does not get where it is needed in time to stop entry of the alien. And, once an alien enters the United States on a revoked visa, it is still not clear who, if anyone, is responsible to find the alien and determine if he/she should be removed. Inter-agency discussions on a regulation change to make the visa revocation instrument effective upon issuance, not only after the alien leaves the United States, bogged down.

*b. Witnesses.*—Jess T. Ford, Director, International Affairs and Trade Division, GAO; Janice Jacobs, Deputy Assistant Secretary for Visa Services, U.S. Department of State; Robert M. Jacksta, Executive Director, Border Security and Facilitation, Bureau of Customs and Border Protection DHS; Robert A. Schoch, Deputy Assistant Director, National Security Investigations Bureau of Immigration and Customs Enforcement, DHS; and Donna A. Bucella Director, Terrorist Screening Center, Federal Bureau of Investigation, U.S. Department of Justice.

41. *“Public Safety Interoperability: Look Who’s Talking Now,” July 20, 2004; Serial No. 108–257*

*a. Summary.*—Oversight of Federal efforts to improve public safety communications interoperability, specifically wireless voice and data systems. Witnesses from GAO, DHS, FCC and State and local public safety agencies testified on slow FCC decisionmaking on spectrum allocation issues affecting local jurisdictions and limited success of the DHS SAFECOM program to focus short and long-term interoperability efforts across so many jurisdictions.

*b. Witnesses.*—William Jenkins, Jr., Director, Homeland Security and Justice Issues, GAO; Dr. David Boyd, Program Manager, SAFECOM, DHS; John Muleta, chief, Wireless Telecommunications Bureau, FCC; Stephen T. Devine, Patrol Frequency Coordinator Communications Division, Missouri State Highway Patrol General Headquarters; Glen S. Nash Telecommunications Division, California Department of General Services; Hanford Tomas, director, New York Statewide Wireless Interoperability Network; Wil-

liam Gardner, radio shop supervisor, Suffolk County, New York Police Headquarters; and Dr. Glenn Corbett, Department of Public Management, John Jay College of Criminal Justice City University of New York.

42. *“Homeland Security: Surveillance and Monitoring of Explosive Storage Facilities,” field hearing, San Mateo, CA, August 2, 2004; Serial No. 108-259*

*a. Summary.*—Oversight of DHS Bureau of Alcohol, Tobacco and Firearms management of safety and security standards applicable to ammunition magazines and other storage facilities used by Federal, State and local law enforcement. The theft of high explosives from a joint Federal/local ammunition bunker raised questions about the adequacy of security standards applied to government facilities. Private facilities must be inspected by AFT. Government compliance with security and inspection requirements if voluntary.

*b. Witnesses.*—Walfred A. Nelson, Deputy Assistant Director, Enforcement Programs and Services Division, the Bureau of Alcohol, Tobacco and Firearms, U.S. Department of Justice; Michael Gullledge, Director, Office of Evaluation and Inspections Division, Office of the Inspector General, U.S. Department of Justice; Don Horsley, county sheriff, San Mateo County Sheriff’s Office, State of California; Heather Fong, chief of police, San Francisco Police Department, city of San Francisco, CA; Scott MacGregor, assistant chief, California Highway Patrol, California Department of Justice, Sacramento, CA; Mark Church, president, San Mateo County Board of Supervisors, State of California; and Michael Nevin, supervisor.

43. *“The 9/11 Commission Recommendations on Public Diplomacy: Defending Ideals and Defining the Message,” August 23, 2004; Serial No. 108-261*

*a. Summary.*—Oversight of 9/11 Commission recommendations to improve U.S. information and exchange programs to foreign publics, particularly increasingly hostile publics in the Arab and Muslim world. Commission Chairman Thomas Kean and Commission member Jamie Gorelick testified on the importance of augmenting both the quality and quantity of one-on-one advocacy of American policies and ideals, (such as exchange programs, speakers bureaus and conferences) but increasing the reach and effectiveness of mass media broadcasting as well. Some witnesses advocated one approach over the other.

*b. Witnesses.*—Governor Thomas H. Kean, Chair, National Commission on Terrorist Attacks Upon the United States, (the 9/11 Commission); Jamie S. Gorelick, Commissioner, National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission); Patricia de Stacy Harrison, Acting Under Secretary of State for Public Diplomacy and Public Affairs, U.S. Department of State; Kenneth Y. Tomlinson, chairman, Broadcasting Board of Governors; Charles “Tre” Evers III, commissioner, Advisory Commission on Public Diplomacy; Jess T. Ford, Director, International Affairs and Trade, GAO; Keith Reinhard, president, Business for Diplomatic Action, chairman, DDB Worldwide; Charlotte Beers, former Under Secretary of State for Public Diplomacy and Public

Affairs, U.S. Department of State; Dr. Rhonda S. Zaharna, associate professor of public communication, American University; and Hafez Al-Mirazi, bureau chief, Al Jazeera, Washington Office.

44. *“Too Many Secrets: Overclassification as a Barrier to Critical Information Sharing,” August 24, 2004; Serial No. 108–263*

*a. Summary.*—Oversight of classification and declassification policies in view of the 9/11 Commission finding that too much classification, and too little declassification, impedes the more robust forms of information sharing needed to fight terrorism effectively. Testimony from the National Archives’ Information Security Oversight Office, DOD and others pointed to institutional and cultural incentives that sustain a “when in doubt, classify!” system. Estimates of the extent of overclassification ranged from 10 to 90 percent of the 14 million documents marked “Confidential” “Secret” or “Top Secret” in 2003. Witnesses suggested standardized training on classification and declassification criteria and procedures, and leadership from Department heads, could largely correct the problem. It was also suggested that the Public Interest Declassification Board, created in the 2002 Intelligence Authorization bill but never populated with executive or legislative appointments, should be extended and made operational.

*b. Witnesses.*—William Leonard, Director, Information Security Oversight Office, National Archives and Records Administration; Carol Haave, U.S. Department of Defense, Office of the Undersecretary of Defense for Intelligence; Steven Aftergood, Federation of American Scientists; and William P. Crowell, the Markle Foundation Task Force on National Security in the Information.

45. *“Assessing September 11th Health Effects,” September 8, 2004*

*a. Summary.*—Oversight of Federal efforts to assess, diagnose and treat symptoms and syndromes resulting from post-September 11 environmental exposures and psychological trauma. This was a follow-up to the subcommittee’s initial hearing on this topic held in New York City in May. Federal and State medical officials testified on efforts to monitor health of first responders and others present at Ground Zero in the aftermath of the September 11 attack. Witnesses representing local response workers questioned the design and operation of health registries and whether support for long-term health monitoring was sufficient.

*b. Witnesses.*—Dr. John Howard, Director, National Institute for Occupational Safety and Health [NIOSH]; Dr. Janet Heinrich, Director, Health Care-Public Health Issues, GAO; Robert E. Robertson, Director, Education, Workforce and Income Security, GAO; Dr. Stephen M. Levin, M.D., co-director of the World Trade Center Worker and Volunteer Medical Screening Program, medical director of the Mount Sinai-Selikoff Center for Occupational and Environmental Medicine; Dr. Michael Lonski, director of training and program development, Life Matters; Dr. James Melius, administrator, NY State Laborers Health and Safety Fund; Stan Mark, esq., program director, Asian American Legal Defense and Education Fund; and Micki Siegel de Hernandez, health and safety director, Communications Workers of America [CWA].

46. *“Homeland Security: Monitoring Nuclear Power Plant Security,”* September 14, 2004; Serial No. 108–265

*a. Summary.*—Oversight of post-September 11 efforts to enhance physical security standards at civilian nuclear power facilities. Like DOE nuclear facilities, Nuclear Regulatory Commission [NRC] regulated facilities must meet a more stringent security standard, called a “design basis threat,” that reflects the level risk posed by terrorism. Witnesses from the NRC and GAO described efforts to bring plant operators into compliance with more stringent security requirements. Other witnesses questioned whether NRC was moving aggressively enough.

*b. Witnesses.*—Luis A. Reyes, Executive Director of Operations, Nuclear Regulatory Commission; Jim Wells, Director, Natural Resources and Environment, GAO; Alex Matthiessen, director, Hudson riverkeeper, Garrison, NY; David Lochbaum, Union of Concerned Scientists, Washington, DC; and Marvin Fertel, vice president and chief nuclear officer, Nuclear Energy Institute, Washington, DC.

47. *“Combating Terrorism: The 9/11 Commission Recommendations and the National Strategies,”* September 22, 2004; Serial No. 108–271

*a. Summary.*—Oversight to assess the recommendations of the 9/11 Commission as they relate to the goals, objectives and initiatives of the national strategies to combat terrorism and homeland security. Commissioners Slade Gordon and Richard Ben-Veniste, GAO, CRS and an analyst from the Rand Corp. concluded U.S. strategic statements already reflect many Commission recommendations. However, based on 9/11 Commission findings, strategies should be refined regarding the nature of the threat—Islamist terrorists versus any notional “war on terror”—and a much greater focus on public diplomacy and other “soft power” means to address the ideological drivers of global jihadists.

*b. Witnesses.*—Slade Gorton, member, National Commission on Terrorist Attacks Upon the United States; Richard Ben-Veniste, member, National Commission on Terrorist Attacks Upon the United States; Norman Rabkin, Managing Director, Homeland Security and Justice Team, GAO; Raphael Perl, Senior Policy Analyst, Congressional Research Service; and John V. Parachini, senior policy analyst, RAND Corp.

48. *“The U.N. Oil for Food Program: Cash Cow Meets Paper Tiger,”* October 5, 2004

*a. Summary.*—The purpose of the subcommittee’s second hearing on the U.N. Oil for Food Program was to continue examination of the U.S. role in the scandal-plagued humanitarian program. A failure of U.N. oversight, and an erroneous assumption that commercial safeguards would protect the program from manipulation, resulted in the Iraqi regime being able to divert billions from the program. U.N. contractors retained to finance and monitor oil sales and commodity purchases by Iraq testified on the limited authorities they had to police program transactions, despite persistent public reports of surcharges and kickbacks benefiting Saddam’s regime.

*b. Witnesses.*—Ambassador Patrick F. Kennedy, U.S. Representative to the United Nations for U.N. Management and Reform, U.S. Mission to the U.N., U.S. Department of State; David L. Smith, director, corporate banking operations, BNP Paribas; Peter W.G. Boks, managing director, Saybolt International B.V.; and André E. Pruniaux, senior vice president, Africa & Middle East Cotecna Inspection S.A.

SUBCOMMITTEE ON TECHNOLOGY, INFORMATION POLICY,  
INTERGOVERNMENTAL RELATIONS AND THE CENSUS

SUMMARY OF LEGISLATIVE ACTIVITIES

*H.R. 3478*

During 2003, Chairman Putnam introduced H.R. 3478, the National Archives and Records Administration Act of 2003. It passed the House and the Senate this session. The act improves the efficiency of operations by the National Archives and Records Administration [NARA] in the following manner:

- Providing for the extension of Federal records retention periods by regulation
- Allow for the creation of a revolving fund to be used for the purchase and care of uniforms for certain records center employees
- Establishes the authority to charge fees for the public use of space in archival facilities and Presidential libraries owned, operated, or controlled by NARA
- Creates the authority to enter into cooperative agreements with State and local governments, as well as educational institutions or private non-profit organizations to further NARA programs and to support NARA's community outreach mission.

Additionally, this legislation reauthorizes appropriations through fiscal year 2009 for the National Historical Publications to Records Commission (NHPRC). This has been the 8th passage of this legislation since 1964. The NHPRC's mandate is to look outward, to provide assistance to non-Federal agencies, institutions and individuals committed to the preservation and use of American documentary resources. The NHPRC remains today the only grantmaking organization, public or private, in the Nation whose only focus is the preservation of and increased access to American historical documentation, in its myriad forms and formats—whether it be quill pen or computer.

*H.R. 4570*

The subcommittee's Chairman Adam Putnam (R-FL) introduced this legislation with co-sponsorship from the chairman of the Committee on Government Reform, Tom Davis (R-VA). The Clinger-Cohen Act of 1996 affirmatively acknowledged the importance of information technology investment management in the Federal Government. H.R. 4570 amends and updates the Clinger-Cohen Act, to explicitly identify information security as a required element of the information technology investment management oversight and decisionmaking process within every agency of the Fed-

eral Government. The language of H.R. 4570 passed the House of Representatives as section 5031 of H.R. 10, the 9/11 Recommendations Implementation Act. The language of H.R. 4570 also passed the Senate as amendment 3727 to S. 2845, the National Intelligence Reform Act of 2004. At the time of the writing of this report, H.R. 10 and S. 2845 were in conference to resolve the differences between the two pieces of legislation.

