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110th Congress, 1st Session – – – – – – – – – – House Report 110–83

OVERSIGHT PLANS

FOR ALL

HOUSE COMMITTEES

WITH ACCOMPANYING RECOMMENDATIONS

BY THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

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

together with

MINORITY VIEWS



MARCH 30, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MS. SPEAKER:

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

HENRY A. WAXMAN, *Chairman.*

Union Calendar No. 48

110TH CONGRESS *1st Session* } HOUSE OF REPRESENTATIVES { REPORT 110–83

OVERSIGHT PLANS FOR ALL HOUSE COMMITTEES WITH ACCOMPANYING RECOMMENDATIONS

MARCH 30, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HENRY A. WAXMAN, from the Committee on Oversight and Government Reform submitted the following

REPORT

OVERSIGHT IN THE 110TH CONGRESS

RECOMMENDATIONS

OF THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

I. OVERVIEW

One of Congress' main constitutional responsibilities is to conduct oversight to check abuses by the other branches of government and ensure the effective operation of our laws. As the Supreme Court recognized 50 years ago:

> The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling Congress to remedy them. It comprehends probes into departments of the

> Federal Government to expose corruption, inefficiency or waste.[1]

Oversight activities have uncovered significant waste, fraud, and abuse throughout the Federal Government. A report issued in 2006 by the Democratic staff of the Committee on Oversight and Government Reform (then known as the Committee on Government Reform) identified 118 Federal contracts worth $745.5 billion that the Government Accountability Office [GAO], the Defense Contract Audit Agency, inspectors general, or other government officials found to involve significant waste, fraud, abuse, or mismanagement. In the area of Iraq reconstruction contracting alone, Pentagon auditors have identified over $10 billion in suspect charges by government contractors in Iraq—costs deemed either unreasonable or unsupported by appropriate documentation.

Congressional efforts to investigate government waste can lead to tremendous benefits for American taxpayers. GAO, which conducts investigations at the request of Members of Congress, reports that the financial benefits from its work in fiscal year 2006 alone totaled $51 billion.

House Rule 10, Clause 2 recognizes Congress' critical oversight duties, establishing a process whereby each standing committee is required to adopt an oversight plan for that Congress. Under this rule, the Committee on Oversight and Government Reform is to review the various plans and, in consultation with the Speaker, the Majority Leader, and the Minority Leader, report to the House the oversight plans along with any recommendations that the House leadership and the Committee may have to ensure effective coordination.

Pursuant to this rule, the Committee on Oversight and Government Reform has reviewed and consulted with House leadership about the oversight plans of the standing House committees for the 110th Congress. These plans outline an ambitious blueprint for meeting Congress' oversight responsibilities. The Oversight Committee has several recommendations regarding coordination of oversight in the House of Representatives.

The committee first recommends that all committees draw on the wide variety of available oversight resources in their ongoing efforts to evaluate oversight needs and priorities. GAO, in particular, has vast experience both in conducting and evaluating the need for oversight. On January 9, 2007, GAO identified dozens of suggested areas for oversight for the 110th Congress.[2] GAO also recently issued its biannual "High Risk" report, which identifies government programs that are particularly vulnerable to waste, fraud, or abuse.[3] Another valuable resource for congressional oversight is the agency Inspectors General, who can provide guidance to Congress through their audit plans and individual counsel. Committees

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[1] *Watkins* v. *United States,* 354 U.S. 178, 187 (1957).

[2] U.S. Government Accountability Office, *Suggested Areas for Oversight for the 110th Congress* (GAO–07–235R) (Nov. 17, 2006), sent by David Walker, Comptroller General of the United States, to Representative Henry A. Waxman, chairman, House Committee on Oversight and Government Reform (Jan. 9, 2007).

[3] U.S. Government Accountability Office, *High Risk Series: An Update* (GAO–07–310) (Jan. 31, 2007).

should also review relevant court rulings, past committee legislative and oversight reports, and the findings of other experts.

In addition, in any oversight effort, the committees should seek the expertise of the Committee on House Administration and Committee on Standards of Official Conduct if any questions arise regarding appropriate use of House resources and the standards of conduct applicable to members and staff. The oversight plans submitted by these two committees reflect a commitment to ensuring that all House committees have the tools and guidance necessary to facilitate efficient and ethical oversight.

Further, the task of ensuring accountability and appropriate policies on complex issues often requires the participation of multiple committees. Based on their respective jurisdictions and experience, different committees can lend varying types of expertise to the evaluation of a given matter. The oversight plans approved by the committees for the 110th Congress recognize that a number of key issues demand scrutiny by several different committees. With respect to such issues, the committees and subcommittees should be in close communication to ensure that they share the benefits of their findings and unique expertise, as well as to avoid duplication or redundancy.

Part II below describes a few examples of important areas identified by committees on which these recommendations may be instructive.

II. Examples of Key Oversight Areas

CONTRACTING

In recent years, the "shadow government" of private companies working under Federal contract has exploded in size. Between 2000 and 2005, procurement spending increased by over $175 billion, making Federal contracts the fastest growing component of Federal discretionary spending. Several committees plan to examine this growth in government reliance on contractors. The Committee on Homeland Security plans to focus its oversight attention in this area on the integration and coordination of procurement in the Department of Homeland Security's legacy components and on ensuring that effective management controls are put in place at the Department to prevent waste, fraud, and abuse. The Committee on Oversight and Government Reform plans to conduct oversight of contracting governmentwide, with a continuing focus on those contracts issued for services in Iraq. Other committees, including the Committees on Science and Technology, Energy and Commerce, Transportation and Infrastructure, and Veterans Affairs, plan to conduct oversight of contracts let by agencies under the committees' respective jurisdictions.

ECONOMIC SECURITY AND CONSUMER PROTECTION

House committees will also examine issues relating to economic security and consumer protection that greatly affect the lives of Americans without substantial economic means. The Committee on Financial Services will oversee many Federal assistance and consumer protection programs for housing, insurance, investment, and access to financial services. The Committee on Education and

Labor plans to conduct oversight of Federal protections of workers' rights and the Federal effort to promote retirement security. The Committee on the Judiciary will oversee Federal efforts to protect consumers against fraud. The Committee on the Budget will evaluate whether the Federal budget appropriately reflects domestic priorities. The Committee on Energy and Commerce will examine Federal activities to ensure the widespread deployment and availability of technologies and services at reasonable rates.

EXECUTIVE POWER

Another subject of significant House oversight will be the limits and use of executive power. The Committee on the Judiciary will look into a variety of concerns regarding unilateral exercise of executive branch authority, particularly where it affects individual rights and liberties. The Committees on Armed Services and Intelligence will review issues relating to the implementation of the Military Commission Act and the detention policies of the U.S. Military. In addition, the Permanent Select Committee on Intelligence plans to conduct an in-depth review of the President's NSA Surveillance Program. Both the Permanent Select Committee on Intelligence and the Committee on Oversight and Government Reform plan to examine the classification, over-classification, and selective declassification of executive branch material. Finally, the Committee on Appropriations will review budget requests for and the execution of intelligence activities.

GLOBAL CLIMATE CHANGE

Global climate change is one of the most complex and significant issues that this Congress will address through both oversight and legislative action. Accordingly, multiple committees are planning oversight activities to consider the impacts of global warming on our environment and economy and policy options to avoid the worst potential effects.

The Committee on Energy and Commerce is planning a broad review of the social, economic, cultural, and homeland security implications of climate change and policy options for responding to it. The Committee on Foreign Affairs is planning hearings to examine international aspects of global climate change. The Committee on Transportation and Infrastructure will be looking at the connection between transportation policy and energy policy in response to climate change concerns. The Committee on Natural Resources plans to examine renewable resource options, an effort that will contribute to our understanding of ways to mitigate the global climate change. The Committee on Oversight and Government Reform is examining the influence of politics on the public dissemination of findings of government scientists with expertise in global climate change.

As Congress seeks appropriate policy options on global warming, effective oversight coordination among the appropriate committees could serve to advance initiatives that would promote emissions reductions, advance carbon sequestration—both geologic and in soils and forests—and help the Nation prepare for unavoidable climate change. In addition, such coordination could benefit efforts to further international commitment to reduce greenhouse gases and to

understand how the prospects for such an agreement could be affected by domestic action on global warming.

HEALTH

The Nation's health care system faces major challenges, including large and growing numbers of Americans without health care coverage, steeply rising health care costs, increases in preventable chronic disease, an emergency care system that is at the breaking point, and the threat of pandemic flu. A number of House committees will review these and other pressing public health issues. The Committee on Energy and Commerce plans to review the management of the Medicaid and Medicare programs by the Centers for Medicare & Medicaid Services [CMS], the ability of the Centers for Disease Control and Prevention to respond to disease outbreaks, and the capacity of the Food and Drug Administration to ensure the safety of drugs, medical devices, and the food supply. The Committee on Ways and Means plans to conduct oversight on the operation of the Medicare program and its administration by CMS, health insurance coverage, and emergency care. The Committee on Small Business plans to examine options for increasing affordable health insurance coverage for small employers. The Committee on Agriculture plans to review the Department of Agriculture's administration of meat and poultry inspection laws and FDA's food inspection activities. The Committee on Homeland Security plans to conduct oversight on the actions by the Department of Homeland Security [DHS] to provide for response capabilities to a biological event, including a pandemic flu outbreak. The Committee on Oversight and Government Reform has initiated investigations into pharmaceutical pricing and marketing.

HOMELAND SECURITY

A number of committees will be conducting oversight to ensure the Nation is best prepared to address homeland security threats and domestic emergencies. Several committees will monitor Hurricane Katrina reconstruction efforts in New Orleans and the Gulf Coast. For instance, the Committee on Homeland Security will be evaluating the Department of Homeland Security's emergency preparedness and response plans in the wake of the disaster. The Committee on Financial Services will be overseeing federally provided housing in the region, and the Committee on Energy and Commerce will conduct oversight into the rebuilding of health services in the region. The Committee on Homeland Security also will review key aspects of Federal terrorism preparedness. The Committee on Transportation and Infrastructure will oversee programs administrated by the Department of Homeland Security and the Transportation Security Administration regarding the security of the civil aviation system. In addition, the Committee on Energy and Commerce will oversee efforts to ensure adequate emergency communications capabilities to first responders and the general public.