#### SUMMARY OF OVERSIGHT ACTIVITIES

##### *1. Biometrics/Smart Cards*

In accordance with the President's vision of a more responsive and cost-effective government, GAO reports that Federal agencies continue to move toward integrated agency-wide initiatives that use smart cards as identity credentials that agency employees can use to gain both physical access to facilities and logical access to computer systems and networks, thus enhancing overall security. GAO also indicated in the report that even stronger authentication can and will be achieved by using smart cards in conjunction with biometrics, passwords, and public key infrastructure.

In the GAO report titled, "Electronic Government; Federal Agencies continue to Invest in Smart Card Technology," the GAO identifies a total of 24 projects, of which 16 projects reported that they are in planning, pilot, or operational phases and are intended to support a variety of uses. In January 2003, it was reported that there were some 52 various project at some phase of concept, design, development or implementation. As a result of congressional oversight, a new examination produced opportunities for consolidation and integration of projects and resulted in 28 projects being discontinued and absorbed into other smart card projects or deemed no longer feasible.

The Federal Government's adoption of smart card technology is advancing with a number of agencies purchasing smart cards under the GSA's Smart Card Access Common ID contracting vehicle that promises to help reduce the cost and ensure that vendors incorporate interoperability specifications. The subcommittee is dedicated to continuing its oversight of Smart Card projects to ensure the appropriate application of this technology to achieve greater security for Federal agencies and Federal employees.

##### *2. Cyber Security*

The subcommittee aggressively pursued oversight of the issue of cyber security in the 108th Congress. The subcommittee tackled cyber security from a variety of angles including looking at: the security precautions undertaken by both the Federal Government and the private sector; the threats to computers and information systems that are connected to the Internet; the Federal and private efforts to educate computer users about online threats; and the attempts to improve the security and quality of software and hardware products. The subcommittee has made every effort to raise the profile of this important issue and to improve the cyber security profile of all computer users in this Nation. Specifically, the subcommittee held 11 oversight hearings related to cyber security and received testimony from over 85 witnesses from a wide variety

of government agencies, companies, non-profits, and academic organizations. Throughout these hearings, the message was clear that: the threats to this Nation's computer systems from viruses, worms, hackers, and others who wish us harm is very real; the vulnerabilities in our systems are extensive; and that there can be no delay from the public or private sectors in taking immediate steps to improve cyber security.

In addition to the subcommittee's hearings, Chairman Putnam issued a computer security report card grading the 24 largest department and agencies in the Federal Government. Furthermore, the subcommittee made several requests to the Government Accountability Office on the topic of information security, including requesting examinations of technologies to secure Federal systems, technologies to secure the Nation's critical infrastructure, and the effectiveness of risk management processes designed to protect Federal information systems. Finally, the subcommittee frequently engaged in dialog with the private sector about the potential solutions to the cyber security challenges facing this Nation.

### *3. E-Government*

The subcommittee continued its stringent oversight of the Federal Government in its efforts to implement the 25 E-Government initiatives described in the President's management agenda, both to measure the progress of those efforts and to keep Federal Government agencies and decisionmakers aggressively focused on meeting the key goals of the E-Government Act of 2002. Specifically, those goals are: greater accessibility to government by citizens and businesses; improving government efficiency and productivity; enhancing customer service; facilitating cross-agency coordination; and tangible cost savings to taxpayers through use of 21st century technology and proven "best practices" throughout the Federal Government.

In addition to the subcommittee's five hearings focused on specific E-Government initiatives, the subcommittee made a number of requests to the Government Accountability Office for studies on specific E-Government initiatives, the Federal Enterprise Architecture effort, Information Technology budget submissions to the Office of Management and Budget, and Information Technology funding and spending.

The subcommittee also carried out its oversight responsibilities by continually meeting with the Office of Management and Budget, the Government Accountability Office, and numerous Federal agencies about the progress of various E-Government projects. Further, the subcommittee staff engaged in outreach to the private sector and, where applicable, to State and local government officials to remain apprised of changes in technology, emerging and evolving impediments to the implementation of particular E-Government goals, and to learn from success stories rearding such obstacles.

### *4. E-Records Management*

Federal agencies are producing millions of records each year and are struggling to manage them. National Archives and Records Administration [NARA], since 1997, has been working on the solution—the Electronic Records Archives [ERA] system. However bar-

riers exist. E-records are not being used as business assets for the agencies therefore information is not being shared as much as it can be across government and within agencies. Also, agencies do not provide the tools and training that are needed. A successful ERA program will support preserving records over time and support sharing, utilizing and access to information across business domains and across space. NARA has been working on additional transfer guidance formats for permanent records to come to the archives. NARA has also issued guidance for digital photography, geospatial information systems, Web records and the second guidance in their enterprise-wide electronic-records management initiative.

### *5. Information Sharing*

An interagency effort taken into serious consideration by the subcommittee during second session was information sharing. The September attacks highlighted the increasing risk of terrorism on U.S. soil. Consequently, Federal, State and local governments recognized an urgent need to effectively unify their efforts to enhance homeland security by employing the unique contribution that each level of government can make on the basis of its capabilities and knowledge of its own environment.

Efforts and progress achieved by agencies in developing secure, reliable, and interoperable information-sharing networks has aided in facilitating a comprehensive and real-time information-sharing capability that is dependable and can respect privacy provisions. The Federal terrorists watch lists are important tools that are used by Federal agencies to help secure our Nation's borders. Nine Federal agencies, which before the establishment of DHS spanned five different cabinet-level departments, currently maintain 12 terrorist and criminal watch lists. These lists are also used by at least 50 Federal, State, and local agencies.

The technological constraints caused by different system architectures that impede the sharing of different agencies' watch lists illustrate the widespread lack of interoperability of many Federal Government information systems. Differences in agencies' cultures have been and remain one of the principal impediments to integrating and sharing information from watch lists and other information. With the threat environment that exists in the world today, it is increasingly important that cross-agency and intergovernmental collaboration is effective and efficient. Accordingly, the subcommittee continues to explore progress and obstacles to achieving the most successful implementation of a national strategy for information sharing related to law enforcement and homeland security.

## BUSINESS MEETINGS

### *1. June 11, 2003, A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records*

This was a business meeting to mark-up the yearly update to the referenced Guide. The purpose of the business meeting was to provide subcommittee members the opportunity to review, comment and approve recommended updates to the Citizen's Guide to using

FOIA and the Privacy Act and report the 2003 edition to the full committee.

2. *November 19, 2003, National Archives and Records Administration Efficiency Act of 2003*

This was a business meeting of the subcommittee to review and mark-up the National Archives and Records Administration Efficiency Act of 2003. The subcommittee approved H.R. 3478 on a voice vote and reported the bill to the full Government Reform Committee.

#### HEARINGS

1. *“Federal E-Government Initiatives: Are We Headed in the Right Direction?” March 13, 2003; Serial No. 108–6*

a. *Summary.*—This hearing provided an examination of the progress and impediments to timely implementation of the Federal E-Government Act of 2002, and the 24 initiatives specifically contained within the Act.

b. *Witnesses.*—Mark A. Forman, Associate Director, Information Technology and Electronic Government, Office of Management and Budget; Joel C. Willemsen, Managing Director, Information Technology, U.S. General Accounting Office; Patricia McGinnis, president and CEO, the Council for Excellence in Government; and Leonard M. Pomata, president, webMethods Government.

2. *“Data Mining: Current Applications and Future Possibilities,” March 25, 2003; Serial No. 108–11*

a. *Summary.*—This hearing established a baseline of information regarding the process of data mining and the associated technologies utilized to accomplish the analytical evaluation. Data mining facilitates the ability to sort through masses of information through database exploration, in an effort to identify patterns and trends of activity and behavior.

b. *Witnesses.*—State Senator Paula Dockery, majority whip, Florida State Senate; Dr. Jen Que Louie, president, Nautilus System, Inc.; Mark A. Forman, Associate Director, Information Technology and Electronic Government, Office of Management and Budget; Gregory Kutz, Director, Financial Management & Assurance, U.S. General Accounting Office; and Jeffrey Rosen, Director, Financial Management & Insurance, U.S. General Accounting Office.

3. *“Strengthening Oversight of DOD Business Systems Modernization,” joint hearing with the Subcommittee on National Security, Emerging Threats and International Relations, March 31, 2003; Serial No. 108–44*

a. *Summary.*—This oversight hearing examined and evaluated the effectiveness of DOD management and oversight of Defense Financial and Accounting Service [DFAS] information technology investments and business systems modernization.

b. *Witnesses.*—Randolph Hite, Director, Information Technology Architecture and Systems Issues, General Accounting Office; Gregory Kutz, Director, Financial Management & Assurance, U.S. General Accounting Office; Darby Smith, Assistant Director, Financial

Management and Assurance, General Accounting Office; Joanne Boutelle, Deputy Chief Financial Officer, Department of Defense; Thomas R. Bloom, Director, Defense Finance and Accounting Service, Department of Defense; and John R. Landon, Principle Director, C3ISR, Space and Information Technology Programs, Office of the Assistant Secretary of Defense for Command, Control, Communications and Intelligence.

4. *“Cyber Security: The Challenges Facing Our Nation in Critical Infrastructure Protection,” April 8, 2003; Serial No. 108–13*

*a. Summary.*—This hearing provided information and an examination of the current issues related to cyber security and critical infrastructure protection, both in the government and private sector. The subcommittee received testimony from GAO, OMB, university experts, department CIO’s, and private sector coordinators.

*b. Witnesses.*—Richard Clarke, former special advisor to the President for Cyber Security; Michael A. Vatis, director, Institute for Security Technology Studies at Dartmouth College, chairman, Institute for Information Infrastructure Protection; Mark A. Forman, Associate Director, Information Technology and Electronic Government, Office of Management and Budget; Robert F. Dacey, Director, Information Security Issues, U.S. General Accounting Office; Thomas Pike, Chief Information Officer, Department of Commerce; and Rhonda MacLean, senior vice president and director of corporate information security for Bank of America, sector coordinator for the Financial Services Industry Public/Private Partnership on Critical Infrastructure Protection and Homeland Security.

5. *“Federal Grants Management: A Progress Report on Streamlining and Simplifying the Federal Grants Process,” April 29, 2003; Serial No. 108–53*

*a. Summary.*—This hearing provided an examination of the process by which State and local governments, Universities, and non-profit organizations determine eligibility for Federal grants, how they apply, and how they receive grants once awarded. The hearing also focused on the E-Grants initiative of the Federal E-Government Act of 2002, and the key reforms intended to simplify and streamline the Federal grants process, including the progress and impediments to timely implementation of the Federal Financial Assistance Management Act of 1999.

*b. Witnesses.*—Linda M. Springer, Controller, Office of Federal Financial Management, Office of Management and Budget; Dr. Ed Sontag, Assistant Secretary for Administration and Management, U.S. Department of Health and Human Services, Lead Agency for E-Grants Initiative and Public Law 106–107 Compliance; Paul Posner, Managing Director, Federal Budget Government and Intergovernmental Relations, U.S. General Accounting Office; Karen M. Miller, president-elect, National Association of Counties, commissioner, Boone County, MO; Marvin G. Parnes, executive director of research administration, University of Michigan; and Kathy Crosby, director of workforce development, Goodwill Industries International, Inc.

6. *“Can the Use of Factual Data Analysis Strengthen National Security? Part One,”* May 6, 2003; Serial No. 108–72

*a. Summary.*—This hearing examined the use of factual data analysis techniques, processes, and results in the context of several Federal programs being implemented by agencies responsible for law enforcement and homeland security.

*b. Witnesses.*—Steve McCraw, Assistant Director, Office of Intelligence, Federal Bureau of Investigation; Admiral James L. Loy, Director, Transportation Security Administration; and Dr. Anthony Tether, Director, Defense Advanced Research Projects Agency.

7. *“The American Community Survey: The Challenges of Eliminating the Long Form from the 2010 Census,”* May 13, 2003; Serial No. 108–97

*a. Summary.*—This hearing further explored the implementation of the American Community Survey as a replacement, and the corresponding challenges to eliminating the Long Form from the 2010 Census program. A further goal of the hearing was to continue the information gathering process as Congress endeavors to make a final determination on full funding for the ACS in the fall.

*b. Witnesses.*—Kathleen Cooper, Undersecretary for Economic Affairs, U.S. Department of Commerce; C. Louis Kincannon, Director, U.S. Census Bureau; Thomas Reardon, executive director, Fulton County Partnership, McConnellsburg, PA; Dr. Joseph Salvo, director population division, NYC Department of City Planning; and Joan Naymark, Director Research and Planning, Target Corp., testifying on behalf of the U.S. Chamber of Commerce.

8. *“Can the Use of Factual Data Analysis Strengthen National Security? Part Two,”* May 20, 2003; Serial No. 108–98

*a. Summary.*—This hearing continued the discussion and examination of the techniques and processes of factual data analysis, specifically focusing on the issues related to Constitutional and privacy concerns. This is the third hearing on this subject matter, and witnesses at this hearing included representation from organizations who speak to the specific areas of focus.