IRAQ AND AFGHANISTAN

The House will devote considerable oversight resources to the ongoing war in Iraq, examining areas such as the number of troops on the ground, the security situation, and contracts to support reconstruction activities. The Committee on Armed Services, for example, plans to review the President's strategy for Iraq, the proper force strength, ongoing military activities, and the effectiveness of the Iraq Security Forces. The Committee on Foreign Affairs plans to look into both the military and reconstruction components of U.S. policy, and to monitor the Iraqi counter-insurgency efforts. The Committee on Oversight and Government Reform plans to oversee Iraq reconstruction with a focus on contracts with private companies that provide reconstruction assistance in Iraq. The Committee on Veterans Affairs will review whether the servicemen and servicewomen returning from duty in Iraq and other areas are receiving the health care, employment opportunities, and other support our Nation owes its veterans.

Afghanistan is recognized as a front in the war on terror, and committees plan to increase attention to ensuring appropriate policy in that region. The Committee on Armed Services intends to review the status of the NATO forces and evaluate their ability to fight terrorism on the Afghani/Pakistani border. The Committee on Foreign Affairs will also review U.S. policy toward Afghanistan, particularly the threat posed by the Taliban and the increase in narcotics production. The Committee on the Budget will examine the impact on the Federal budget of spending for efforts to combat terrorism in this region and other areas.

III. CONCLUSION

The oversight plans approved by the standing House committees have set the House on a course toward ensuring accountability and appropriate policies on issues of concern to the American public. The Committee on Oversight and Government Reform will continue to work with the other House committees and the House leadership throughout the 110th Congress to promote effective congressional oversight.

[The oversight plans of all House committees follow:]

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TO: The Honorable Henry A. Waxman, Chairman
House Committee on Oversight and Government Reform
The Honorable Juanita Millender-McDonald, Chairwoman
Committee on House Administration

FROM: The Honorable Collin C. Peterson, Chairman
House Committee on Agriculture

DATE: February 15, 2007

SUBJECT: Oversight Plan for the House Committee on Agriculture for the 110th Congress

Pursuant to Rule X, clause 2(d)(1) of the Rules of the U.S. House of Representatives for the 110th Congress, I submit the following plan to fulfill the General Oversight Responsibilities reporting requirements. This outline was prepared in consultation with the Ranking Member, was presented to the full Committee for its consideration, and is now offered for your consideration relative to your responsibilities under the Rules.

The following agenda constitutes the oversight plan of the Committee on Agriculture for the 110th Congress. It includes areas in which the Committee and its subcommittees expect to conduct oversight or investigation of additional matters or programs as they arise. The Committee will consult, as appropriate, with other committees of the House that may share subject matter interest. If you have any questions regarding this outline, do not hesitate to contact me.

OVERSIGHT PLAN
HOUSE COMMITTEE ON AGRICULTURE
110TH CONGRESS

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

2002 FARM BILL AND CURRENT AGRICULTURAL CONDITIONS:

- Review the U.S. Department of Agriculture's (USDA) implementation of the Farm Security and Rural Investment Act of 2002 (FSRIA) and 2007 farm bill proposals;

- Review the current state of health of the U.S. farm economy;
- Review the need for a permanent agricultural disaster assistance program;
- Review USDA's implementation of the Fair and Equitable Tobacco Reform Act of 2004;
- Review USDA's implementation of previous ad-hoc agricultural disaster assistance legislation;
- Review USDA's implementation of Improper Payments Information Act of 2002;
- Review the Farm Service Agency's (FSA) management controls for Finality Rule and equitable relief decisions;
- Review the impact of weather conditions on 2005 through 2007 crop production;
- Review USDA's activities regarding implementation of the U.S. Warehouse Act;
- Review of corn market situation, including impact of crop reports and projections;
- Release of the three-entity and Section 1614 payment databases;
- Review of the honey bee industry;
- Review differences and similarities between proposed farm safety nets based on income and current price based safety net;
- Review USDA's implementation of the U.S. Grain Standards Act; and
- Review the increase in agribusiness consolidation.

ENERGY

- Review USDA effort to promote the utilization of on-farm generated electricity;
- Review of the activities funded by the Biomass Research and Development Act of 2000 (BRDA) and input from the external BRDA Advisory Board;
- Review availability of agriculture and forestry feedstocks for renewable energy production;
- Review current status of research on energy crops and feedstocks;
- Review the availability of biofuel pumps and approved fuels;
- Review implementation of the Section 9006 Program, the Renewable Energy and Energy Efficiency Loan and Grant Program, including the interaction of the program with other incentives and tax provisions;
- Review current provisions in existing law that support agriculture-based energy production and use;
- Review implementation of the Biobased Products Program; and
- Review of the roles of USDA and its agencies in promoting the reliance on renewable energy sources.

CONSERVATION AND THE ENVIRONMENT:

- Review the impact of regulatory activities carried out pursuant to the Endangered Species Act (ESA), or any proposed legislative changes to such Act, on agricultural producers;
- Conduct oversight of regulatory initiatives undertaken by the Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), and the Fish and Wildlife Service (FWS) concerning Endangered Species Act consultations regarding pesticide

products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA);

- Review the impact of the Administration's regulatory activity relative to methyl bromide on production of agriculture in the U.S.;
- Review of the resource needs of the EPA as they pertain to the collection of pesticide user fees;
- Review of the continuing international negotiations concerning implementation of the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- Review the International Treaty on Plant Genetic Resources for Food and Agriculture;
- Review budget and program activities of the Natural Resource Conservation Service (NRCS), including staffing shortages;
- Review NRCS implementation of the technical service provider assistance provisions of FSRIA;
- Review implementation of all of USDA's conservation programs;
- Review of EPA's rule on permit trading under the Clean Water Act (CWA) and its potential benefits to U.S. agriculture;
- Review of potential impacts of EPA's Clean Air Act (CAA) regulatory program on U.S. agriculture;
- Review potential consequences for production agriculture in the U.S. of the mandates contained in the Kyoto Protocol to the United Nations' Framework Convention on Climate Change;
- Review EPA's implementation of the Food Quality Protection Act (FQPA), FIFRA and Pesticide Registration Improvement Act (PRIA);
- Review the impact of litigation concerning FIFRA, ESA, CAA, CWA, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA) and its impact on farm operations;
- Review the EPA's regulatory actions in regard to pesticide evaluations;
- Review of EPA's regulation of Animal Feeding Operations;
- Review of the non-emergency haying and grazing provisions of the Conservation Reserve Program;
- Review of USDA's authority to allow early withdrawal of acreage from CRP;
- Review of the operation of the Resource, Conservation and Development Program, including the study completed under Section 1534 of the FSA as required by FSRIA;
- Review of easement programs and Department of Transportation and Department of Justice regulations; and
- Review of Total Maximum Daily Load strategies and impacts on production agriculture.

FEDERAL CROP INSURANCE AND RISK MANAGEMENT:

- Review the role of federal crop insurance premium subsidies on crop markets;
- Review USDA and the Risk Management Agency's (RMA) administration and oversight of the Federal Crop Insurance Program;
- Availability and effectiveness of crop insurance as risk management tool;
- RMA implementation of Premium Reduction Plans;
- USDA's activities designed to find and reduce crop insurance program waste, fraud, and abuse;
- RMA's combination of revenue protection crop insurance programs;
- Review the Commodity Futures Trading Commission (CFTC);
- Growing consolidation and internationalization of futures exchange trading;
- Exchange and Over-the-Counter (OTC) trading of energy-based futures products; and
- Enforcement and oversight capabilities of the CFTC both domestically and internationally.

AGRICULTURE TRADE AND INTERNATIONAL FOOD AID:

- Review ongoing multilateral, regional, and bilateral trade negotiations (including WTO accession agreements) to assess their potential impact on U.S. agriculture;
- Review implementation of existing trade agreements and commitments and proposed new trade agreements and commitments to determine:
  (1) whether they are consistent with current U.S. law;
  (2) whether they will promote economic development in rural areas of the U.S.;
  (3) their impact or potential impact on current production of import sensitive agricultural commodities, and on exports of U.S. agricultural products; and
  (4) their impact or potential impact on the overall competitiveness of the U.S. agricultural sector, including the production, processing and distribution of agricultural products.
- Monitor existing trade agreements to ensure trading partners are meeting obligations and enforcing trade commitments;
- Review farm export programs to determine how well they are promoting the interests of U.S. agriculture and examine proposals to improve, modify or expand such programs;
- Assess U.S. food aid programs to determine their impact or potential impact on the reduction of world hunger. In particular, the Committee will examine the potential impact of multilateral trade negotiations on the effectiveness of U.S. food aid programs; and
- Address sanitary and phytosanitary (SPS) barriers and other technical barriers to U.S. agricultural exports and examine USDA efforts to eliminate such barriers.

AGRICULTURAL RESEARCH AND PROMOTION:

- Review implementation of biosecurity protocols at USDA Agricultural Research Service (ARS) laboratories;

- Assess USDA's implementation of research, education and extension programs authorized in FSRIA;
- Review the administration of the ARS research stations and worksites;
- Review USDA's continuing ability to conduct foreign animal disease research, training and diagnostic programs at the Plum Island Animal Disease Center following the transfer of the center to the Department of Homeland Security;
- Review USDA's response and tracking of the presence of soybean rust in the U.S.;
- Assess federal efforts to facilitate research and development of aquacultural enterprises, specifically focusing on the activities of the Joint Committee on Aquaculture;
- Review implementation of USDA's regulation on organic standards;
- Review coordination between ARS, Economic Research Service, Cooperative State Research, Education, and Extension Service (CSREES) and action agencies in USDA such as NRCS and FSA in order to prevent duplicative research;
- Review operation of the National Agricultural Research, Extension, Education, and Economics Advisory Board;
- Review USDA's efforts to expand research and development of pathogen reduction technologies;
- Evaluate the current mix of research funding mechanisms to ensure maximum benefits from these investments to producers, processors and consumers;
- Review administration of USDA's agricultural marketing and promotion programs;
- Review of coordination between USDA and DOE on energy research programs;
- Review of congressional appropriation process and implications on research funding under ARS, ERS, NASS and CSREES;
- Review of ARS, ERS, NASS and CSREES national program priorities;
- Oversight of research grant process to coordinate and prevent overlapping research; and
- Review the potential for research and technology transfer to address the needs of both the biofuels and livestock industries.