*b. Witnesses.*—Paul Rosenzweig, senior legal research fellow, Center for Legal and Judicial Studies, the Heritage Foundation; Barry Steinhardt, director, Technology and Liberty Program, American Civil Liberties Union; and John Cohen, co-founder, president and CEO PSCOM LLC, Inc.

9. *“Geospatial Information: A Progress Report on Improving Our Nation’s Map-Related Data Infrastructure,”* June 10, 2003; Serial No. 108–99

*a. Summary.*—This hearing explored the progress being made by the Federal Government to consolidate and improve utilization of the masses of geospatial data being collected by departments and agencies across the Federal Government and by State and local governments. In most cases, information is collected in different formats and standards for one specific mission, with little attention to subsequent intergovernmental data sharing. This produces wasteful redundancies and will be examined in the context of the

Geospatial One-Stop Initiative, one of the Federal Government E-Government projects.

*b. Witnesses.*—Mark A. Forman, Associate Director, Information Technology and Electronic Government, Office of Management and Budget; Scott J. Cameron, Deputy Assistant Secretary, Performance and Management, Department of Interior, chairman, Geospatial One-Stop Board of Directors; Linda D. Koontz, Director, Information Management, U.S. General Accounting Office; Susan W. Kalweit, Chairman, Interagency Geospatial Preparedness Team, FEMA [DHS], Former Deputy Chief, NIMA North America and Homeland Security Division; Gene Trobia, president, National States Geographic Information Council [NSGIC]; Jack Dangermond, president and founder, ESRI, Inc.; and G. Michael Ritchie, P.E., L.S., C.P., president, Management Association for Private Photogrammetric Surveyors [MAPPS].

10. *“Cyber Security: The Status of Information Security and the Effects of the Federal Information Security Management Act [FISMA] at Federal Agencies,” June 24, 2003; Serial No. 108–100*

*a. Summary.*—This hearing explored the actions undertaken by Federal agencies to make their information networks secure and to comply with the requirements of the Federal Information Security Management Act [FISMA] that was part of the E-Government Act of 2002. The results of the May 2003 Government Information Security Reform Act [GISRA] were discussed, as well as the measures taken to assure the Congress and the American people that appropriate steps are being taken under GISRA, and now FISMA. Witnesses include GAO, OMB and representatives of various agencies.

*b. Witnesses.*—Mark A. Forman, Associate Director, Information Technology and Electronic Government, Office of Management and Budget; Robert F. Dacey, Director, Information Security Issues, U.S. General Accounting Office; Johnnie E. Frazier, Inspector General Department of Commerce; Robert W. Cobb, Inspector General National Aeronautics and Space Administration; Scott Charbo, Chief Information Officer, Department of Agriculture; Drew Ladner, Chief Information Officer, Department of Treasury; and Bruce Morrison, Acting Chief Information Officer, Department of State.

11. *“Federal Electronic Records Management: What is the Plan? What is our Progress?” July 8, 2003; Serial No. 108–132*

*a. Summary.*—This hearing reviewed the efforts and progress that Federal agencies have made in developing and executing strategies for electronic records management and archiving. The National Archives and Records Administration has the responsibility to provide guidance and oversight to Federal agencies regarding their records management strategies. This issue is examined in that context as well as the Federal Records Act and the Electronic Records Management initiative of the E-Government Act of 2002.

*b. Witnesses.*—John W. Carlin, Archivist of the United States, National Archives and Records Administration; L. Reynolds Cahoon, Chief Information Officer, NARA; Harriet Riofrio, eRecords Management Policy and Program Lead, U.S. Department

of Defense; Linda Koontz, Director, Information Management Issues, U.S. General Accounting Office; Timothy Sprehe, president, Sprehe Information Management Associates; Robert F. Nawrocki, CRM, Director, Records Management and Imaging Services Division, Library of Virginia; Caryn Wojcik, State Government Records Management, Michigan; and Dr. Richard Lysakowski, director, Collaborative Electronic Notebook Systems Association [CENSA].

12. *"Federal Information Systems Integration and Consolidation: Maximizing Technology Investment Across Agency Boundaries," July 15, 2003; Serial No. 108-122*

a. *Summary.*—This hearing examined the progress being made by the Federal Government to modernize agency information technology management around so-called common "lines of business" that cross agency boundaries. As a result of Federal agencies reporting more thoroughly their business cases for IT investment and an OMB requirement that any new IT spending definitively demonstrate conformity to the principles of the Federal Enterprise Architecture initiative, the Federal Government has a significant new opportunity to identify redundancies ripe for integration and consolidation.

b. *Witnesses.*—Mark A. Forman, Administrator of E-Government and Information Technology, Office of Management and Budget; Craig A. Conway, president and chief executive officer, PeopleSoft, Inc.; Kevin Fitzgerald; senior vice president, Oracle Corp.; S. Daniel Johnson, executive vice president, BearingPoint, Inc.; and Paul M. Cofoni, president, Federal Sector, Computer Sciences Corp.

13. *"Advancements in Smart Card and Biometric Technology," September 9, 2003; Serial No. 108-133*

a. *Summary.*—This hearing sought to assess the Federal Government's progress in the implementation of smart card technology and to further explore the current and future use of biometrics. Smart Card technology can apply to physical security, computer security, information storage and other uses. This hearing was divided into two panels. The first one discussed the progress made in the utilization of smart card technology for identity management and authentication. The second panel discussed the utilization of biometrics in tandem as an additional identification and authentication tool.

b. *Witnesses.*—Joel Willemsen, Managing Director of IT Management, General Accounting Office; Sandy Bates, Commissioner of Federal Technology Services, General Services Administration; Ken C. Schefflen, Director, Defense Manpower Data Center, U.S. Department of Defense; Benjamin Wu, Deputy Undersecretary of Commerce for Technology, U.S. Department of Commerce; Keith Rhodes, Chief Technologist, General Accounting Office; Christer Bergman, CEO, Precise Biometrics; and Daniel Turissini, president, Operational Research Consultants, Inc.

14. *“Worm and Virus Defense: How Can We Protect the Nation’s Computers from These Serious Threats?”* September 10, 2003; Serial No. 108–123

*a. Summary.*—This hearing examined the issue of patch management of computer information systems along with associated security issues as a result of the recent increase in the propagation of computer worms and viruses, such as Blaster and SoBig. The increase in the sheer numbers of computers connected to the Internet has dramatically enhanced the impact produced by vulnerabilities in software programs and the potential threat to the stability of the Internet and U.S. commerce.

*b. Witnesses.*—Robert Dacey, Director, IT Security, General Accounting Office; Richard Pethia, Director, CERT Coordination Center; Lawrence Hale, Director, FedCIRC, Department of Homeland Security; Norman Lorentz, Acting Administrator, Electronic Government and Information Technology, Office of Management and Budget; John Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Gerhard Eschelbeck, chief technology officer and vice president of engineering, Qualys, Inc.; Christopher Wysopal, co-founder, Organization for Internet Safety and director of research and development, @stake, Inc.; and Ken Silva, vice president, operations and infrastructure, VeriSign, Inc.

15. *“Exploring Common Criteria: Can it Assure that the Federal Government Gets Needed Security in Software?”* September 17, 2003; Serial No. 108–126

*a. Summary.*—This hearing considered the methods by which the Federal Government attempts to have assurance that security features in software acquired for use by agencies of the Federal Government will function as intended and that information systems can actually be secured. The hearing will focus attention on the certification process required for software products acquired by the Department of Defense known as Common Criteria, and whether that process is working or needs to be modified, as well as its potential applicability to other products.

*b. Witnesses.*—Edward A. Roback, Chief, Computer Security Division, National Institute of Standards and Technology, Department of Commerce; Michael G. Fleming, Chief, Information Assurance Solutions Group, Information Assurance Directorate, National Security Agency; Robert G. Gorrie, Deputy Director, Defense-wide Information Assurance Program, Department of Defense; J. David Thompson, director, Security Evaluation Laboratory, Cygnacom Solutions; Mary Anne Davidson, chief security officer, Server Technology Platforms, Oracle; Chris Klaus, chief technology officer, Internet Security Systems, Inc.; and Eugene Spafford, professor and director, Center for Education and Research in Information Assurance and Security, Purdue University.

16. *“Achieving E-Government Efficiencies at the Office of Personnel Management,”* September 23, 2003; Serial No. 108–134

*a. Summary.*—This hearing focused on the progress being made by the Federal Government to implement those key initiatives intended to improve Federal employee recruitment, employee training, management of payroll, management of employee data, and

employee security clearance processes. These employee-related improvements represent 5 of the 24 major E-Government initiatives being implemented across the Federal Government consistent with the E-Government Act of 2002 and the President's management agenda.

*b. Witnesses.*—Kay Coles James, Director, Office of Personnel Management; Linda D. Koontz, Director, Information Management, U.S. General Accounting Office; and Norman Enger, E-Government Project Director, Office of Personnel Management.

17. *“Security of Industrial Control Systems in Our Nation’s Critical Infrastructure,” closed hearing, October 1, 2003, will not be printed*

*a. Summary.*—This hearing explored computer security issues and challenges presented by industrial control systems (commonly referred to as SCADA systems) that are used as elements of the Nation's critical infrastructure, including the electric power grid, oil and gas pipelines, chemical plants, telecommunications networks, and water supply systems, to name a few. This hearing gathered information about the operation of these systems and the threats posed by the vulnerabilities related to the computer systems that support these critical functions.

*b. Witnesses.*—Robert Dacey, Director, IT Security, General Accounting Office; Denise Swink, Acting Director, Energy Assurance Office, Department of Energy; Paul Skare, manager, SCADA Development, Energy Management and Information Systems Division, Siemens Power Transmission & Distribution, Inc.; Eric J. Byers, professor of engineering, British Columbia Institute of Technology; Al Rivero, chairman of the API Workgroup on SCADA Security, Association of Oil Pipelines and American Petroleum Institute; Terry Boss, senior vice president, safety, operations and environment, Interstate Natural Gas Association of America; Melton A. Huey, department head, gas supply operations, Washington Gas; Dejan J. Sobajic, director, grid reliability and power markets, Electric Power Research Institute; and Lynn P. Constantini, chief information officer, North American Electricity Reliability Council.

18. *“The IT Roadmap: An Overview of Homeland Security’s Enterprise Architecture,” October 8, 2003; Serial No. 108–129*

*a. Summary.*—This hearing produced an in-depth review of the first-ever U.S. Department of Homeland Security [DHS] Enterprise Architecture, which was scheduled for public release in Version 1 concurrent with this oversight hearing. In addition to the overview of the DHS EA, the hearing further examined how the DHS “roadmap” is aligned with the broader Federal Enterprise Architecture and E-Government strategy.

*b. Witnesses.*—Steven I. Cooper, Chief Information Officer, U.S. Department of Homeland Security; and Karen S. Evans, Administrator of E-Government and Information Technology, Office of Management and Budget.

19. *“First Responder Interoperability: Can You Hear Me Now?” Joint hearing with the Subcommittee on National Security, Emerging Threats and International Relations, November 6, 2003; Serial No. 108–139*

*a. Summary.*—This oversight hearing examined the challenges of communications interoperability for first responders along with the programs and policies of the Federal Government in responding to these critical challenges. The hearing focused on the E-Government initiative SAFECOM, the Wireless Public Safety Interoperable Communications Program at the Department of Homeland Security, and the role of the Federal Communications Commission in regulating State and local first responder spectrum allocation and licensing.

*b. Witnesses.*—William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, U.S. General Accounting Office; Marilyn Ward, chairman, National Public Safety Telecommunications Council [NPSTC], manager, Public Safety Communications Division, Orange County, FL; Aldona Valicenti, National Association of State Chief Information Officers, NASCIO Member to PSWN/SAFECOM, Chief Information Officer, State of Kentucky; Marilyn Praisner, councilwoman, Montgomery County, MD, Chair, Telecommunity, Chair, Technology Committee, National Association of Counties, PSWN Executive Board, CAPWIN Executive Board; and George Ake, program director, Capital Wireless Integrated Network [CAPWIN].

20. *“Identify, Disrupt and Dismantle: Coordinating the Government’s Attack on Terrorist Financing,” joint field hearing with the Subcommittee on Government Efficiency and Financial Management, December 15, 2003; Serial No. 108–140*

*a. Summary.*—This joint hearing was conducted at the Tampa Port Authority in Tampa, FL and examined the Federal Government’s effort to combat money laundering and terrorist financing activities. The hearing examined the coordinated effort between various Federal agencies of jurisdiction, including law enforcement, regulatory agencies, State and local authorities, and private sector financial institutions. The hearing further examined the use of information technology in the achievement of efforts to identify and dismantle financing schemes that support terrorist activities.

Additionally, the subcommittee has requested and been a co-requestor on a series of GAO reports directly related to the work program as established by Chairman Putnam.