BIOTECHNOLOGY:

- Review current regulations and research regarding animal and plant biotechnology;
- Review the FDA's finding regarding the safety of cloned animal products;
- Assess USDA efforts to develop and promote benefits of biotechnology for increasing agricultural productivity and combating hunger globally; and
- USDA's investigation and handling of the discovery of regulated biotech rice.

U.S. FOREST SERVICE ADMINISTRATION:

- Assess effectiveness of Forest Service's programs, including forest products and grazing management;
- Review Forest Service budget, with special attention to land acquisition and easement programs;
- Continue oversight of Healthy Forests Restoration Act;

- Continue oversight of Forest Service fire management program to ensure cost efficiencies;
- Review the impact of fire expenses on other USFS program delivery;
- Monitor Administration efforts to reform the National Forest Planning process;
- Assess the use of research funds to inform on long-term, sustainable forest practices; and
- Conduct oversight on the National Grasslands.

DAIRY:

- Review options to improve the efficiency and effectiveness of dairy programs;
- Review efficiency of federal market order system;
- Review implementation of the Milk Income Loss Contract (MILC) Program; and
- Review implementation of the Milk Regulatory Equity Act.

OUTREACH AND CIVIL RIGHTS

- Review of the implementation of the Pigford v. Glickman settlement;
- Review of small and minority farmer/rancher outreach in USDA, including implementation of the Section 2501 Program;
- Review of the operations of the office of the Assistant Secretary for Civil Rights;
- Review of the delivery of USDA services and outreach efforts on Indian reservations and tribal lands;
- Review current status of Agricultural Census and efforts to reach undercounted farmers and ranchers; and
- Review participation of minority farmers in FSA County/Local Committees as well as outreach to increase participation in County Committee elections.

USDA GENERAL ADMINISTRATION:

- Review confidentiality of information provided to USDA by agricultural producers; and
- Review USDA's restructuring of FSA county offices.

FARM CREDIT, RURAL DEVELOPMENT, AND THE RURAL ECONOMY:

- Review Farm Credit Administration's (FCA) regulatory program and activities regarding the Farm Credit System (FCS) to assure the FCS' safety and soundness;
- Review of Farmer Mac activities and programs;
- Review of Beginning Farmer education efforts in FSA loan programs and graduation efforts;
- Review of FSA credit programs and participation;
- Implementation of rural development policies and authorities contained in FSRIA '02 and the Consolidated Farm and Rural Development Act;
    - Review the status of the Rural Telephone Bank;

  - Oversight of the USDA's Rural Broadband Access Loan and Loan Guarantee Program;
  - Oversight of the implementation of the USDA's Telecommunications Programs;
- Review of rural development staffing shortages and office closings;
- Review of agriculture lending practices;
- Review of definition of "rural" under rural development programs; and
- Review of rural development loan programs and default rates.

USDA FOOD AND NUTRITION PROGRAMS:

- Review food and nutrition programs including the food stamp program, fruit and vegetable initiatives, The Emergency Food Assistance Program and other commodity distribution programs;
- Assess the level of success and participation by states under provisions of the 2002 Farm Bill that provide greater flexibility and state options;
- Review the Food Distribution Program on Indian Reservations (FDPIR) with particular attention to the quality of food packages, education and outreach, and any limitations to the contents due to the appropriated set-aside;
- Review buying patterns of food stamp recipients and Food and Nutrition Service (FNS) efforts to promote healthy eating habits;
- Review efforts by state food stamp administrators to modernize and streamline their programs;
- Assess the progress of the USDA School Snack Program; and
- Review the Community Food Project Program to ensure cooperative grants are working.

FOOD SAFETY:

- Review USDA's administration of meat and poultry inspection laws and the FDA's food inspection activities to ensure the development of scientifically sound systems for food safety assurance;
- Review USDA's efforts to educate consumers regarding safe food handling practices and streamline the assessment and approval of food safety technologies;
- Review implementation of new protocols for meat, poultry, eggs, or seafood safety inspection, including the implementation of Hazard Analysis Critical Control Point (HACCP) pathogen reduction regulation; and
- Review the FDA's proposed rule regarding substances prohibited from use in food and animal feed.

PLANT AND ANIMAL HEALTH:

- Review enforcement of the Animal Welfare Act;
- Assess federal efforts to reduce threats to human, animal, and plant health due to predatory and invasive species;

- Conduct oversight of USDA's expanded Bovine Spongiform Encephalopathy (BSE) surveillance program;
- Assess the national animal identification program system;
- Review federal BSE safeguards; and
- Review the implementation of USDA's final rule recognizing Canada as a BSE Minimal Risk Country.

LIVESTOCK MARKETING:

- Assess the effectiveness of the Grain Inspection, Packers and Stockyards Administration (GIPSA) in determining market manipulation in the livestock industry;
- Review structural changes in agribusiness and the potential cost and benefits for agricultural producers; and
- Review the USDA's mandatory livestock price reporting system.

HOMELAND AND AGRICULTURAL SECURITY:

- Oversight of USDA's preparedness against terrorist threats to agriculture production; and
- Review of agriculture inspection activities under the Department of Homeland Security.

MISCELLANEOUS:

- Review adequacy of agricultural labor available under the agricultural guest worker program, H2A;
- Review implementation of the Specialty Crop Competitiveness Act;
- Review of the impact of transportation infrastructure issues on agriculture and forestry;
- Assess USDA's implementation of voluntary Country Of Origin Labeling (COOL) in preparation for mandatory COOL; and
- Assess operation of the Fruit and Vegetable planting prohibition.

CONSULTATION WITH OTHER COMMITTEES TO REDUCE DUPLICATION:

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

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

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ROB NABORS

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January 16, 2007

Honorable Henry A. Waxman
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Waxman:

On behalf of the Committee on Appropriations, I hereby transmit the Committee's plan for Oversight activities for the 110th Congress. This year, the Committee intends to conduct increased oversight of Federal programs, policies and activities, especially with regard to the on-going military activities in Iraq and intelligence programs. In addition, the Committee will carefully study the Administration's budget requests and fiscal and programmatic execution in light of changing demographics, increased needs and the priorities of the American people.

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

With best regards,

Sincerely,

David R. Obey
Chairman

110TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

R E P O R T

OF

OVERSIGHT PLANS

ONE HUNDRED TENTH CONGRESS

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



APPROVED JANUARY 16, 2007

U.S. GOVERNMENT PRINTING OFFICE
32-283 WASHINGTON : 2007

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HOUSE OF REPRESENTATIVES

110th Congress

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ROB NABORS, *Clerk and Staff Director*

LETTER OF TRANSMITTAL

JANUARY 16, 2007

Hon. Henry A. Waxman,
Chairman, Committee on Government Reform,
House of Representatives,
Washington, DC.

Hon. Juanita Millender-McDonald,
Chairwoman, Committee on House Administration,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN WAXMAN and CHAIRWOMAN MILLENDER-MCDONALD: On behalf of the Committee on Appropriations, I hereby transmit the Committee's plan for Oversight activities for the 110th Congress. This year, the Committee intends to conduct increased oversight of Federal programs, policies and activities, especially with regard to the on-going military activities in Iraq and intelligence programs. In addition, the Committee will carefully study the Administration's budget requests and fiscal and programmatic execution in light of changing demographics, increased needs and the priorities of the American people.

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

With best regards,
Sincerely,

DAVID R. OBEY, *Chairman*

110TH CONGRESS } HOUSE OF REPRESENTATIVES
1st Session

REPORT OF OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON APPROPRIATIONS

APPROVED JANUARY 16, 2007

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

R E P O R T

OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON APPROPRIATIONS

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

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

JURISDICTION OF THE COMMITTEE ON APPROPRIATIONS

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

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

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

* * * * * * *

GENERAL OVERSIGHT RESPONSIBILITIES

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

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

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

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

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

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

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

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

* * * * * * *

SPECIAL OVERSIGHT FUNCTIONS

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

* * * * * * *

ADDITIONAL FUNCTIONS OF COMMITTEES

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

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

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

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

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

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

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

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

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

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

(5)(A) There is established a Select Intelligence Oversight Panel of the Committee on Appropriations (hereinafter in this paragraph referred to as the "select panel"). The select panel shall be composed of not more than 13 Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than eight may be from the same political party. The select panel shall include the chairman and ranking minority member of the Committee on Appropriations, the chairman and ranking minority member of its Subcommittee on Defense, six additional members of the Committee on Appropriations, and three members of the Permanent Select Committee on Intelligence.

(B) The Speaker shall designate one member of the select panel as its chairman and one member as its ranking minority member.

(C) Each member on the select panel shall be treated as though a member of the Committee on Appropriations for purposes of the select panel.

(D) The select panel shall review and study on a continuing basis budget requests for and execution of intelligence activities; make recommendations to relevant subcommittees of the Committee on Appropriations; and, on an annual basis, prepare a report to the Defense Subcommittee of the Committee on Appropriations containing budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense.

(E) Rule XI shall apply to the select panel in the same manner as a subcommittee (except for clause 2(m)(1)(B) of that rule).

(F) A subpoena of the Committee on Appropriations or its Subcommittee on Defense may specify terms of return to the select panel.

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

* * * * * * *

CONTENT OF REPORTS

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

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

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

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

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

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

* * * * * * *

OVERSIGHT PLAN

The Committee on Appropriations believes that rigorous oversight is essential for ensuring that Government agencies and programs effectively and efficiently serve the American people. The oversight function will be carried out by the Committee throughout the year and at many levels of examination and investigation. For the 110th Congress the Committee intends to proceed in the following manner:

1. *Subcommittee Hearings.* The Appropriations Committee holds itself to the highest standards for analysis of the President's budget and supplemental funding requests. During the 109th Congress, the Committee held 304 hearings, took testimony from 2,463 witnesses and published 165 volumes of hearings totaling 155,056 pages. Requests for emergency supplemental funding for Iraq will be closely scrutinized, as will earmarks proposed by the Administration within the President's budget.

The Committee will also augment oversight of the U.S. intelligence community with the creation of a Select Intelligence Oversight Panel of the Committee on Appropriations. Comprised of members of the Committee and of the intelligence authorizing committee, the panel will review budget requests and make recommendations for the preparation of the classified annex to the bill making appropriations for the Department of Defense.

2. *Investigations.* In addition to formal oversight, the Committee utilizes various investigative agencies to conduct in-depth analysis as it deems necessary. Many of these investigations are conducted by the Committee's Survey and Investigations Staff, an important resource whose performance is critical to effective oversight. In the previous Congress, the Committee received 43 Surveys and Investigations studies and 211 investigative reports from the GAO.

3. *Appropriations Bills.* The "power of the purse" is the Committee's primary responsibility and greatest power. The manner in which the Committee chooses to provide or withhold Federal funding is undertaken with the greatest care and in compliance with all budgetary concepts and strictures. The Committee will follow the requirements of the Congressional Budget with regard to the subdivision of the budget authority and outlays to its subcommittees. Appropriations bills will be developed in accordance with the results of all the oversight activities in paragraphs 1 and 2, above and brought to the floor for consideration within all relevant budgetary constraints.

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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515–6035

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ROBERT L. SIMMONS, STAFF DIRECTOR

January 12, 2007

Honorable Henry Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman:

Pursuant to House Rule X, I am forwarding you an electronic and paper copy of the Committee on Armed Services' Oversight Plan for the 110th Congress, as approved by the Committee on Wednesday, January 10, 2007.

Thank you for your attention to this important matter, and I look forward to working with you in the 110th Congress.

Very truly yours,

IKE SKELTON
Chairman

IS:whg
Enclosures

UNITED STATES HOUSE OF REPRESENTATIVES

COMMITTEE ON ARMED SERVICES

110th Congress

Oversight Plan

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

Introduction

The oversight responsibilities of the Committee on Armed Services are conducted throughout the calendar year. They are instrumental in the committee's consideration of the annual defense authorization bill, which covers the breadth of the operations of the Department of Defense (DOD) as well as the national security functions of the Department of Energy and other related areas. The annual national defense budget involves millions of military and civilian personnel, thousands of facilities, and hundreds of agencies, departments, and commands located throughout the world. The DOD involvement in two large ongoing contingency operations will continue to expand the range of topics requiring committee oversight including strategic, operational, and budgetary issues of great scope and complexity.

The committee has jurisdiction over laws, programs, and agencies under permanent authority in numerous titles of the United States Code, including Titles 10 (Armed Forces), 32 (National Guard), 37 (Pay and Allowances of the Uniformed Services), 42 (Atomic Energy), and 50 (War and National Defense).

The jurisdiction of the committee, pursuant to clause 1(c) of rule X of the Rules of the House of Representatives is as follows:

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

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

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

Oversight Agenda

The committee will continue its oversight and assessment of threats to U.S. national security as it considers the fiscal year 2008 and fiscal year 2009 defense budget requests. This effort will involve appropriate oversight hearings with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the individual service secretaries and chiefs of staff, combatant commanders, other officials of the Department of Defense and the military departments, officials from the Office of the Director of National Intelligence, Central Intelligence Agency and other defense-related intelligence agencies, and the Secretary of Energy, the Under Secretary for Nuclear Security and other officials of the Department of Energy. In addition, the committee will invite the views and perspectives of outside experts in academia, industry, associations and advocacy organizations, and those in private life on these matters. Finally, the committee will initiate an aggressive new outreach program to seek the views and perspectives of service members and their families to include active duty, National Guard, and reserve members across the United States and at deployed locations overseas.

The committee carries out its oversight of the Department of Defense and its subordinate departments and agencies as well as portions of the Department of Energy through activities involving the full committee and its standing subcommittees. Each subcommittee conducts oversight of the programs within its jurisdiction as specified in the committee's rules.

Until the 104th Congress, the committee maintained an Oversight and Investigations Subcommittee as allowed by House Rules (Rule X, clauses 2 and 5). That subcommittee enjoyed specific areas of legislative jurisdiction and "investigative authority in relation to the committee's general oversight responsibilities."

For the 110th Congress, the committee reestablishes the Subcommittee on Oversight and Investigations but without legislative jurisdiction. Pursuant to new Committee Rule 4, the subcommittee shall conduct oversight and investigations regarding any matter within the jurisdiction of the committee, subject to the concurrence of the Chairman of the committee and, as appropriate, the Chairman or Chairmen of the subcommittee or subcommittees with legislative jurisdiction over the matter, and with consultation of the appropriate Ranking Minority Member or Ranking Minority Members. The subcommittee's work will not only include separate hearings and potentially separate reports, but will also support the hearings and oversight responsibilities of the other subcommittees and the full committee in their authorization and legislative responsibilities.

The oversight agenda below, unless otherwise noted, is designed to support the consideration by the committee and, ultimately, the House of Representatives of the annual defense authorization bill as well as the committee's broader oversight responsibilities. The issues identified are expected to be on-going areas of oversight activity throughout the 110th Congress. In addition, the committee will continue to pay particular attention to the mandates placed on executive departments and agencies by the Government Performance and Results Act of 1993 (Public Law 103-62). The committee will examine closely the progress of the Department of Defense, the military departments, and the Department of Energy in implementing Public Law 103-62) to include the use of performance-based budgeting techniques and five-year strategic planning documents, for programs within its jurisdiction. In this context, pursuant to clause 2(d)(1) of rule X of the Rules of the House of Representatives, the committee will also examine relevant rules, regulations, statutes, and court decisions affecting the Department of Defense and the Department of Energy for their effects on efficiency and good management practices.

Given the unique nature of national security issues and related oversight of the armed forces, the committee reiterates that the oversight agenda is subject to the emergence of unforeseen events that may displace previously planned activities. Such events significantly complicate the ability to prescribe with great accuracy or specificity the entire oversight agenda of the committee. For instance, the oversight of defense activities by the committee has historically involved in-depth assessments of military operations and other major events that are generally difficult to predict in advance, such as emerging operational issues in Iraq and responses to catastrophic events, such as the military support provided after Hurricane Katrina. These reviews can dominate committee and staff resources, sometimes at the expense of other planned activities. The committee fully expects that this type of event-driven oversight will continue to be required.

The Subcommittee on Oversight and Investigations' agenda, even more than that of the full committee, will be difficult to predict over the two-year time period. The subcommittee will respond to concerns brought by all members of the committee, by other Members of Congress, and by other parties both within and outside the government. The subcommittee will pursue coordinated and constructive oversight that will likely

identify best practices and model organizations in addition to identifying those areas in need of correction and reform.

The committee has a long tradition of translating oversight activities into prescriptive legislative action as reflected in past comprehensive efforts to provide for concurrent receipt of retirement and disability benefits for veterans with qualifying combat related disabilities, to reform the military retirement system, the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433), the Defense Acquisition Workforce Improvement Act of 1991 (Public Law 101-510), the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355), the Federal Acquisition Reform Act of 1996 (Public Law 104-106), the establishment of the National Nuclear Security Administration and related reform of the management of the national security programs of the Department of Energy, and reform of the military health care system. Additionally, the committee played a lead role in passage of the Military Commissions Act of 2006 (Public Law 109-366) in the 109th Congress and will continue to oversee this Act and carefully review its provisions in the 110th Congress. In general, the committee will continue to maintain a strong linkage between formal oversight efforts and legislative initiatives.

In addition to the above, the following specific areas and subjects are identified for special attention during the 110th Congress.

POLICY ISSUES

National Defense Strategy, National Military Strategy and Related Defense Policy Issues

The committee is committed to ensuring that American military is properly postured to meet the complex security demands of the 21st century. This will involve closely reviewing how the National Defense Strategy and the National Military Strategy articulate those demands and thoroughly evaluating how the Department of Defense (DOD) postures itself to meet those demands. In 2006, the Department recognized the changing security environment by explicitly stating that stability operations, defined as "military and civilian activities conducted across the spectrum from peace to conflict to establish or maintain order in States and regions," are a core U.S. military mission. In so doing, those operations have been elevated to co-equal status with the combat operations for which the Department has traditionally prepared. While also ensuring the Department remains capable of executing its traditional missions, the committee will provide oversight to ensure that all DOD activities, capabilities and functions, including doctrine, organization, training, education, exercises, materiel, leadership, personnel, facilities, and planning appropriately reflect this major shift, and that DOD efforts are integrated into a comprehensive national approach to stability operations.

Furthermore, when considering the overall posture of the Department, the committee will monitor the implementation of the recommendations delineated in the 2006 Quadrennial Defense Review, including the still-outstanding "roadmaps;" the

adequacy of active and reserve component force structure and end strength; an examination of initiatives to enhance guard and reserve forces; the so-called "train and equip" authorities required to provide logistics support, supplies, and services to foreign military forces participating in operations with U.S. armed forces; an examination of the technological, doctrinal, and other factors affecting the long-term transformation of the conduct of military operations; a review of the roles and responsibilities of the Chairman of the Joint Chiefs of Staff and of the combatant commands military requirements including: the proposed creation of an "Africa Command;" the evolving mission of other recently established or recently modified commands; an examination of the roles and missions of the armed services and their implications for modernization requirements and the development of major weapons systems; and other relevant areas.

Most critically, the committee will conduct all the activities mentioned above within the context of a comprehensive approach to understanding the strategic risk facing the United States. In so doing, the committee will seek to determine what level of strategic risk is acceptable, what factors increase that risk, and what factors reduce it.

Through its Constitutional responsibility arising from Article One, Section Eight to raise and support armies and to provide and maintain a Navy, the committee has a responsibility to ensure that the military can meet its future missions, as well as today's operational requirements. The committee's examination of strategic risk, in simple terms, will look to ensure that these joint forces retain the ability, regardless of present operational pressures, to deter any potential foe, respond to any contingency that threatens U.S. interests, and in the worst case defeat any adversary who might threaten America's interests. In this regard, the committee will examine seriously DOD's range of assumptions about future threats made in strategy documents to assess the adequacy of forces, the resources available, and the likely level of strategic risk. By the same token, the committee will also look at current operational demands and whether those demands—through readiness and force strains or through other impacts such as on potential coalition partners—increase our strategic risk for meeting future challenges. The committee will take seriously its obligation to monitor strategic risk and take action to mitigate it when necessary.

The War in Iraq

The committee will devote a significant amount of its oversight resources to the ongoing war in Iraq. Operations in Iraq are an enormous undertaking, consuming vast amounts of resources, including a significant human toll, and have reached a pivotal moment. At the time of the writing of this oversight plan, President George W. Bush is preparing to present a revised strategy for Iraq. In the near term, the committee will consider carefully any change in the mission and required force strength in Iraq and the potential implications of this proposed strategy—for the overall security and political situation in Iraq; for the size and duration of future rotations of American combat units; and for the American military's readiness to take on future missions wherever they might arise. On an ongoing basis, the committee will place a great priority on oversight of any continuing military activities in Iraq, on determining the progress made in achieving the

goals of the President's new strategy, and on encouraging the swift and effective turn-over of security responsibilities to Iraqi Security Forces.