Last, in an effort to become more educated and converse with experts, Chairman Putnam and the subcommittee staff have embarked on a couple of field trips to gather information and share ideas with industry and academic experts, as well as government officials.

The subcommittee visited Raymond James Financial in St. Petersburg, FL on May 28th. The subcommittee visited Silicon Valley and Redmond, WA from August 12–15, and visited with 12 technology companies during that trip. On December 2–3, subcommittee staff attended and participated in the National Cyber Security Summit in Santa Clara, CA.

*b. Witnesses.*—Carl Whitehead, Special Agent in Charge, Tampa Division, Federal Bureau of Investigation; Marcy M. Forman, Deputy Assistant Director, Financial Investigations Division, Bureau of Immigration and Customs Enforcement, Department of Homeland Security; Bruce A. Townsend, Deputy Assistant Director, Office of Investigations, U.S. Secret Service, George Glass, Director of the Office of Terrorism Finance and Sanctions Policy, Department of State; and Lee Jeffrey Ross, Jr., Senior Advisor, Executive Office for Terrorist Financing & Financial Crimes, U.S. Department of the Treasury.

21. *“Federal Information Technology Investment Management, Strategic Planning, and Performance Management: \$60 Billion Reasons Why,” March 3, 2004; Serial No. 108–164*

*a. Summary.*—This hearing was a continuation of the subcommittee’s congressional oversight into the Federal Government’s spending on information technology [IT]. The subcommittee focused on the President’s proposed fiscal year 2005 IT spending request of nearly \$60 billion as well as on investment management, strategic planning, and performance measurement tools. Specifically, the subcommittee reviewed the IT management progress arising from the Clinger-Cohen Act of 1996, the creation of a Federal Enterprise Architecture, OMB review of agency IT business cases, effects of E-Government initiatives, and consolidation of duplicative systems. The subcommittee also reviewed the results of a GAO audit on the use of certain IT strategic planning and performance measurement practices. Finally, the subcommittee examined steps taken by OMB in preparing its fiscal year 2005 budget submission to enhance the security of Federal information networks and protect the information they contain in accordance with the Federal Information Security Management Act [FISMA].

*b. Witnesses.*—Clay Johnson III, Deputy Director for Management, Office of Management and Budget; Karen S. Evans, Administrator of E-Government and Information Technology, Office of Management and Budget; and David A. Powner, Director, Information Technology Management Issues, U.S. General Accounting Office.

22. *“Phosphogypsum: Should We Just Let It Go To Waste? Parts 1 & 2,” field hearing in Bartow, FL, March 15, 2004; Serial No. 108–191*

*a. Summary.*—These hearings provided an examination of the purported risks associated with the use of phosphogypsum, as well as its environmentally safe potential uses. The first hearing focused on the scientific research conducted and the results found by various entities supporting a position that phosphogypsum is not a “waste” as the U.S. Environmental Protection Agency has determined. Conclusive evidence challenging the claims that use of the product is harmful and suggestions for specific applications were reviewed. The witnesses spoke on what uses that phosphogypsum can serve to industry, and the potential benefits to public taxpayers. The second hearing examined the risks associated with phosphogypsum as ruled by the U.S. EPA and the possible danger that continues to grow as 30 million new tons of phosphogypsum accumulate in the stacks located in central Florida every year.

*b. Witnesses.*—G. Michael Lloyd, Jr. Research Director, Chemical Processing, Florida Institute of Phosphate Research; Dr. Malcolm E. Sumner, agricultural and environmental consultant, Regents' professor emeritus, University of Georgia; Dr. Doug Chambers, executive vice president, Director of Radioactivity and Risk Studies, SENES Consultants Limited; Dr. Chih-Shin Shieh, Environmental Consultant, CS Environmental Solutions; Elizabeth Cotsworth, Director of Office of Radiation and Indoor Air, Office of Air and Radiation, U.S. Environmental Protection Agency; Harlan Keaton, Environmental Administrator, Bureau of Radiation Control, Florida Department of Health; and Dick Eckenrod, Executive Director, Tampa Bay Estuary.

23. *"Information Security in the Federal Government: One Year Into the Federal Information Security Management Act," March 16, 2004; Serial No. 108-167*

*a. Summary.*—The purpose of this hearing was to explore the actions agencies are undertaking to make their information systems secure, and to comply with the Federal Information Security Management Act [FISMA]. The results of the Office of Management and Budget's March 2004 FISMA report were discussed, and the subcommittee examined the current state of information security in the Federal Government.

*b. Witnesses.*—Robert F. Dacey, Director, Information Security Issues, U.S. General Accounting Office; Karen Evans, Administrator, E-Government and Information Technology, Office of Management and Budget; Benjamin Wu, Deputy Under Secretary for Technology, Department of Commerce; Paul Corts, Assistant Attorney General for Administration, Department of Justice; Jeffrey Rush, Jr., Inspector General, Department of the Treasury; Ellis W. Merschoff, Chief Information Officer, Nuclear Regulatory Commission; and Kerry Weems, Acting Assistant Secretary for Budget, Technology and Finance, Department of Health and Human Services.

24. *"Electronic Government: A Progress Report on the Successes and Challenges of Government-wide Information Technology Solutions," March 24, 2004; Serial No. 108-195*

*a. Summary.*—This hearing was a continuation of the subcommittee's congressional oversight into the Federal Government's efforts to implement the 25 Quicksilver E-Government initiatives of the President's management agenda. The subcommittee examined the progress, success factors and continuing hurdles facing six of the more challenging initiatives: E-Authentication, E-Travel, E-Grants, E-Rulemaking, E-Payroll, and Recruitment One-Stop.

*b. Witnesses.*—Karen S. Evans, Administrator of E-Government and Information Technology, Office of Management and Budget; Linda Koontz, Director, Information Management, U.S. General Accounting Office; Martin Wagner, Associate Administrator, Office of Government-wide Policy, U.S. General Services Administration; M.J. Jameson, Associate Administrator, Office of Citizen Services and Communication, U.S. General Services Administration; Norman Enger, Director, E-Government, Office of Personnel Management; Kim Nelson, Chief Information Officer, Environmental Pro-

tection Agency; and George Strawn, Chief Information Officer, Division of Grants and Agreements, National Science Foundation.

25. *“Telecommunications and SCADA: Secure Links or Open Portals to the Security of Our Nation’s Critical Infrastructure?”* March 30, 2004; Serial No. 108–196

*a. Summary.*—The purpose of this hearing was to explore computer security issues presented by communications used by industrial controls systems (commonly referred to as SCADA systems) that are present in much of the Nation’s critical infrastructure, including the electrical power grid, pipelines, chemical plants, and water systems. The hearing served as an overall introduction to SCADA systems and the nature of the threat facing them, and provided insight on the telecommunications that connect SCADA devices to their control and monitoring networks.

*b. Witnesses.*—Robert F. Dacey, Director, Information Security Issues, U.S. General Accounting Office; James F. McDonnell, Director, Protective Security Division, Department of Homeland Security; Joseph Weiss, executive consultant, KEMA, Inc.; Dan Verton, senior writer, ComputerWorld Magazine; Gerald S. Freese, director of enterprise information security, American Electric Power; and Jeffrey H. Katz, enterprise IT consultant, PSEG Services Corp.

26. *“Protecting Our Nation’s Cyber Space: Educational Awareness for the Cyber Citizen,”* April 21, 2004; Serial No. 108–209

*a. Summary.*—While businesses, educational institutions, and home users enjoy the benefits of using the Internet, they are not always adequately informed about the potential dangers that their computer systems face if left vulnerable and unprotected. Both the Federal Trade Commission and Department of Homeland Security have public awareness campaigns to educate home users, small businesses, and corporations on the potential threats in cyber space and solutions to secure systems against those threats. In addition, trade associations and non-profits are working to educate their members, the corporate community, and the public on this important issue. This hearing provided an opportunity to evaluate the status of these efforts, their effectiveness, and the challenges to ensuring that overall computer security is improved in a meaningful way for the future.

*b. Witnesses.*—Orson Swindle, Commissioner, Federal Trade Commission; Amit Yoran, Director, National Cyber Security Division, Department of Homeland Security; Larry Clinton, chief operating officer, Internet Security Alliance; Andrew Howell, vice president, Homeland Security, U.S. Chamber of Commerce; Rodney Petersen, security task force coordinator, EDUCAUSE; and Douglas Sabo, member, Board of Directors, National Cyber Security Alliance.

27. *“Federal Enterprise Architecture: A Blueprint for Improved Federal IT Investment Management and Cross-Agency Collaboration and Information Sharing,”* May 19, 2004; Serial No. 108–227

*a. Summary.*—The purpose of this hearing was to investigate the progress of the Office of Management and Budget and the Federal

agencies to develop and implement the Federal Enterprise Architecture. The subcommittee appraised the progress of Federal efforts, success factors, and continuing hurdles facing various agencies and departments in integrating their individual agency enterprise architecture with the Federal Enterprise Architecture initiative. The results of a 2003 Government Accountability Office report on the Federal agencies' development and use of enterprise architectures were also explored.

*b. Witnesses.*—Karen S. Evans, Administrator of E-Government and Information Technology, Office of Management and Budget; Randolph C. Hite, Director, Information Technology Architecture and Systems, U.S. General Accounting Office; Daniel Matthews, Chief Information Officer, Department of Transportation; Kim Nelson, Chief Information Officer, Environmental Protection Agency; David McClure, vice president for E-Government, Council for Excellence in Government; Venkatapathi Puvvada, Unisys, Chair, Enterprise Architecture Shared Interest Group, Industry Advisory Council; Norman E. Lorentz, senior vice president, DigitalNet; and Raymond B. Wells, Ph.D., Chief Technology Officer, IBM Federal, vice president, Strategic Transformations for IBM Software Group, Application Integration & Middleware Division [AIM], IBM Corp.

28. *“Who Might be Lurking at Your Cyber Front Door? Is Your System Really Secure? Strategies and Technologies to Prevent, Detect and Respond to the Growing Threat of Network Vulnerabilities,”* June 2, 2004; Serial No. 108–232

*a. Summary.*—At this hearing, the subcommittee examined the challenges in managing information system vulnerabilities at the enterprise level, including prevention, detection and response. The subcommittee also looked at strategies to assess and reduce the risks created by these vulnerabilities, such as configuration and patch management; the pace of the Federal Government's and the private sector's employment of these strategies in securing their own systems; and how automated tools should be employed in applying these strategies.

*b. Witnesses.*—Karen Evans, Administrator, E-Government and Information Technology, Office of Management and Budget, Robert Dacey, Director, Information Security Issues, U.S. General Accounting Office; Amit Yoran, Director, National Cyber Security Division, Department of Homeland Security; Dawn Meyerriecks, Chief Technology Officer, Defense Information Systems Agency, Department of Defense; Daniel Mehan, Assistant Administrator for Information Services and Chief Information Officer, Federal Aviation Administration; Dubhe Beinhorn, vice president, Juniper Federal Systems; Scott Culp, senior security strategist, Microsoft Corp.; Louis Rosenthal, executive vice president, ABN AMRO Services Co., Inc.; Marc Maiffret, chief hacking officer, eEye Digital Security; and Steve Solomon, chief executive officer, Citadel Security Software, Inc.

29. *“Locking Your Cyber Front Door—The Challenges Facing Home Users and Small Businesses,” June 16, 2004; Serial No. 108-234*

*a. Summary.*—At this hearing, the subcommittee examined the challenges that home users and small businesses face in protecting their computers that are connected to the Internet, including threats from phishing, spyware, worms, viruses, etc. Furthermore, the subcommittee explored the responsibilities of hardware and software vendors in ensuring that their products are more secure out of the box, with particular emphasis on the security of operating systems, and Internet service provider’s role in helping to educate and protect their subscribers.

*b. Witnesses.*—Amit Yoran, Director, National Cyber Security Division, Department of Homeland Security; J. Howard Beales III, Director, Bureau of Consumer Protection, Federal Trade Commission; Cheryl A. Mills, Associate Administrator, Entrepreneurial Development, Small Business Administration; Ed Roback, Chief, Computer Security Division, National Institute of Standards and Technology, Department of Commerce; Phil Reitingger, senior security strategist, Microsoft Corp.; Dr. Avie Tevanian, Jr., Ph.D., chief software technology officer, Apple Computer; Don Frischmann, senior vice president, Symantec Corp., member, National Cyber Security Alliance; Thomas Dailey, Chair and president, U.S. Internet Service Provider Association, general counsel Verizon Online Services; and Paul Kurtz, executive director, Cyber Security Industry Alliance.