To date, the pace of change in this conflict has consistently exceeded the ability of senior leaders to predict its future course. Important questions about the conflict remain without conclusive answers. In order to keep abreast of this complex and constantly changing environment, the committee will hold regular hearings on Iraq throughout the 110th Congress, beginning with a comprehensive set of hearings early in the First session.

The committee recognizes that the issues in play in Iraq are extremely complex, and that the military situation in Iraq must be understood as part of a larger picture along with complex political, social, and economic challenges. Since these challenges relate and contribute to the military problems in Iraq, they must be addressed in the committee's oversight plans to the extent that they are directly relevant to the Department. As a result, committee oversight hearings will seek to cover a broad array of topics including understanding the insurgency and the sectarian schisms in Iraqi society that threaten the unity government, lessons learned in reconstruction activities, and efforts at institution building for application both in the current conflict and in future stabilization and reconstruction efforts.

The committee will focus on topics considered critical to success, including a close examination of the requirements for standing up robust, capable, and independent Iraqi Security Forces, which can take control from U.S. forces in many areas. The committee will examine the initial and ongoing training of these forces including the use of embedded training teams consisting of US military personnel, efforts to measure the readiness and effectiveness of these forces, the equipping of these forces, and the development of Iraqi institutions that support these forces.

The committee will also examine what the specific lessons learned in the war in Iraq reveal for the broader examination of potential changes in the shape and size of the force, including changes in doctrine and technology required. The committee will also continue to focus closely on force protection in Iraq.

Finally, the committee will examine the costs of the war in Iraq both as a necessary and appropriate oversight activity, but also as an essential element in forecasting the immediate, short term, and long term funding requirements for the Department.

Afghanistan

The war in Afghanistan is a central component in the war on terror, and due in large part to its unique significance, will be a major area of focus for oversight. The security situation in Afghanistan remains extremely challenging more than five years after the initiation of the conflict. Most critically, the border area between Afghanistan and Pakistan remains a major front for combating al Qaeda. The war in Afghanistan constantly vies with the war in Iraq for attention and resources, not least in terms of the

oversight capabilities of the committee, and should receive the attention and priority it deserves. The committee will provide increased attention to the war in Afghanistan, and will ensure that the appropriate level of DOD management attention and resources are also provided. The committee will focus on topics including: the status of the NATO led International Security Assistance Force and of US forces; the status of efforts to find and fight terrorists on the Afghanistan/Pakistan border; the role that drug production is playing in fueling the opposition and efforts to eradicate it; and the status of efforts to stand up, train and equip a viable Afghan National Army able to provide for the security of the Afghan people.

War on Terrorism

Since September 11, 2001, the Department has conducted military operations in a number of countries around the world against those who threaten the security of the United States or its friends and allies. The war on terrorism has also forced the Department to consider and implement new doctrines, organizations, and capabilities in an effort to take on a mission that is historically a non-traditional one for many of DOD components. The committee will focus attention on how the Department and the military services are prioritizing these efforts and if they are devoting the appropriate resources to match the requirement. In addition, the committee recognizes that the war on terrorism will be a long-term campaign, and will examine the implications of the nature of this "Long War" on the capabilities of the Department as well as the ability of the Department to contribute to the success of government-wide efforts to prevail in the war on terrorism.

The committee, and especially the Subcommittee on Terrorism, Unconventional Threats and Capabilities, will continue its oversight of the full range of unconventional threats to national security and U.S. military forces and the capabilities needed to respond. Particular attention will be given to, but not limited to: the role and involvement of U.S. Special Operations Command, especially recruiting and retention programs within the special operations community to determine challenges that confront field commanders; implementation of the DOD 2006 Quadrennial Defense Review (QDR) objective of strengthening interagency operations; progress in establishing a national collaborative environment for intelligence information; the conduct of information operations; terrorism related organizational matters, modernization requirements, and unique force protection challenges including the design of installations and facilities to address threats posed by terrorism utilizing either conventional weapons or weapons of mass destruction.

Nuclear Non-Proliferation and Threat Reduction

The committee will continue its oversight of the nation's nonproliferation programs carried out by the Departments of Energy and Defense. The committee will assess the threat posed by the proliferation of weapons of mass destruction, the effectiveness of existing programs, and areas where they can be expanded and improved. In particular the committee will examine how these programs need to be strengthened to respond to the 9-11 Commission's recommendations and to prevent weapons of mass

destruction proliferation and terrorism. The committee will look carefully at the Department of Energy's Global Threat Reduction Initiative, the Proliferation Security Initiative and Cooperative Threat Reduction Program. The committee will also closely assess inter-agency coordination and the timely and effective use of funds, given past obstacles that have created unobligated balances. Additionally, the committee will examine how programs could be strengthened to respond to emerging threats from weapons of mass destruction throughout the world, including Iran and North Korea, and to increase cooperation with Russia and other countries on activities to prevent weapons of mass destruction proliferation and terrorism. The committee will pay close attention to new areas across the globe where nonproliferation efforts may advance U.S. security interests and how existing authorities allowing the use of threat reduction program funding in areas beyond the former Soviet Union can be helpful. The committee will also consider the impact and effectiveness of international regimes, cooperative arrangements, and national policies on addressing the threat posed by weapons of mass destruction. The committee will continue to assess appropriate means of ensuring accountability in these programs, particularly those in the States of the former Soviet Union.

Intelligence

The committee will continue to coordinate with the Permanent Select Committee on Intelligence on tactical intelligence matters and intelligence-related activities of the Department of Defense, and intelligence and counterintelligence activities of the Department of Energy in the course of its annual oversight of the intelligence community and the authorization of appropriations for intelligence activities shared by the two committees. In addition, the committee will continue to monitor and assess the effects of the new Under Secretary for Intelligence position within the Department of Defense, as authorized by the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314). Moreover, the committee will monitor the reorganization of the Intelligence Community, through implementation of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458). The committee will also evaluate intelligence related acquisition programs both for effectiveness and affordability. All of the committee's efforts will be focused on ensuring the highest possible quality of intelligence support to the warfighter.

Military Commissions and Detainees

Enacted in October 2006, the Military Commissions Act (MCA) (Public Law 109-366), establishes the legal framework governing the operation of military tribunals and codifying some of the procedural rights of detainees. The committee will closely monitor the implementation of the MCA, including the finalization of the rules of procedure for the tribunals, the conduct of the trials under the MCA, and the functioning of appellate review by the newly established Court of Military Commission Review and eventually the Supreme Court. The Committee will also monitor how certain evidence is presented with particular attention paid to how classified information is used during these MCA-authorized adjudications.

The military tribunals and the detainees at Guantanamo Bay and elsewhere raise a number of critical issues that fall within the jurisdiction of the committee. The Committee will conduct thorough oversight of, among other things, the possible implication of members of the armed services in alleged incidents of detainee abuse, plans of the Department to construct facilities for the military commissions at Guantanamo Bay, and the possible implications of the MCA on the protections that are afforded to U.S. military personnel by the Geneva Conventions.

Space Policy and Programs

In 2006, a new National Space Policy was released, which will shape the future of defense space programs for years to come. And as has been the case for several years, space programs continue to include some of the highest risk modernization activities of the Department. The committee will continue to provide rigorous oversight to space programs. Particular attention will be given to, but not be limited to, the following: improvement of space situational awareness; national space policy and doctrinal statements on space; development of a professional space cadre; examination of the policy and programs regarding protection of national security space assets; maximization of space-based effects in military operations; program management; space acquisitions and prioritization of space programs; and the adequacy of and need for a separate space acquisition policy. Particular attention will be given to the technical readiness of various space systems currently in development. The committee will assess DOD efforts to leverage industry and academia for the purposes of increasing the quality of space-qualified personnel involved in space programs. Further, the committee will engage the space community to examine the space policy as well as explore opportunities to further integrate space assets with the nation's warfighting capability.

Organization and Management of the Department of Defense

The committee will review DOD infrastructure and organization to insure that it is properly postured to meet the complex security threats of the 21st century. Part of this will include monitoring the ongoing efforts of "transformation" within the Department as outlined in the 2006 QDR, among other defense reform proposals recommended by the administration or implemented in light of lessons learned from past efforts at defense transformation and ongoing operations. Of particular interest to the committee are the QDR's still-outstanding "roadmaps," including: department institutional reform and governance, irregular warfare, building partnership capacity, strategic communication, and intelligence. The committee will also examine how the Department is posturing itself to meet those requirements that have arisen from the publication of DOD Directive 3000.05, "Military Support for Stability, Security, Transition, and Reconstruction Operations." Furthermore, the committee will closely monitor the reorganization of the Office of the Under Secretary of Defense (Policy) and any proposed changes to the combatant command structure, including the potential formation of an Africa Command, and changes to the unified command plan. Additionally, the committee will monitor and assess the DOD reformation of joint officer management under the authorities granted by

the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

Department of Defense's Counter-Narcotics Activities

The committee will continue to monitor DOD activities which are related to the interdiction of illicit narcotics, particularly in and from major drug-producing and drug-transit countries. In fiscal year 2007, the Department received over $1.0 billion in counter-drug funding. This funding reflects DOD's role as the leading federal agency in the detection and monitoring of the aerial and maritime transit of illegal narcotics into the United States. In addition to contributing to curtailing narcotics trafficking into our country and our allies, the DOD counternarcotics efforts impact its ability to combat terrorism, since a number of Foreign Terrorist Organizations, such as the Revolutionary Armed Forces of Colombia and al Qaeda, rely on the financial and materiel networks of narcotics traffickers.

Specifically, the committee's oversight will include an assessment of the DOD plans to reorganize its counternarcotics activities under a new Assistant Secretary for Global Security Affairs and the impact of this reorganization on the Central Transfer Account; a review of tactical intelligence gathering and use for counter-drug purposes; an assessment of the efficacy of Plan Colombia and the Andean Counter-drug Initiative as implemented by the Department and proposals to consolidate these programs; a review of DOD efforts to curb poppy cultivation and opium production and trafficking in Afghanistan; a review of DOD interdiction of illicit narcotics, including cocaine, methamphetamine, and opium, transiting from Mexico, Central America, the Andean region, and the Caribbean Basin into the United States; and a review of the DOD training of foreign law enforcement and other security forces for the purpose of combating the trafficking of illicit narcotics.

The Interagency Process and Reform

National security issues continue to increase in complexity and increasingly are transnational in character. The United States must use all means of national power to address almost every situation that arises. The Department is an active participant in the interagency process, and there is a growing recognition of the extent to which military problems, especially those involving homeland defense, stabilization, and reconstruction activities, intelligence and counter-insurgency operations call upon the resources and expertise of multiple federal departments and agencies, State and local governments, and international partners. The committee will work to identify ways in which the Department can be better postured to plan for, ask for and receive necessary support from other agencies, and how the Department can be better postured to support other agencies in helping to achieve those agencies missions to ensure all departments and agencies are effectively coordinated towards achieving national objectives.

HEALTH OF THE FORCE

Readiness of Military Forces

The committee will increase its oversight of the services' readiness programs to ensure that military units possess the required resources and training to complete their assigned full-spectrum combat mission. Continuous combat operations have placed significant stress on ground and air equipment stocks. Shortages have resulted and are manifest in declining readiness rates for units not currently assigned to the combat theater. Declining readiness has reduced the training readiness of military units and created increased strategic risk to the nation. The committee intends to conduct vigorous oversight of all of the Department of Defense's (DOD) readiness plans and programs to ensure military units are fully trained and equipped for combat.

Resetting the Force

The operations in Iraq and Afghanistan have placed significant surge requirements on the depots and the industrial base for resetting ground forces' equipment. Combat operations are consuming equipment at a greatly accelerated rate, which has reduced overall readiness across the military services. The repair, recapitalization, and replacement of equipment are very significant challenges facing the Department. This challenge has not been fully met by the Department and additional effort must be focused on supplying military units with the equipment they need to train, deploy and fight. The committee will continue to conduct oversight of reset as requirements continue to grow and strict oversight is required to ensure that our forces are ready for combat and that money is not wasted. Reset costs totaled over $20.0 billion in fiscal year 2006 alone, and this enormous expenditure places additional importance on increased oversight by the committee.

TOTAL FORCE, PERSONNEL, AND HEALTH ISSUES

Future end strength

The current operational deployment schedule has placed tremendous pressure on active duty troops; the committee is concerned that if the current deployment pace continues it will have a long-term adverse impact on our forces, particularly the ground component. The committee will continue its effort to assess the level of active and reserve end strength needed to meet current and future operational requirements. Utilization of the reserve components and deployment standards will also be reviewed given the shift of the reserve components from a strategic reserve force to an operational reserve force. End strength increases authorized during the 109th Congress will need to be examined to determine whether end strength levels are sufficient for the global challenges facing our nation in the future. In addition, force structure requirements will be reviewed to determine whether additional increases are necessary and whether changes to the active and reserve component force structure mix being undertaken by the services are enhancing the armed forces ability to meet mission requirements.

Specifically, the committee will closely scrutinize any plans proposed by the President to increase the end strengths of the Army and the Marine Corps to ensure that the desired increases meet mission needs, are achievable, will enhance combat capability, and meet the long term requirement to balance end strength requirements and cost. The committee will also review the proposed force structure reductions proposed for the Navy and Air Force to ensure that vital combat capability is not being forfeited. The committee will continue to closely monitor the Department of Defense's (DOD) increasing use of Navy and Air Force personnel to meet forward deployed mission requirements in lieu of Army and Marine Corps personnel.

Recruiting

Because of increasing college attendance rates, a strong job market, and the difficulty of the wars in Iraq and Afghanistan, the recruiting environment for the services is expected to continue to be highly challenging. The committee will be closely monitoring the Army and Marine Corps recruiting programs as they continue to increase their end strengths. The committee is also concerned about the preparedness of the Air Force and Navy to transition from relatively low recruiting objectives during several years of force reduction to the larger objectives that will be required when the services return to force sustainment recruiting levels. The committee will focus on how the difficult recruiting environment has affected recruitment of qualified individuals; particularly those with specific skills and training that are required by the services, such as linguists and specialty medical providers. The committee expects to also examine the quality of recruits and the implications associated with such recruitment challenges. The committee expects to examine all aspects of recruit quality to include age, education level, test scores, and the number of waivers to recruit standards relating to conduct and medical requirements. The committee will explore options to improve recruit quality to prevent the negative consequences for good order and discipline and mission accomplishment associated with reductions in quality. The committee will also investigate trends in recruiter improprieties to verify that recruiters who commit crimes or are guilty of unethical conduct receive appropriate punishment. The committee will also pursue improvements to the recruiting environment that will preempt the need for recruiters to push procedural boundries and allow early identification of misconduct.

Retention

The increasing stress of current high operations tempo and competition from a strong private-sector job market will increase the pressure on retention programs throughout the military. Although service retention programs have been successful up to this point, costs have increased significantly and the services must manage retention closely and increase resources to meet new challenges as they occur. The committee will closely monitor retention trends to identify emerging problems quickly and ensure that the services are responding with the resources necessary to be successful. The committee will also seek the views of current service members to ensure that the appropriate remedies are implemented by the services. Finally, the committee will closely monitor

retention of service members serving in shortage skills to ensure that the services possess the legislated tools necessary to protect these critical skills.

Education benefits

The committee will continue to ensure fairness and equity in educational benefits provided to members of the active and reserve components, particularly those who have been deployed. Educational benefits provided to active duty service members have helped in their transition to civilian lives and the committee will continue its efforts to ensure that all service members are afforded the opportunities to leave service with the necessary support for a smooth transition.

Joint Professional Military Education

Professional military education is the backbone in the development of our nation's armed forces, and the quality of that military education distinguishes American forces around the world. It begins from the time a member enters the military and continues through their entire career. Therefore, the committee remains committed to ensuring that the quality and availability of professional military education programs remain a priority for the services and the Department, and is considered career enhancing, even during times of high-operational tempo, when the Department may be tempted to shortchange educational opportunities for service members to provide manpower in the short term. As part of its oversight responsibilities of this important issue, the committee expects that it will actively engage in monitoring the rigor and relevance of the curricula being offered at all levels, including those provided to meet joint professional military educational requirements. Additionally, an important part of this program includes opportunities for service members to attend advanced civil schooling in a wide variety of disciplines, including the liberal arts and the committee will explore innovative approaches to providing such opportunities to the widest group of service members possible.

Force Morale and Family Welfare

As the stress on military forces and their families continues to grow fueled by multiple deployments, minimal dwell time between deployments, and increased operations tempo at home station, the committee will pursue a better understanding of the implications for service members and their families and the potential remedies that will make a difference in their lives. The committee will focus on reaching out to service members and families to better understand the challenges they confront in their daily lives and to identify the programs and policies that can be developed or modified to improve the morale of the force and safeguard the welfare of families. Programs and policies such as force utilization, health care, compensation, leave, family support, and childcare will be explored for opportunities to expand capabilities and make improvements.

Appropriated Funding for Morale, Welfare and Recreation (MWR) and Military Resale Programs

Reduced funding for installation operations and generally tight budgets among the armed services has resulted in increased evidence that funding for MWR and military resale programs is being reduced and withheld. Reduced funding for these programs has direct implications for service member and family morale and their quality of life. The committee will focus on appropriated funding to support MWR programs, commissaries, and exchanges to include historic and current funding patterns, trends in the availability of MWR program services, and the fiscal solvency of military commissaries and exchanges. The committee will also explore options for improving funding for MWR and military resale programs and setting a funding course that ensures future stability of the programs.

Funding for Nonappropriated Fund Construction Programs

The committee is concerned that the DOD nonappropriated fund construction program is not adequate to maintain and replace Morale, Welfare, and Recreation facilities, commissary stores, and exchange stores at a level of frequency and investment that is consistent with the high standards deserved by the military community. The committee will pursue a better understanding of the standards that are needed for these facilities, the resources required to maintain those standards, and any shortfall in the resources available. The committee will also explore options to find new funding and change policies and programs to ensure that future funding for nonappropriated construction is adequate.

Military Health Care System

Similar to the civilian sector, the cost of care within the military health system continues to grow. The committee is well aware of the potential adverse impact of uncontrolled cost growth within the military health care system on the Department. The committee will continue its efforts to contain cost growth within the military health care system, while improving access to quality health care for service members, retirees, and their families. The committee will also oversee recent enhancements to the health care program to provide TRICARE Standard Coverage to reserve component members and their families, as well as assess efforts to improve and enhance mental health programs and policies, including those addressing traumatic brain injuries, post-traumatic stress disorder, and severe depression, for service members. Additionally, the committee remains committed to a robust medical research and development program focused on military heath issues, such as blast injury mitigation and treatment, combat trauma care, military infectious diseases, and medical biological/chemical defense.

Uniform Code of Military Justice and Investigations

The committee will continue its oversight of the Military Justice System to ensure that its processes are transparent and just. The committee will focus on incidents of

sexual assault, and on investigations into misconduct in Iraq and Afghanistan that may indicate other problems related to recruit screening, training deficiencies, or command responsibility. It is also important that the Military Justice System protect the individual rights of service members. In that regard, the committee will specifically review the practice of "titling" which is the decision to place the name of a service member in the "subject" block of a criminal report of investigation (ROI) when credible information exists which would cause a reasonable person to suspect that a person committed a criminal offense. The committee will ensure that the "titling" process is not only fair towards military personnel, but also contributes to good order and discipline.

Civilian Personnel

The committee will significantly increase oversight of civilian personnel pay and policies. The Department has begun implementing the National Security Personnel System (NSPS) giving rise to problems that the Committee must examine closely. The committee intends to pay close attention to implementation of the pay for performance system, and developments with the DOD attempt to modify the collective bargaining and employee appeal rights portions of NSPS. In addition to NSPS, the committee will also increase its oversight of the Department's use of authorities such as A-76 to contract out DOD activities. The committee is concerned about the increased use of these authorities and will closely examine the cost-benefit analyses of the existing and future contracting out of functions done by DOD employees or military members.

Military Personnel System Reform

Many public and private sector agencies have studied the current military personnel system and concluded that the U.S. military would benefit from a more flexible personnel system that provides for disparate career lengths, compensation, and retirement benefits based on the unique manpower needs of specific occupational specialties. The committee will examine the ongoing efforts to establish a more flexible system and consider any additional revisions of the system that can be approached in an incremental manner. The committee will also study the potential to adopt more sweeping changes and determine the positive and negative implications of such changes.