30. *“Geospatial Information: Are We Headed in the Right Direction or Are We Lost?” June 23, 2004; Serial No. 108-239*

*a. Summary.*—The hearing was a follow up to the subcommittee oversight hearing held on June 10, 2003. The purpose of the hearing was to examine the progress made by the Federal Government to consolidate and improve utilization of geospatial data collected across the Federal Government and by State and local governments. Specifically, the subcommittee explored the status of the Geospatial One-Stop initiative, one of the President’s key E-Government projects intended to simplify the process of locating, accessing, sharing and integrating geospatial information in a timely and efficient manner. The results of a General Accounting Office study on efforts to coordinate Federal geospatial investments across agencies and with State and local governments were also discussed. Finally, the subcommittee explored government and industry efforts to develop standards for the collection and use of geospatial information to facilitate data sharing.

*b. Witnesses.*—Karen S. Evans, Administrator of E-Government and Information Technology, Office of Management and Budget; Linda D. Koontz, Director, Information Management, U.S. General Accounting Office; Scott J. Cameron, Deputy Assistant Secretary for Performance and Management, U.S. Department of the Interior; William Allder, Jr., Director, Office of Strategic Transformation, National Geospatial-Intelligence Agency; Zsolt Nagy, president-elect, National States Geographic Information Council [NSGIC], geographic information coordinator, North Carolina Department of Environment and Natural Resources; Frederic W. Corle II, presi-

dent, Spatial Technologies Industry Association; John M. Palatiello, executive director, Management Association for Private Photogrammetric Surveyors; David Schell, president & CEO of the Open GIS Consortium, executive director, Open GIS Project; and David J. Cowen, Ph.D., Chair, Mapping Science Committee, National Research Council, Chair, Department of Geography, University of South Carolina.

31. *“Defining Federal Information Technology Research and Development: Who? Where? What? Why? and How Much?” July 7, 2004; Serial No. 108-251*

*a. Summary.*—This hearing provided an examination of the current strategic plan and efforts related to Federal funding for and leveraging of information technology [IT] research and development [R&D] across Federal agencies, academia and the private sector. The subcommittee knew it was important to recognize collaborative efforts across programs, agencies, and stress the importance of leveraging efforts with academia and the private sector (i.e. universities and private companies). Also the subcommittee wanted assurance that Federal agencies are not pursuing conflicting R&D goals. Because investments in science and technology have resulted in unparalleled economic growth, as well as the standard of living and quality of life, this hearing emphasized the importance of supporting the efforts of IT R&D. This Nation needs a strong strategic plan to ensure that IT R&D is being used to maximize improvement in mission goals and performance because it is essential to meet vital Federal needs and sustain U.S. global leadership in science and in the engineering of information technology.

*b. Witnesses.*—Dr. David Nelson, Director, National Coordination Office for Information Technology, Research and Development (Executive Office of the President); Dr. Peter Freeman, Co-Chair of Interagency Working Group and Assistant Director, Computer and Information Science and Engineering Directorate, National Science Foundation; Dr. Hratch Semerjian, Acting Director, National Institute of Standards and Technology; Dr. C. Edward Oliver, Associate Director, Office of Advanced Scientific Computing Research, U.S. Department of Energy; Dr. Donna Fossum, manager of RaDiUS Project, RAND Corp.; Dr. Edward Lazowska, co-chair of President’s Information Technology Advisory Committee and (Bill & Melinda Gates) Chair in the Department of Computer Science and Engineering, University of Washington; Dr. William Scherlis, professor, School of Computer Science at Carnegie Mellon, (member of CMU’s International Software Research Institute); and Dr. Stephen Squires, chief science officer, vice president, Hewlett-Packard.

32. *“Facilitating an Enhanced Information Sharing Network That Links Law Enforcement and Homeland Security for Federal, State, and Local Governments,” July 13, 2004; Serial No. 108-254*

*a. Summary.*—This hearing addressed the initiatives and strategies being implemented to enhance information sharing capabilities between Federal, State and local law enforcement agencies and homeland security activities that are central to producing comprehensive and practical approaches and solutions to combating

threats. During this hearing, the subcommittee examined the efforts and progress achieved in developing secure, reliable, and interoperable information-sharing networks that facilitate a comprehensive and real-time information-sharing capability that is dependable and that respects privacy provisions undertaken by DHS, Terrorist Threat Integration Center, FBI, Regional Information Security Systems, Florida Department of Law Enforcement, and local DC government. The subcommittee sought a better understanding of how improved collaboration, cooperation, and communications will enhance improved two-way flow of information between appropriate Federal, State and local law enforcement entities.

*b. Witnesses.*—Lieutenant General Patrick Hughes, Assistant Secretary for Information Analysis, U.S. Department of Homeland Security; Russell Travers, Deputy Director & Associate Director for Defense Issues, Terrorist Threat Integration Center; Willie Hulon, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation; Gerard Lynch, chairman, Regional Information Security Systems Policy Board; Mark Zadra, chief of investigations, Florida Department of Law Enforcement; and Suzanne Peck, chief technology officer, Government of the District of Columbia.

33. *“Health Informatics: What is the Prescription for Success in Intergovernmental Information Sharing and Emergency Response?” July 14, 2004; Serial No. 108–256*

*a. Summary.*—The purpose of this hearing was to examine the state of health information technology and intergovernmental information sharing 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. The subcommittee also focused on efforts to develop standards for the collection and use of health information to facilitate information sharing, as well as the efforts of the Federal Government in the Consolidated Health Informatics e-government initiative and the Public Health Information Network administered by the Centers for Disease Control.

*b. Witnesses.*—Newt Gingrich, Ph.D., former Speaker of the U.S. House of Representatives, the Gingrich Group; Karen S. Evans, Administrator of E-Government and Information Technology, Office of Management and Budget; David A. Powner, Director, Information Technology Management Issues, U.S. Government Accountability Office; Claire V. Broome, M.D., Senior Advisor to the Director for Integrated Health Information Systems, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services; Seth Foldy, M.D., former Chair, Information Technology Committee, National Association of County and City Health Officials [NACCHO], former Health Commissioner, city of Milwaukee, associate clinical professor, family and community medicine, Medical College of Wisconsin; Richard S. Weisman, Pharm.D., ABAT, coordinator, Weapons of Mass Destruction Response Program, Jackson Memorial Medical Center, director, Florida Poison Information Center/Miami, research associate professor, Pediatrics, UM/Jackson Memorial Hospital; and Gordon Aoyagi, fire administrator, Montgomery County Fire and Rescue Service.

34. *"The Science of Voting Machine Technology: Accuracy, Reliability and Security," July 20, 2004; Serial No. 108-258*

a. *Summary.*—This hearing examined the subject of electronic voting systems access, utilization and the associated issues of reliability, ease of use, efficiency, accuracy and security. The overriding goal of voting systems is to produce election results that are broadly accepted as representing the will of the people. This subcommittee addressed the issues of the maturity of the technology available to the market today, as well as the functional capabilities of access for the disabled community, as well as the ability to conduct audits should that be necessary.

b. *Witnesses.*—Randolph Hite, Director, Information Technology Architecture and Systems, U.S. Government Accountability Office; Dr. Hratch Semerjian, Acting Director, National Institute of Standards and Technology; Terry Jarrett, general counsel, Secretary of State, State of Missouri; Dr. Aviel Rubin, technical director, Information Security Institute, Department of Computer Science, Johns Hopkins University; Dr. Michael Shamos, professor, Carnegie Mellon Director, Universal Library, co-director, Institute for e-Commerce; Jim Adler, founder and CEO, VoteHere, Inc.; and Sanford J. Morganstein, president and founder, Populex Corp.

35. *"Where's the CIO? The Role, Responsibility and Challenge for Federal Chief Information Officers in IT Investment Oversight and Information Management," July 21, 2004; Serial No. 108-260*

a. *Summary.*—In an increasingly networked world with millions of computing devices, information technology is at the core of the successful delivery of government services. The Clinger-Cohen Act established the position of Chief Information Officer [CIO] as the leader of the management of information technology in Federal agencies. Federal agencies cannot operate efficiently and effectively without solid leadership from a CIO that has the support of the very top levels of the agency. This hearing gave the subcommittee members an opportunity to hear from the administration's information technology leadership, former CIOs, and current CIOs about this complex issue.

b. *Witnesses.*—Clay Johnson III, Deputy Director for Management, Office of Management and Budget; Karen Evans, Administrator, Office of E-Government and Information Technology, Office of Management and Budget; David Powner, Director, Information Technology Management Issues, U.S. Government Accountability Office; Paul Brubaker, executive vice president and chief marketing officer, SI International; James Flyzik, partner, Guerra, Kiviat, Flyzik & Associates; Debra Stouffer, vice president of strategic consulting services, DigitalNet; Kimberly Nelson, Assistant Administrator for Environmental Information and Chief Information Officer, Environmental Protection Agency; Steven Cooper, Chief Information Officer, Department of Homeland Security; Vance Hitch, Deputy Assistant Attorney General, Information Resources Management and Chief Information Officer, U.S. Department of Justice; and Ira Hobbs, Deputy Assistant Secretary for Information Systems and Chief Information Officer, Department of the Treasury.

36. *“Project SAFECOM: More Time, More Money, More Communication? What Progress Have We Made in Achieving Interoperable Communication Between Local, State and Federal First Responders?”* September 8, 2004; Serial No. 108–264

*a. Summary.*—The purpose of this hearing was to explore the status and progress of efforts to achieve interoperability among Federal, State, and local first responders as well as determining the current state of interoperability among first responders according to State and local emergency response personnel. Specifically, the subcommittee reviewed the progress of Project SAFECOM, one of the President’s 25 Quicksilver e-Government initiatives, in developing policies and regulations that encourage State and local agencies to work together to promote and establish first responder interoperability.

*b. Witnesses.*—William O. Jenkins, Jr., Director, Homeland Security and Justice Issues, U.S. Governmental Accountability Office; David Boyd, Ph.D., SAFECOM Program Manager, Wireless Public Safety Interoperable Communications Program, Science and Technology Directorate, U.S. Department of Homeland Security; Timothy L. Beres, Associate Director, State and Local Program Management and Preparedness, U.S. Department of Homeland Security; John Muleta, Chief, Wireless Bureau, Federal Communications Commission; Maureen T. Lischke, Chief Information Officer, National Guard Bureau; Vincent R. Stile, past president, Association of Public-Safety Communications Officials, International [APCO] Police Radio Communications Systems director, Suffolk, NY; Michael P. Neuhard, fire chief, Fairfax County Fire & Rescue Department; and Tom Worden, chief, Telecommunications Branch, California Office of Emergency Services.

37. *“Lessons Learned from the 2004 Overseas Census Test,”* September 14, 2004; Serial No. 108–266

*a. Summary.*—This hearing examined the results of the test and reviewed the GAO’s report titled, “2010 Census: Counting Americans Overseas as Part of the Decennial Census Would Not Be Cost-Effective.” The 2004 Test involved enumerating the unknown universe of U.S. citizens living in France, Kuwait, and Mexico from Feb-July 2, 2004. GAO testified that participation was poor; just over 5,000 questionnaires were returned from the three test sites. The subcommittee also reviewed the important lessons learned and the preliminary findings from the ongoing evaluation by the Census Bureau and heard from some census stakeholders with relevant perspectives on the test and its challenges. GAO and the Census Bureau both agreed that this was not worthy of further funding and development for the 2010 Census.

*b. Witnesses.*—Charles Louis Kincannon, Director, U.S. Census Bureau; Patricia Dalton, Director, Strategic Issues, U.S. Government Accountability Office; Leigh Gribble, vice chair, American Business Council of the Gulf Countries; Lucy Stensland Laederich, U.S. liaison, Federation of American Women’s Club Overseas, Inc.; and Clark H. Bensen, consultant and publisher, Polidata Co.

38. *“Identity Theft: The Causes, Costs, Consequences, and Potential Solutions,”* September 22, 2004; Serial No. 108–272

*a. Summary.*—At this hearing, the subcommittee explored the rise of fraud and identity related crimes through the use of the Internet and by exploiting vulnerabilities in unsecured information networks. The subcommittee also examined potential solutions, such as vulnerability management, credentialing and authentication tools, which may help reduce the impact of viruses, worms, spyware, spam, phishing and in turn reduce identity related cyber thefts.

*b. Witnesses.*—Orson Swindle, Commissioner, Federal Trade Commission; Steven Martinez, Deputy Assistant Director, Cyber Division, Federal Bureau of Investigation; Larry Johnson, Special Agent in Charge, Criminal Investigative Division, U.S. Secret Service; Patrick O’Carroll, Acting Inspector General, Social Security Administration; Howard Schmidt, former White House cyber security advisor, and vice president, chief information security officer, eBay Inc.; Dr. Bill Hancock, vice president, Security Practice & Strategy, chief security officer, SAVVIS Communications Corporation; Bill Conner, chairman and chief executive officer, Entrust Inc.; and Jody Westby, managing director, PricewaterhouseCoopers.



## A P P E N D I X

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### COMMITTEE PRINTS

#### *February 2003*

Rules of the Committee on Government Reform, House of Representatives, Together with Selected Rules of the House of Representatives (Including Clause 2 of House Rule XI) and Selected Statutes of Interest

#### *October 2003*

Title 5, United States Code Government Organization and Employees 108th Congress, 1st Session

#### *November 2004*

United States Government Policy and Supporting Positions 108th Congress, 2nd Session

### INVESTIGATIVE REPORTS

#### *March 31, 2003, House Report 108–52*

Oversight Plans for All House Committees (required by House Rule X, Clause 2(d) 108th Congress, 1st Session.

#### *FIRST REPORT, June 23, 2003, House Report 108–172*

A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Technology, Information Policy, Intergovernmental Affairs and the Census).

#### *SECOND REPORT, November 21, 2003, House Report 108–395*

Efforts to Rightsize the U.S. Presence Abroad Lack Urgency and Momentum (National Security, Emerging Threats and International Relations Subcommittee).

#### *THIRD REPORT, February 3, 2004, House Report 108–414*

Everything Secret Degenerates: The FBI's Use of Murderers as Informants (full committee).

### LEGISLATIVE REPORTS

#### *March 27, 2003, House Report 108–49*

Postal Civil Service Retirement System Funding Reform Act of 2003, to accompany H.R. 735, 108th Congress—1st Session.

*April 29, 2003, House Report 108–78, Part I*

Federal Government Energy Management Improvement Act, to accompany H.R. 1346, 108th Congress, 1st Session.

*May 19, 2003, House Report 108–116, Part I*

Civil Service and National Security Personnel Improvement Act, to accompany H.R. 1836, 108th Congress, 1st Session.

*May 19, 2003, House Report 108–117, Part I*

Services Acquisition Reform Act of 2003, to accompany H.R. 1837, 108th Congress, 1st Session.

*June 12, 2003, House Report 108–147, Part II*

Project Bioshield Act of 2003 to accompany H.R. 2122, 108th Congress, 1st Session.

*June 19, 2003, House Report 108–167, Part I*

Office of National Drug Control Policy Reauthorization Act of 2003 to accompany H.R. 2086, 108th Congress, 1st Session.

*October 7, 2003, House Report 108–305*

Government Network Security Act of 2003 to accompany H.R. 3159, 108th Congress, 1st Session.

*November 19, 2003, House Report 108–380*

GAO Human Capital Reform Act of 2003 to accompany H.R. 2751, 108th Congress, 1st Session.

*December 8, 2003, House Report 108–403*

National Archives and Records Administration Efficiency Act of 2003 to accompany H.R. 3478, 108th Congress, 1st Session.

*May 14, 2004, House Report 108–490, Part I*

Paperwork and Regulatory Improvements Act of 2004 to accompany H.R. 2432, 108th Congress, 2nd Session.

*May 17, 2004, House Report 108–490, Part II (Supplemental Report)*

Paperwork and Regulatory Improvements Act of 2004 to accompany H.R. 2432, 108th Congress, 2nd Session.

*June 8, 2004, House Report 108–527*

Permanent Authorization of District of Columbia Tuition Assistance Programs to accompany H.R. 4012, 108th Congress, 2nd Session.

*June 9, 2004, House Report 108–533, Part I*

Department of Homeland Security Financial Accountability Act to accompany H.R. 4259, 108th Congress, 2nd Session.

*June 17, 2004, House Report 108–552*

Office of Personnel Management Report Relating to Dental, Vision, and Hearing Benefits for Federal Employees and Others to accompany H.R. 3751, 108th Congress, 2nd Session.

*June 17, 2004, House Report 108–551, Part I*

2004 District of Columbia Omnibus Authorization Act to accompany H.R. 3797, 108th Congress, 2nd Session.

*July 7, 2004, House Report 108–585, Part I*

Health Insurance Premium Conversion Option for Federal Civilian and Military Retirees to accompany H.R. 1231, 108th Congress, 2nd Session.

*July 7, 2004, House Report 108–586*

Pay Compression Relief Act of 2004 to accompany H.R. 3737, 108th Congress, 2nd Session.

*September 8, 2004, House Report 108–672, Part I*

Postal Accountability and Enhancement Act to accompany H.R. 4341, 108th Congress, 2nd Session.

*September 9, 2004, House Report 108–673*

Transit Pass Transportation Fringe Benefits for Federal Employees to accompany H.R. 1151, 108th Congress, 2nd Session.

*October 5, 2004, House Report 108–724, Part 4*

9/11 Recommendations Implementation Act to accompany H.R. 10, 108th Congress, 2nd Session.

*October 5, 2004, House Report 108–729*

District of Columbia Civil Commitment Modernization Act of 2004 to accompany H.R. 4302, 108th Congress, 2nd Session.

*October 5, 2004, House Report 108–733*

Federal Workforce Flexibility Act of 2004 to accompany S. 129, 108th Congress, 2nd Session.

*October 8, 2004, House Report 108–768*

Program Assessment and Results Act to accompany H.R. 3826, 108th Congress, 2nd Session.

## VIEWS OF RANKING MINORITY MEMBER HENRY A. WAXMAN

While I agree with significant parts of the chairman's report, there are several sections that warrant comment as discussed below.

### PART ONE. COMMITTEE ORGANIZATION

#### I. HISTORY AND JURISDICTION OF THE COMMITTEE

The majority's report on the history of the committee omitted discussion of recent changes regarding the committee's review of postal matters. The 108th Congress saw the abolishment of the Subcommittee on the Postal Service, an entity that had been in existence since 1995. Instead, the committee created the Special Panel on Postal Reform and Oversight.

### PART TWO. COMMITTEE ACCOMPLISHMENTS

#### I. LEGISLATIVE ACCOMPLISHMENTS

*H.R. 10, the 9/11 Recommendations Implementation Act (S. 2845, the National Intelligence Reform Act of 2004)*

Despite the Republican leadership's unwillingness to work with the minority in a bipartisan manner, reasonable comprehensive intelligence reform, S. 2845, the National Intelligence Reform Act of 2004, ultimately was enacted.

As introduced by House Republicans, H.R. 10 was deeply flawed and failed to address many of the 9/11 Commission's recommendations. It also included controversial "poison pills." Democratic members of the committee were able to effect positive change. For example, Democratic members worked to ensure that the bill included language, drafted by Representative Van Hollen, to establish a more efficient information sharing network to correct past failures to "connect the dots" among Federal agencies.

After Democratic members raised objections, language was stripped from the bill that authorized government-wide executive branch reorganization authority that could have undone important reforms passed by Congress. Also, Democratic members objected to language that would have undermined longstanding financial disclosure requirements for Federal workers, and this language was not included in the final version of the bill. Moreover, after Democratic members raised objections, a provision was removed that would have stripped collective bargaining rights from employees in the name of "homeland security." Furthermore, Democratic members successfully worked to help ensure that there were minimum standards for identity documents without the creation of a national database.

The legislation provides that, for the most part, a single Federal agency will conduct security clearance investigations, that a civil liberties protection board will be established, and that in the office of the National Intelligence Director, the appointment of an Inspector General is permitted. Although on these issues, the final language in S. 2845 is not as strong as many Democratic members would have preferred, it is far superior to the original language of H.R. 10.

*H.R. 1836, National Defense Authorization Act for Fiscal Year 2004*

With the passage of H.R. 1836, the committee reversed many of the important legislative reforms of the past century. The bill stripped away fundamental rights from almost 700,000 civilian employees at the Department of Defense [DOD]—approximately one-third of all Federal civilian employees. The bill also opened the door for the rest of the Federal workforce to have their rights taken away as well.

DOD needs certain flexibilities to allow it operate more effectively and more efficiently. Democratic members want the strongest possible national defense and are willing to give DOD the tools it needs to modernize its workforce. However, H.R. 1836 went well beyond those flexibilities by giving DOD a blanket exemption from large parts of the Civil Service laws.

In two hearings before the committee, DOD witnesses provided virtually no details about how DOD would exercise these flexibilities and no rationale for why statutory protections of employee rights should be waived. Often, the only rationale DOD provided for such waivers was that the Department of Homeland Security [DHS] received the same waivers in 2002.

The committee gave DOD a complete exemption from several chapters of Title 5 of U.S. Code that protect due process and appeal rights of Federal employees. These chapters set forth basic employee protections, such as the right to have advance notice of suspension or removal, the right to respond in writing, the right to be represented by an attorney, and the right to a written decision explaining the action. In addition, these chapters set forth a procedure for employees to challenge personnel actions before the Merit Systems Protection Board [MSPB] and the Equal Employment Opportunity Commission [EEOC] and receive back pay for wrongful termination actions.

DOD also sought and received a complete waiver from Chapter 71 of Title 5 relating to employee collective bargaining rights. Chapter 71 protects the rights of employees to join unions, requires that agencies and unions bargain in good faith, and prohibits discrimination based on union membership.

In only one area—the ability of DOD to bargain with unions at the national level, instead of the local level—was the Department able to identify a potential problem that needed to be addressed. However, no justification was given for DOD's desire to waive all collective bargaining obligations.

H.R. 1836 provided no guarantees that DOD will engage in collective bargaining at all. The bill required only that the Department engage in "collaboration" with unions in the development of the new personnel system. Under the bill, if the Defense Secretary

decides to implement any part of the proposal over the objections of labor organizations, the Secretary has the discretion to do so after notifying Congress.

With respect to those instances in which DOD chooses to engage in collective bargaining, the bill specifically removed the current requirement that the Federal Services Impasse Panel, whose members are appointed by the President, mediate agency-union impasses. Without any impasse resolution procedure—and without any legal duty to bargain in good faith—the Defense Department could always bargain to impasse and then unilaterally impose its will on employees.

Fortunately, the bill approved by the committee and passed by the House was improved somewhat in conference. The conference report only allowed DOD to waive the collective bargaining requirements for the 6-year period following enactment. With regard to appeal rights, the conference report gave MSPB a very limited role in reviewing the decisions of a newly created DOD appeals process. It is unclear whether this limited appellate role will be sufficient to protect the due process rights of DOD employees.

*H.R. 1837, the Services Acquisition Reform Act [SARA]*

H.R. 1837, the Services Acquisition Reform Act [SARA], was reported by the Government Reform Committee on May 7, 2003, by a party-line vote of 22 to 18. The minority opposed the bill because in key areas its effect would have been to impede the government's ability to protect against waste, fraud, and abuse in Federal contracting.

Fortunately, many of the provisions opposed by the minority were not included in the version of the bill that was enacted into law as title XIV of H.R. 1588, a bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense and for other purposes (Public Law 108–136). Those provisions included:

- Contractor involvement in Federal acquisition decisions. As reported by the committee, the bill would have created a government-industry exchange program for acquisition personnel that would have given private contractors undue influence over the Federal contracting process.
- “Share in Savings” contracts. As reported by the committee, the bill would have permanently authorized a complicated and largely untested contract type called share-in-savings. These contracts are difficult to administer and would make congressional oversight very difficult.
- Inadequate protections against waste, fraud, and abuse. As reported by the committee, the bill would have weakened current law by allowing the government to enter into sole-source contracts for up to \$15 million without verifying that the prices charged were fair and reasonable.

*H.R. 2086, Office of National Drug Control Policy Reauthorization Act of 2003*

Democratic members engaged the majority in negotiations that resulted in the removal of provisions from H.R. 2086 that would have placed strict limitations on the ONDCP Director's discretion

concerning allocation of funding for elements of the National Youth Anti-Drug Media Campaign, allowed the ONDCP Director to use the media campaign funds for partisan political activities in opposition to legalization efforts, eliminated prevention programs supported by High Intensity Drug Trafficking Areas [HIDTA] funds, and reduced HIDTA funding available to State and local law agencies in States that adopt “medical marijuana” laws. As a result of the bipartisan negotiations, H.R. 2086, as reported, included language that would maintain the current categorical prohibition against use of media campaign funds for any partisan political purpose and that also would prohibit media campaign funds from being used to influence any legislation, regulation, election, or ballot initiative and bar the appearance of highly visible Federal officials in media campaign advertising.

*H.R. 2432, Paperwork and Regulatory Improvements Act of 2003*

The majority fails to accurately describe this legislation. H.R. 2432 was rushed through committee without a subcommittee markup. This bill would weaken the process of developing Federal regulations while failing to stem the sharp rise in paperwork burden that has occurred under the Bush administration. The minority’s objections to the Paperwork and Regulatory Improvements Act (H.R. 2432) are described in detail in the minority views filed with the committee’s May 14, 2004, report on this legislation (House Report 108–490).

One particularly troubling provision in H.R. 2432 requires OMB to choose at least three agencies to participate in a study on regulatory budgeting. OMB would be required to select three of the following agencies to participate: the Department of Labor; the Department of Transportation; the Department of Health and Human Services; and the Environmental Protection Agency. The language of H.R. 2432 is ambiguous, but at hearings Subcommittee Chairman Ose and witnesses described regulatory budgeting as being a regulatory cap that limits the total costs that an agency’s combined regulations can impose on the public. The concept of regulatory budgeting is deeply flawed. A regulatory budget imposes an arbitrary cap on regulatory costs and does not take benefits into account.