Decorations

During the 109th Congress, the Subcommittee on Military Personnel held a hearing to examine the criteria and process used by the military services and the Department in determining valor awards and decorations. The committee will continue to monitor the awards and decorations process to ensure that it is consistent and service members are publicly recognized for their heroism with the appropriate award.

Compensation Systems and Debt Collection

Congress adopted a series of measures in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to protect the fiscal

interests and welfare of service members and their families by providing guidelines to ensure responsible collection of debts to the government and expanding the government's authority to forgive debt when it is incurred through no fault of the member. The committee will be reviewing the implementation of these initiatives to ensure the programs reflect the increased sensitivity to the welfare of service members that was intended. Additionally, the committee remains concerned about the accuracy and efficiency of military pay systems that have caused military members and families so much hardship, particularly for those members of the reserve components who are mobilized to serve on active duty. Accordingly, the committee will continue to examine military pay systems to ensure that progress is realized.

Grade Structure Increases Related to Transformation and Joint Operations

The committee has received increasing evidence that the ongoing transformation of the military and increased frequency of joint military operations has increased the officer billet requirements in terms of both numbers and grades. Due to the grade table limitations included in the Defense Officer Personnel Management Act (DOPMA) (Public Law 97-22), the services claim they are no longer able to meet the grade requirements necessary to ensure successful combat capability. The committee will study these requirements carefully to determine if the ongoing changes to military operations and force structure also require the revision of the DOPMA grade tables.

Ongoing Reviews of Personnel Issues

The 109th Congress made significant changes in law and policy with respect to sexual harassment within the services. The committee will continue to ensure that changes to policies and programs are implemented and assessed for their effectiveness in reducing sexual harassment and assault within the Department. The committee will also continue its efforts to ensure that wounded and disabled service members and their families are afforded the support that they need. Significant changes to improve the programs and policies that support wounded and disabled service members have been made and the committee will continue to ensure that these programs and policies evolve to address issues that are raised by service members and their families. The committee will also actively monitor the progress by the military services in providing quality casualty assistance programs to support family members of those killed and wounded while serving on active duty.

ACQUISITION ISSUES

The Acquisition System and Acquisition Policy

The committee will continue to provide oversight of the defense acquisition system and address growing concerns about cost growth in major defense acquisition programs and the responsiveness of the system to compelling military needs. In 2005, three major studies examining the defense acquisition system were released including the Defense Acquisition Performance Assessment, the Defense Science Board Acquisition

Study, and the Beyond Goldwater Nichols Report. Each of these studies found substantial problems in the current acquisition system and recommended several significant changes. The committee will monitor the efforts of the Department of Defense (DOD) and the Under Secretary of Defense for Acquisition, Technology, and Logistics to implement the recommendations of these reports.

As part of its oversight, the committee will examine in depth the military requirements process that is the foundation of the acquisition system. Weapons system programs begin with the validation of a military requirement, the process by which this occurs, while lengthy and filled with cross service consultation, continues to produce outcomes which do not reflect the jointness that the military has achieved at the operating level.

The committee has adopted numerous revisions to existing acquisition statutes in recent years including revisions to the Nunn-McCurdy Amendment (10 U.S.C. 2433) requiring the reporting of cost growth in weapons system, revisions to laws controlling the government's interest in technical data rights, and revisions to laws governing the management structure for contracting for services. The committee will monitor the implementation of these and other statutes and continue to recommend revisions where necessary.

The committee will also continue to push for accountability and integrity in contracting. In 2006, the committee authorized the Department to establish a Panel on Contracting Integrity. This panel is charged with finding vulnerabilities within the processes and policies of the acquisition system that allow or encourage fraud, waste, and abuse. The committee will work with the Panel on Contracting Integrity, working in part through the reconstituted Subcommittee on Oversight and Investigations, to identify and eliminate as many contracting vulnerabilities as possible.

Defense Industrial Base and Technology Transfers

The committee will give close examination to the health of the defense industrial base. In a number of sectors, the industrial base for complex major weapons systems has shrunk to as few as two companies. Even with this consolidation, some of these suppliers appear to be struggling to generate profit margins large enough to justify long-term investments in infrastructure and technology. These long-term investments are vital to the health of the defense industrial base.

The Department has struggled to maintain a viable shipbuilding industrial base in the face of declining naval ship orders and foreign competition for commercial vessels. The committee will attempt to understand what policies are necessary to provide incentives to the remaining shipbuilders for infrastructure improvements which could lead to improved efficiencies and ultimately lower cost for naval vessels and a fair competitive base to compete for commercial work.

The committee will also examine the structure of the defense industrial base. The last decade has witnessed a number of mergers and acquisitions in the defense industry that has resulted in creating a handful of large defense companies operating largely as system integrators. In addition, there has been substantial consolidation among second- and third-tier suppliers. The committee will examine the effects of this consolidation on competition and the extent to which contractors may be taking on management roles previously performed by the government. And the committee will continue to review issues surrounding contractors on the battlefield and the outsourcing of inherently governmental operational functions.

The committee will continue to examine the U.S. export control regime and its effectiveness in preventing the transfer of sensitive military-related technologies to potential adversaries. The consolidation of the defense industry and its increasingly global nature will increasingly challenge the capabilities of the current system. In this area, the committee will continue to coordinate with the Committee on Foreign Affairs.

Financial Management

The Department continues to receive a grade of unsatisfactory, the lowest rating, from the Office of Management and Budget for its financial performance. The DOD's inability to track and account for billions of dollars in funding and millions of dollars of assets continues to undermine its financial management systems. It also creates a lack of transparency that significantly limits congressional oversight. The committee will examine the causes of the DOD's inability to consolidate its financial information, and monitor closely the hundreds of millions of dollars being spent on business systems modernization programs that the Department has proposed to address its financial management problems.

The committee will also continue to ensure that programs to modernize the business systems of the Department are coordinated across all of the military services and defense agencies in accordance with a sound strategic plan, and that the Department observes strict compliance with all laws relating to the use and purpose of appropriated funds.

MODERNIZATION AND INVESTMENT ISSUES

Cost Growth in Weapons Systems

Major air, land, space, maritime, and information technology acquisition programs continue to experience cost growth, schedule delays, and/or performance degradation from envisioned capabilities. The committee will conduct hearings and briefings, and assess the need for legislative action by examining the causes of these problems including too many programs competing for too few resources; requirements determination, definition, and growth; failures of cost estimation; unrealistic program schedules related to immature technology and insufficient funding; instability in funding profiles; labor and material cost increases; and management shortfalls.

Military Modernization

Aging equipment, high operational tempo, and the broad spectrum of military capabilities required to meet the diverse current and projected threats to national security, pose a potentially overwhelming fiscal challenge. The committee will seek to ensure that that the highest priority requirements of the nation's active, guard and reserve land, sea, and air forces are properly resourced. The committee will first emphasize force protection and the maintenance of current capabilities through the timely repair and upgrade of equipment – "resetting" – being used in Operations Enduring and Iraqi Freedom. Further, the committee will support, to the extent fiscal resources will permit, the development and fielding of capabilities such as Army modernization; shipbuilding; anti-submarine and mine warfare; expeditionary forces; tactical aviation; strategic nuclear forces; space; intelligence, surveillance, and reconnaissance; special operations; air and sea lift; ammunition and munitions; and the military industrial base. Finally, the committee will seek to ensure that the services develop and field systems that will provide the maximum commonality and interoperability among the military services, as well as, when possible, our allies and friends.

Force Protection

The committee will continue to place emphasis on supporting capabilities that protect personnel and equipment against both symmetrical and asymmetrical threats from an offensive as well as defensive perspective. The committee will pursue a holistic approach to force protection with an examination of military force posture and forward presence, tactics, techniques and procedures, and overall technological capability. In Iraq and Afghanistan, significant attention will continue to be given to personnel body armor, tactical wheeled vehicle armor protection and countermeasures to improvised explosive devices (IED). Additional priority will also be given to ensuring that resources and the commitment to "attacking the network" of those endangering our forces is appropriately placed, including the support of persistent surveillance directly commanded and controlled by tactical ground forces and solutions to counter the growing sniper threat. Globally, the committee will continue to review the relative vulnerability of U.S. forces in transit or positioned in fixed locations. Overall, the committee will explore innovative acquisition policies and procedures in an effort to provide sufficient flexibility in support of requirement identification, research and development, immediate procurement, and rapid operational testing and fielding of additional capabilities. Finally, the committee will maintain close oversight of the Joint IED Defeat Organization and its task forces to ensure appropriate intra-departmental coordination for fielding effective and affordable force protection measures.

Missile Defense Programs

The committee will continue to monitor the Department of Defense's (DOD) efforts to field an initial capability for national missile defense as well as other systems that can or do protect our deployed service members and allies. The committee will

focus on three areas: tracking of key milestones for the development and testing of missile defense elements and the effect on future program viability; tracking the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) requirement for establishing system baselines and operational test and evaluation criteria; and transitioning of missile defense elements to individual services. The committee will be particularly interested in the Department's efforts to implement section 223 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), which established the U.S. policy that the Department accord a priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities.

Military Applications of Nuclear Energy

The committee will continue to oversee the Atomic Energy Defense Activities carried out by the Department of Energy, including, but not limited to, the following: modernization and maintenance of U.S. defense nuclear force structure in support of military and national security requirements including the plan for transformation of the nuclear weapons complex as required by the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) and implementation of the Reliable Replacement Warhead program in accordance the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163); impact of a nuclear test ban on the safety and reliability of the U.S. nuclear deterrent and U.S. national security; the adequacy of the Department of Energy's science-based stockpile stewardship program to guarantee the safety, reliability and performance of the stockpile in the absence of testing with an emphasis on assessing the adequacy of the quantification of margins and uncertainty methodology including findings of the National Academy of Science study directed by the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364); the Department's plan for transformation of the nuclear weapons complex required by the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364); implementation of options for consolidation and disposition of weapons-grade plutonium and highly enriched uranium; Department of Energy compliance with Design Basis Threat requirements; management of defense nuclear waste including implementation of Waste Incidental to Reprocessing changes. Additionally, the committee will pursue an assessment of security standards and practices at all National Nuclear Security Administration sites, with a specific focus on the quality of federal oversight of laboratory management and operating contractor security practices; an evaluation of National Nuclear Security Administration performance of its roles and missions under Title 32 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65); and evaluation of the current U.S. nuclear weapons posture and doctrine.