*H.R. 2556, D.C. Parental Choice Incentive Act of 2003*

The enactment of H.R. 2556, the first federally imposed and federally funded school vouchers program in the country in the District of Columbia, set a troubling precedent. While a school vouchers program may help a few students, the overall public school system pays the price. The bill is, in effect, little more than a transfer of Federal funding from public schools in D.C. to private ones. Diverting Federal or other public resources from the public school system into the private school system is bad policy. The bill also affirmatively allows Federal funding of religious activities.

With respect to the District of Columbia, while the Mayor and the Chair of the D.C. school board did support the school vouchers program, the majority of publicly elected officials for the District opposed this idea. The District did not pass its own local law creating a school vouchers program, which it has the authority to do.

The best kind of “school choice” already exists in the District. There are over 40 public charter schools in the District. Further, the District is home to over a dozen transformation schools, an approach in which the lowest performing public schools are identified and transformed with new staff and “wrap-around” social services for the parents and the students. Transformation schools have had documented success in improving the academic performance of many students.

There are numerous other problems with H.R. 2556 as enacted. The measure does not provide for adequate accountability regarding public funds. The private schools that participate in the program are not held to the same standards as the public schools, such as those set forth in the No Child Left Behind Act. H.R. 2556 also did not provide for a control group or other mechanisms for gathering data and for showing measurable results from the school voucher program.

*H.R. 2751, GAO Human Capital Reform Act of 2004*

Although Civil Service reform is best pursued on a government-wide basis, not an agency-by-agency basis, Comptroller General David M. Walker made a strong case for why GAO should be granted the personnel flexibilities provided in H.R. 2751.

At Democrats’ request, Mr. Walker assured the committee that he would provide annual reporting on the size of pay raises given to minorities, women, and veterans. In the past, these groups have received lower appraisal ratings than the employee population as a whole.

The bill was modified to allow all GAO employees to receive additional annual leave based on previous relevant work experience. The original version of the bill had allowed previous work experience to be considered only for upper-level employees.

The section of the bill relating to employee exchanges with private sector companies also was modified at the minority’s request. The number of GAO employees who could participate in such exchanges was decreased from 30 to 15. The provision was clarified to ensure that private sector employees will be subject to Federal ethics laws and will not have access to trade secrets. Language was added to ensure that any exchanges must be an effective use of GAO’s resources. Moreover, GAO’s authority to engage in such programs sunsets after 5 years.

Finally, the bill was modified to require GAO to submit annual reports to Congress, detailing its use of the flexibilities in the bill. This reporting requirement is necessary for Congress to fulfill its oversight responsibilities.

*H.R. 3193, The District of Columbia Personal Protection Act*

H.R. 3193 would have severely undermined the District’s gun laws. This committee had jurisdiction over the bill, but it was taken up and passed by the full House without committee consideration. Had this bill become law it would have repealed the District’s current ban on semiautomatic weapons, the requirement that guns be locked, disassembled, or unloaded, and the ban on armor piercing (“cop-killing”) bullets. H.R. 3193 even went so far

as to prevent the District from enacting any new laws that would restrict in any way such possession.

Despite opposition from the majority of publicly elected officials in the District, the House majority leadership brought this bill to the House floor. The fact that a vote was allowed on this measure on the House floor, especially when District leadership and residents roundly opposed it, is troubling and sets a bad precedent. Congress under Article I, Section 8, does have the authority to repeal the District's locally enacted laws against the will of the elected officials and the District's residents. However, historically Congress has rarely taken such a step. It is especially difficult to justify measures that would result in more guns on the streets of the District at a time when security is a top priority in the Nation's Capital, the District often is under a heightened threat alert, and the overall crime rate and homicide rate in the District have been noticeably declining.

*H.R. 3281, Federal Whistleblower Protection*

On September 29, 2004, the committee passed H.R. 3281, as amended, which provides additional protection to Federal whistleblowers. The minority supported the measure because it closes some loopholes in current law. However, the bill passed by the committee does not go far enough to protect courageous whistleblowers who risk their careers to disclose waste, fraud, and abuse in the Federal Government. A far better whistleblower protection bill is S. 2628, which was introduced by Senator Akaka and was passed by the Senate Governmental Affairs Committee on July 21, 2004.

Specifically, H.R. 3281, as amended, omitted several important provisions in the introduced bill that are also contained in S. 2628. These omitted provisions include:

- Classified disclosures to Congress. This provision would have clarified that classified information may be disclosed to a Member of Congress or congressional staff as long as that person is authorized to receive such information.
- Security clearances. This provision would have authorized the Merit Systems Protection Board to review cases charging retaliation when an employee's security clearance is revoked.
- All-circuit review. This provision would have allowed any Federal circuit court to hear whistleblower cases for a 5-year period, thus ending the U.S. Court of Appeals for the Federal Circuit's exclusive jurisdiction over whistleblower appeals.
- Critical infrastructure information. This provision would have ensured whistleblower protection for those who disclose independently obtained information that also may qualify as voluntarily submitted critical infrastructure information under the Homeland Security Act.

It is noteworthy that some of these omitted provisions—including all-circuit review and protection of disclosures to Congress—were contained in a bill (H.R. 2588) in the 107th Congress that was co-sponsored by Chairman Tom Davis.

*H.R. 3737, Pay Compression Relief*

Although the minority supported this legislation, there are concerns about the pay disparities created by both this bill and legislation enacted in 2003 to raise salaries for other Federal employees. After enactment of this bill, administrative law judges [ALJs], administrative appeals judges [AAJs], and many other senior Federal employees could be paid at Executive Schedule Level II, which is currently \$158,100. This is the same amount earned by deputy secretaries of cabinet departments and agency administrators. The minority believes it is important to maintain some pay differential between the deputy secretary of a department and the administrative judges who work in the department.

Moreover, this bill allowed ALJs and AAJs to be paid as much as Federal district judges and more than Federal bankruptcy judges and magistrates, who currently earn \$145,500. The salary increases authorized by this bill would create incongruities in the overall Federal pay structure that need to be addressed.

As a result, the Civil Service and Agency Organization Subcommittee adopted a Democratic amendment to require the Office of Personnel Management [OPM] to conduct a broad-based study of all Federal salaries paid under the Executive Schedule. OPM would determine whether there are any incongruities among Executive Schedule salaries and would recommend any necessary adjustments.

*H.R. 3751 and S. 2657, Dental, Vision, and Hearing Benefits for Federal Employees*

H.R. 3751 would have required the Office of Personnel Management [OPM] to study the feasibility of providing dental and vision benefits to Federal employees, annuitants, and their family members. S. 2657 would have authorized OPM to establish dental and vision insurance coverage for Federal employees, annuitants, and their family members. Both bills as originally introduced did not cover hearing benefits.

Currently, over 28 million Americans suffer hearing loss, half of whom are under the age of 50. Hearing loss is not just a problem affecting adults. Thirty-three children are born everyday with some form of hearing loss. With early detection and treatment, these children can be taught in regular classes, saving a school system as much as \$500,000 during a 12-year education. Like vision and dental benefits, most insurance plans do not provide hearing benefits, such as coverage for hearing aids.

With regard to H.R. 3751, a Democratic amendment was accepted that required OPM to study the feasibility of providing hearing benefits to Federal employees, retirees, and their families. This provision was removed from the final version of S. 2657 that passed both the House and Senate. However, the House and Senate obtained an agreement that OPM would conduct such a study by September 30, 2005.

*H.R. 3826, Program Assessment and Results Act [PARA]*

While the minority believes that there is a need to undertake more comprehensive efforts to evaluate public programs, the process established under H.R. 3826, the Program Assessment and Re-

sults Act [PARA], lacks provisions to ensure adequate agency participation during the review process as well as mechanisms for ensuring the objective establishment of criteria for program reviews. In essence, the PARA is an attempt to codify the Program Assessment Rating Tool [PART] that the Office of Management and Budget has used for program evaluations during the past two budget cycles. The PART, however, has proved unreliable for evaluation purposes in 152 of the 407 programs—37.1 percent of the programs—to which it has been applied. Reasons for inconclusive evaluations under PART include the use of restrictive formats and data requirements among crosscutting agency programs, the lack of available or reliable information in certain programs, and intergovernmental discrepancies for programs administered jointly with State and local governments.

Furthermore, the bill as reported out of committee provides too much discretion to OMB for the establishment of subjective criteria during the review of programs without adequate input from the agency community or public stakeholders. Stakeholder participation helps provide checks and balances against OMB developing unreasonable or subjective program assessment criteria. Efforts to remedy these deficiencies through the addition of a mandatory notice and comment period for program review criteria were made by Congressman Towns during the subcommittee markup on May 19, 2004. However, this change was weakened substantially in the manager's amendment reported out by the full committee on June 3, 2004. OMB and agencies should develop meaningful evaluation criteria for all Federal programs, including those programs administered cooperatively among State and local stakeholders.

*S. 129 (H.R. 1601), Federal Workforce Flexibility Act of 2004*

This bill to provide personnel flexibilities to Federal agencies was modified in several important respects. At the Civil Service and Agency Organization Subcommittee markup of H.R. 1601, Democratic members restored two provisions that were contained in the Senate version (S. 129). One provision prohibited recruitment, relocation, and retention bonuses from being paid to political appointees. Another provision required the Office of Personnel Management [OPM] to report on the number of bonuses paid under this bill. This would allow Congress to evaluate whether these bonuses are effective in improving the recruitment and retention of high-quality employees. Language was also added to H.R. 1601 indicating that OPM should monitor the use of bonuses by one Federal agency to hire an employee from another Federal agency.

## II. OVERSIGHT AND INVESTIGATIVE ACCOMPLISHMENTS

### *Iraq Contracting*

The majority's summary of the committee's oversight of Iraq contracting states, "The hearings provided a strong record that the system is/was working." Unfortunately, the opposite is true.

Testimony from the Defense Contract Audit Agency [DCAA] and Government Accountability Office was critical of the administration and its contractors in Iraq. In particular, at the committee's March 11, 2004, hearing, DCAA Director William Reed testified that Pen-

tagon auditors found “significant” and “systemic” deficiencies in the cost estimating practices of Halliburton, the largest Iraq contractor. For example, Halliburton submitted a \$2.7 billion cost proposal that “did not contain current, accurate, and complete data regarding subcontractor costs.” There was a \$700 million discrepancy between the initial proposal and a revised proposal, which was also rejected. DCAA also found that Halliburton overcharged by \$61 million through September 30, 2003, for gasoline imported into Iraq from Kuwait.

At the June 15, 2004, hearing, Mr. Reed testified that Halliburton’s cost estimation deficiencies had not been fixed. He noted that Halliburton’s dining hall billings were as much as 36 percent higher than could be justified by the number of meals actually served to troops. As a result, DCAA had suspended \$186 million in dining hall payments to Halliburton. Mr. Reed also testified that two Halliburton employees had allegedly received up to \$6.3 million in kickbacks from a Kuwaiti company. David Walker, the Comptroller General, testified about GAO’s recent findings regarding Halliburton’s LOGCAP contract. GAO found ineffective planning, inadequate cost control, and insufficient training of contract management officials under LOGCAP in Iraq. GAO reported that, when Halliburton acted as a middleman for the operation of dining halls, costs were over 40 percent higher.

During the March hearing, Pentagon Comptroller Dov Zakheim noted that, in late February 2004, DCAA recommended that the Army begin to withhold partial payment to Halliburton under the LOGCAP troop support contract as required by the Federal Acquisition Regulation. The Army refused to withhold payments. Six months later, on August 16, 2004, DCAA was still encouraging the Army to begin withholding 15 percent of Halliburton’s reimbursements, stating, “It is clear to us KBR will not provide an adequate proposal until there is a consequence.” Instead, the Army has given Halliburton multiple extensions to provide the adequate cost estimates and supporting data needed to finalize the terms of the contract.

At the July 22, 2004, hearing, former Halliburton employees also provided compelling testimony of egregious overcharges by the company in Iraq and Kuwait.

Marie deYoung, a Halliburton logistics specialist, testified about subcontracts under which Halliburton paid \$45 per case of soda and \$100 per 15-pound bag of laundry. Ms. deYoung also disclosed that Halliburton did not comply with the Army’s request to move Halliburton employees from a five-star hotel in Kuwait, where it cost taxpayers approximately \$10,000 per day to house the employees, into air-conditioned tent facilities, which would have cost taxpayers under \$600 per day. She characterized these instances as symptoms of Halliburton’s systemic subcontract management weaknesses.

David Wilson, a convoy commander for Halliburton, and James Warren, a Halliburton truck driver, testified that brand new \$85,000 Halliburton trucks were abandoned or “torched” if they got a flat tire or experienced minor mechanical problems. Mr. Warren brought these and other concerns to the personal attention of

Randy Harl, the president and CEO of Halliburton subsidiary KBR. He was fired a few weeks later.

The majority asserts that the committee “established that there was no evidence that the contracts were awarded improperly.” This assertion is simply inaccurate. At the June 15, 2004, hearing, GAO officials testified that the administration’s award to Halliburton of a LOGCAP task order to prepare a contingency plan for the reconstruction and operation of Iraq’s oil infrastructure was “not in accordance with the law.” They noted that the Army Materiel Command’s own counsel agreed with this conclusion. GAO explained “that once they made the decision to go with a particular contractor for the contingency planning task order, that would pretty much decide who would eventually get the larger contract to actually execute the contingency plan.”

In addition, at a June 8, 2004, briefing for committee staff, Michael Mobbs, special advisor to Under Secretary of Defense Douglas Feith, explained that his Energy Infrastructure Planning Group, not career civil servants or contracting officials, selected Halliburton for the contingency planning task order. The decision was based on informal conversations with officials in executive agencies and former industry executives. In October 2002, Mr. Mobbs personally briefed the Vice President’s chief of staff, I. Lewis “Scooter” Libby, and other senior White House and administration officials on his proposal to award the task order to Halliburton without giving other companies an opportunity to compete. He explained that his central purpose in bringing the plan to the attention of Mr. Libby and others at the Deputies Committee was to make sure there was no objection to it. He said that if anyone had raised an objection to selecting Halliburton without any competition, he would have gone back and reconsidered his approach. When asked about such a selection process at the June 15, 2004, hearing, Comptroller General David Walker said that “it would be unusual.”

The assertion that the committee “established that there was no evidence that the contracts were awarded improperly” also ignores the fact that the majority blocked the minority’s effort to subpoena communications between the Vice President’s office and the Defense Department with respect to Halliburton’s planning task order and no-bid oil infrastructure contract. Rather than examining the actual communications in order to determine whether the contracts were improperly awarded, the majority just concluded that they were not. Moreover, the committee has received no documents in response to a July 9, 2004, joint request regarding the rationale for the selection of Halliburton and the membership and operations of the Energy Infrastructure Planning Group.

#### *Flu Vaccine Shortage*

In relating the outcome of the flu vaccine investigation, the majority asserts: “The testimony from previous hearings, FDA documents, and meetings with Chairman Davis appear to establish that FDA followed standard protocol in dealing with Chiron.”

In fact, Acting FDA Commissioner Lester Crawford testified before the committee that the agency broke with standard protocol by being 6 months late in sending Chiron a copy of the agency’s June 2003 inspection report.

Documents and interviews also revealed that FDA missed a series of opportunities to assure the continued production of the flu vaccine. After the June 2003 inspection, FDA rejected the recommendation of inspectors to initiate official enforcement action. FDA then refused the company's request to meet to review its remediation plan. FDA did not conduct a full re-inspection of the plant until October 2004, after the plant was shut down by the British and the United States lost half of its vaccine supply.

### PART THREE. FULL COMMITTEE MEETINGS

*"The Supersizing of America: The Federal Government's Role in Combating Obesity and Promoting Healthy Living," June 3, 2004; Serial No. 108-201*

In summarizing the committee's June 3, 2004, hearing on obesity, the majority writes that "obesity will soon surpass smoking as the leading avoidable cause of death among Americans." This statement is based upon a 2004 study by CDC that is still under review. CDC has asked the Institute of Medicine to advise on evaluating the appropriate methodology for estimating the number of deaths in the United States from obesity.

### PART FOUR. SUBCOMMITTEE ACCOMPLISHMENTS

#### I. SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

##### *Stem Cell Research*

In summarizing the subcommittee's work on stem cell research, the majority provides a misleading view of research on embryonic stem cells. Many leading medical experts have stated that the President's restrictive policy on stem cell research is impairing our Nation's ability to find treatments cures for devastating diseases. NIH has reported that embryonic stem cells have certain important qualities that adult stem cells have not been demonstrated to have.

##### *Nonoxynol-9*

In summarizing the subcommittee's work on nonoxynol-9, the majority provides a misleading view of the evidence. Leading public health experts support the removal of Nonoxynol-9 from condoms because of potential increased risk of HIV transmission and a lack of evidence that Nonoxynol-9 gives significant contraceptive advantage over condoms alone. However, these experts do not believe that there is evidence justifying the removal of Nonoxynol-9 from all products. Furthermore, any warning on products containing Nonoxynol-9 should be carefully crafted so that consumers are not unduly steered away from condoms and other contraceptives. When used properly, condoms are a highly effective method of birth control and HIV prevention.

##### *HPV/Cervical Cancer Prevention*

In summarizing the subcommittee's work on human papillomavirus infection, the majority provides a highly misleading view of the science. Cervical cancer is almost entirely preventable by the provision of routine Pap Smears. CDC and NIH have also

found that the weight of the evidence indicates that condom use does prevent cervical cancer.

#### *HIV/AIDS*

The majority presumes a zero sum tradeoff between funding for treatment and funding for other HIV/AIDS activities. In fact, there is no reason why Congress cannot adequately fund treatment, research, and other important missions.

The majority criticizes HHS for spending money for HIV conferences. In fact, scientific exchange is essential for the Federal investment in HIV to be spent wisely. An HHS decision this year to limit attendance at the world AIDS conference led to the cancellation of more than 30 presentations by U.S. scientists and of important workshops to assist scientists from developing countries.

The majority provides a one-sided view of the AIDS vaccines trials being funded by NIH. This is a scientific question that should be reviewed by experts in the field.

The majority asserts that the government should not be spending any money trying to ascertain how an HIV vaccine would be perceived and adopted. This position is short-sighted. Research on how the public would perceive a vaccine is important to designing programs to promote vaccination once a vaccine is approved.

The majority's summary of "fraud abuse" of tax dollars in HIV programs contains errors. For example, the majority asserts that CDC stopped funding the STOP AIDS project because Federal funding was going to "flirting classes." In fact, CDC found that no Federal funding was going to "flirting classes," and CDC did not penalize STOP AIDS for the project.

*"H.R. 2086, Office of National Drug Control Policy Reauthorization Act of 2003," May 15, 2003*

The subcommittee adopted amendments offered by Ranking Minority Member Cummings to ensure adequate funding of core drug prevention and treatment programs within the Substance Abuse and Mental Health Services Administration.

*"Ensuring Accuracy and Accountability in Laboratory Testing: Does the Experience of Maryland General Hospital Expose Cracks in the System?" May 18, 2004; Serial No. 108-248*

The majority's views suggest that the scope of the hearings examining lab-testing problems at Maryland General Hospital in Baltimore, MD, was narrower than it was. The purpose of the hearings requested by Ranking Minority Member Elijah E. Cummings was not merely to uncover what happened in the Maryland General case but also to examine whether and to what extent the problems were enabled by potential shortcomings in the system for enforcing Federal standards for medical laboratories.

Inadequate protections for whistleblowers in medical labs, advance notice of accreditation inspections, and insufficient requirements for sharing of information among enforcement entities were important factors that contributed to the Maryland General incident. These factors are not specific to Maryland General, and have the potential to prevent or delay the revelation of serious deficiencies at other medical laboratory facilities. Consistent with these

findings and the purpose of the hearings, Ranking Minority Member Cummings was joined by Chairman Mark Souder in asking GAO to examine a number of issues relating to the effectiveness of enforcement of Federal standards for medical lab testing. GAO accepted this bipartisan request, has begun its investigation, and will issue a report documenting its findings during the first session of the 109th Congress.

In addition, Ranking Minority Member Cummings introduced legislation, H.R. 5311, the Clinical Laboratories Compliance Improvement Act, to address the aforementioned problems identified during the subcommittee's investigative hearings. Similar legislation will be reintroduced in the 109th Congress and Democratic members will continue to work with the majority on lab testing oversight issues.

## II. SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES, AND REGULATORY AFFAIRS

*“H.R. 2432, Paperwork and Regulatory Improvements Act of 2003,” July 22, 2003; Serial No. 108–68*

In addition to the witnesses listed in the majority's activities report, Lisa Heinzerling, professor, Georgetown University Law Center, Center for Progressive Regulation, also testified.

*“EPA Water Enforcement: Are We On the Right Track?” October 14, 2003; Serial No. 108–157*

The majority report does not provide a complete description of this hearing on EPA's enforcement of the Clean Water Act. Subcommittee Ranking Minority Member John Tierney requested this hearing, which was held in Ipswich, MA. The hearing raised important issues related to EPA's ability to fully protect our Nation's waters. Witnesses identified a decline in EPA's enforcement of the Clean Water Act and expressed concerns that EPA does not have adequate resources to fully implement the act's requirements.

*“How to Improve Regulatory Accounting: Costs, Benefits, and Impacts of Federal Regulations—Part II,” February 25, 2004; Serial No. 108–159*

As stated in the majority's summary, this hearing examined OMB's "Draft 2004 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities." OMB's 2004 draft report fails to provide an accurate or useful picture of Federal regulation. For example, OMB's report lists the costs and benefits of various agency rules, yet cost and benefit estimates are often misleading because the costs are typically overstated while benefits are typically understated. Many benefits are not, or cannot, be translated into dollar amounts. In its draft report, OMB provides incomplete cost and benefit estimates. There are also concerns about aspects of OMB's methodology and sources of support.

In its 2004 draft report, OMB solicited comments on regulatory reforms that would "improve manufacturing regulation." This raises concerns that OMB will utilize these comments to create a

“regulatory hit list” that targets environmental, health, and safety regulations for limitation or elimination.

In December 2004, OMB released its final 2004 “Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities.” The concerns raised regarding the draft report also apply to OMB’s final report.

*“LNG Import Terminal and Deepwater Port Siting: Federal and State Roles,” June 22, 2004; Serial No. 108–238*

In addition to the witnesses listed in the majority’s activities report, Dr. Jerry Havens, distinguished professor of chemical engineering, University of Arkansas, testified.

It is worth noting that one witness called on the Federal agencies with jurisdiction to pursue a regional approach to siting LNG facilities in New England that considers the need for LNG, protecting public safety, and protecting the environment. In addition, concerns were raised by witnesses about the safety of LNG vessels and facilities, and the adequacy of current safety policies and regulations.

*“What is the Bush Administration’s Record in Regulatory Reform?”  
November 17, 2004*

This hearing, in part, addressed EPA’s rulemaking on mercury emissions from power plants. Subcommittee Ranking Minority Member John Tierney requested a subcommittee hearing on EPA’s mercury proposal and Chairman Ose agreed to address the issue during this last hearing of the 108th Congress.

On January 30, 2004, the Bush administration published a proposal for regulating mercury emissions from power plants. The administration’s proposal, and the process it has followed in developing its proposal, is fundamentally flawed.

According to EPA scientists, approximately 630,000 infants are born in the United States each year with blood-mercury levels at unsafe levels. Despite the clear need for strong controls on mercury pollution, EPA’s proposal is grossly inadequate and fails to comply with the Clean Air Act. The Clean Air Act requires a much larger reduction in mercury pollution, in much less time, than EPA’s proposal. Additionally, EPA has failed to analyze and consider any option more stringent than its own proposals. At the hearing, minority members urged the administration to conduct the required analysis and issue a strong regulation that protects public health and complies with the Clean Air Act.

### III. SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

#### *Federal Autism Initiatives and Research*

With respect to the subcommittee’s work on autism, the majority provides a misleading view of the scientific evidence. There is no scientific consensus that “incidences [sic] of autism are increasing exponentially in modern times.” There is currently scientific disagreement over whether the rise in autism diagnosis is due to a rise in disease or a change in what clinicians call autism.

*Federal Progress Regarding Dietary Supplements*

The majority states that the Dietary Supplements and Health Education Act “ensures the safety and efficacy of dietary supplements.” This position is inconsistent with the nearly universal view among leading medical organizations that the act does too little to protect consumers from dietary supplements. Most recently, outgoing Secretary of Health and Human Services Tommy Thompson stated his personal opinion that the law needs to be revised.

**IV. SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS AND INTERNATIONAL RELATIONS**

*“The Iraq Oil-For-Food Program: Starving for Accountability,” April 21, 2004; Serial No. 108–216, and “The U.N. Oil for Food Program: Cash Cow Meets Paper Tiger,” October 5, 2004*

The subcommittee is appropriately examining the serious allegations of corruption, overpricing, kickbacks, and smuggling under the U.N. Oil-for-Food Program. As part of this investigation, the subcommittee also has a responsibility to examine problems with the successor to the Oil-for-Food Program, the Development Fund for Iraq, which was administered by the U.S. Government between May 2003 and June 28, 2004. The Coalition Provisional Authority obligated or spent nearly \$20 billion in Iraqi oil proceeds deposited into the DFI. Reports from auditors at KPMG, an independent certified public accounting firm, and the Coalition Provisional Authority Inspector General have found that the administration failed to properly account for Iraqi funds.