In addition, the committee will provide oversight to the Department of the Navy's Nuclear Propulsion Program and focus on the potential for the expansion of nuclear propulsion systems for the Navy's future fleet.

Space Technology

The committee will closely monitor and encourage the development of small-satellite and responsive launch technology with the objective of full demonstration and eventual operational deployment. Additionally, the committee will continue to monitor general space technology developments and technology maturation to decrease technical risk in acquisition programs.

Accelerated Fielding of Advanced Technologies

The pace at which new technology moves from the laboratory to a fielded system has been an area of continuing concern to the Department and to the committee. There are a number of initiatives underway in the Department to address this problem including, but not limited to: the Advanced and Joint Concept Technology Demonstration programs; the services' rapid fielding initiatives; the congressionally sponsored Technology Transition Initiative and the Defense Challenge Program; the expansion of the role of small business in the development and transition of technology through the Small Business Innovative Research program; the implementation of congressional direction to the Secretary of Defense to prescribe rapid acquisition and deployment procedures and of the use of special emergency procurement authority for use in support of contingency operations or in response to a nuclear, biological, chemical, or radiological attack; and the establishment of the quick reaction special projects program. The committee will review the effectiveness of these programs and assess additional measures recommended by the Department to accelerate the transition and fielding of advanced technologies to meet emerging critical needs, and ensure the DOD test and evaluation procedures reflect an appropriate balance between rapid fielding and a thorough understanding of the operational sustainability of fielded systems.

Chemical Demilitarization Program

Under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, otherwise know as the Chemical Weapons Convention (CWC) the United States is required to complete the destruction of its stockpile of lethal chemical warfare agents and munitions by September, 2012. Although nearly 40 percent of the CWC-declared U.S. chemical weapons stockpile has been destroyed and good progress is being made in bringing on line the last of the Army's baseline incineration plants, long-term technical issues and political and environmental controversies have resulted in significant program delays and cost growth in the Army-managed program and in the Assembled Chemical Weapons Alternative program managed by the Office of the Secretary of Defense. The committee will address the current state of the program and measures that might be taken to reduce program costs and accelerate the destruction of the stockpile during hearings on the fiscal year 2008 and 2009 budget requests.

Chemical Biological Defense Program

In the National Defense Authorization Act of Fiscal Year 2002 (Public Law 107-107), Congress directed the Secretary of Defense to accelerate DOD efforts to develop medical countermeasures against biological warfare agents and for the Institute of Medicine and the National Research Council to identify new approaches to accelerate the process for review and approval of such countermeasures. In the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), Congress also provided the authority for the Secretary to establish an enhanced biomedical countermeasures program to protect members of the armed forces from attack with chemical, biological, radiological, or nuclear agents. During consideration of the fiscal year 2005 budget request, the committee directed the Secretary to provide the Department's strategic plan implementing these authorities. The committee expects to address the effectiveness of the plan during oversight hearings on the chemical-biological defense program."

In addition, the committee will provide continued oversight of the Transformational Medical Technology Initiative to ensure the Department effectively implements the 2006 QDR recommendation to develop broad-spectrum medical countermeasures against advanced bio-terror threats; the committee will review the DOD modernization plan for legacy nuclear, biological, and chemical contamination avoidance, defense, protection and decontamination systems; the committee will review the effectiveness of the Joint Program Executive Office in addressing National Guard and Reserve chemical-biological defense requirements; and the committee will review how the Department will achieve the nuclear, chemical, and biological defense training objective addressed in the 2006 QDR.

ENVIRONMENTAL PROGRAMS

The committee will significantly increase its oversight of the Department and military services' environmental management. The committee believes more attention is required to monitor DOD funding and adherence to federal, state, and local requirements for cleanup, compliance, and pollution prevention. The committee will examine the DOD efforts to remediate existing contamination on federal lands with particular attention paid to Base Realignment and Closure (BRAC) installations locations where contamination may be affecting local populations. Additionally, the committee intends to closely monitor the activities of the Department to ensure that military training is in full compliance with applicable federal state and local environmental laws.

HOMELAND DEFENSE

In October 2002, the Department issued the Unified Command Plan 2002 that established a new combatant command, U.S. Northern Command, to provide unity of command for the land, sea and air defense of the United States. The National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107) created an Assistant Secretary of Defense for Homeland Defense (ASD-HD) to oversee DOD activities related to homeland security. Further, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108-375) created new authority for the use of the National

Guard under title 32, United States Code, in support of homeland defense activities. Measures have been established to coordinate DOD homeland defense and counter-terrorism functions with those of other departments, as well as the National Guard and individual states. The coordination between U.S. Northern Command, ASD-HD, the National Guard and the States will continue to be a focus of committee oversight activities.

INFORMATION TECHNOLOGY

The committee will continue to focus on the management and acquisition of the DOD information technology programs. Particular attention will be given, but not limited to the following: implementation by the Department of the information security reforms authorized by the E-Government Act of 2002, the Clinger-Cohen Act of 1996 a section of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208), as well as numerous provisions in various National Defense Authorization Acts; assessment of the measures being taken by the Department to reduce the number of legacy systems and to improve the security of information technology networks; establishment and implementation of a standard architecture for all information technology applications; and reduction of the vulnerability of information technology systems to unauthorized access and use, the theft of information, and new forms of information warfare and terrorism. Strict scrutiny will be given to the DOD's enterprise-wide business systems relative to cost and deployment schedules for these and other business systems. Committee oversight will also focus on gaining a better understanding of the architecture for tactical information technology systems and how the personnel, intelligence, operations, logistics, communications, and others tactical information technology systems fit together under an enterprise architecture that ensures cost savings and minimizes redundant capabilities to the operators. As appropriate, the committee will continue to coordinate with the Committee on Government Reform in these areas. Additionally, the committee will review the management of radio frequency spectrum to ensure that national security requirements are adequately addressed. In that review, the committee will continue to coordinate with the Committee on Energy and Commerce in this matter of shared jurisdiction and interest.

BASE REALIGNMENT AND CLOSURE

The committee will closely monitor the conduct of the Department as it implements the 2005 Base Realignment and Closure (BRAC) decisions. The committee will ensure that the Department adheres to regulations and statutes governing base reuse, property disposal, and community adjustment assistance. The committee will monitor DOD efforts to complete closure and transfer from prior rounds of BRAC will examine the costs and savings associated with BRAC actions taken in 1988, 1991, 1993, 1995 and 2005. Additionally, the committee will examine the DOD re-stationing of units from overseas. These rebasing movements not only affect the U.S. strategic posture but they also have significant repercussions on readiness, surge capability, military construction and quality of life for military members and their families. The committee also recognizes that as a result of base realignments and closures there may be an influx in the

number of dependent children attending local off base schools. As a result, the committee will closely monitor the Impact Aid Program which distributes money to local educational agencies that are financially burdened by federal activities and which provides technical assistance and support services to staff and other interested parties.

NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE

The committee will continue its oversight of the implementation of Chapter 531, Maritime Security Fleet, of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136). In addition, the committee will continue to monitor the administration's national security tanker program, the Title XI loan guarantee program of the Merchant Marine Act of 1936, and assess the condition of the National Defense Reserve Fleet and the administration's efforts at disposing of the vessels using domestic sources in an environmentally sound manner.

JOHN M. SPRATT, JR., SOUTH CAROLINA
CHAIRMAN

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

January 25, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Pursuant to House Rule X clause 2(d), I am submitting the Committee on the Budget's oversight plan for the 110th Congress. The oversight plan was adopted during our Committee's organizational meeting, which was held January 18, 2007.

Should you have any questions regarding this submission, please contact Lisa Venus, Parliamentary Counsel, by calling 226-7200.

Sincerely,

John M. Spratt, Jr.
Chairman

(202) 226-7200 207 Cannon House Office Building e-mail: budget@mail.house.gov

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Oversight Plan for the 110th Congress
Committee on the Budget
U.S. House of Representatives
January 18, 2007

Resolved: That the Committee on the Budget, pursuant to clause 2(d) of House Rule X, and Committee Rule 23, adopt as the Oversight Plan of the Committee on the Budget for the 110th Congress the following:

Committee Jurisdiction/Oversight

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

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

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

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

Oversight Plan for 110th Congress

Budget Priorities

In the process of developing the annual concurrent budget resolution, the Committee will hold hearings and receive testimony from Members of Congress, Cabinet-level and other federal

officials, and expert witnesses to review the President's budget submissions and other alternatives to programs and activities.

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

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

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

Budget Enforcement

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

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

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

The Committee will work with the Appropriations and the authorizing committees to ensure that spending and tax legislation does not breach the appropriate levels in the budget resolution, as required under sections 302(f) and 311(a) of the Congressional Budget Act of 1974, as well as monitor compliance with the House Pay-As-You-Go (PAYGO) rule.

The Committee will submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, pursuant to Section 201(a)(2) of the Congressional Budget Act of 1974, the recommendation of a replacement to fill the position of Director of the Congressional Budget Office.

Budget Process Reform

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

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

Oversight Schedule

First Session (2007)

Winter 2007 — Hearing on costs of the War in Iraq and Afghanistan.

Winter 2007 — Hearing on CBO's Economic and Budget Outlook – Director of CBO.

Winter 2007 — Hearing on the President's fiscal year 2008 budget – Director of OMB.

Winter 2007 — Hearing on the President's fiscal year 2008 budget – Secretary of the Treasury.

Winter 2007 — Hearing on deficits/debt.

Winter 2007 — Hearings on defense/homeland security and the President's fiscal year 2008 budget.

Winter 2007 — Hearings on domestic priorities and the President's fiscal year 2008 budget.

Winter 2007—Hearing on the economic outlook and the impact on the Federal Budget - Chairman, Board of Directors of the Federal Reserve System.

Winter 2007 — Hearing on the President's fiscal year 2008 budget – Members of Congress.

Winter 2007 — Receive Views and Estimates from other committees to coordinate the development of the annual concurrent budget resolution.

Summer 2007—Hearing on Social Security.

Summer 2007—Hearing on issues related to tax reform.

Summer 2007 — Hearing on Mid-Session Review – Director of OMB.

Summer 2007 — Hearing on the Update of the Budget and Economic Outlook – Director of CBO.

Other hearings to be announced.

Second Session (2008)

Winter 2008 — Hearing on costs of the War in Iraq and Afghanistan.

Winter 2008 — Hearing on CBO's Economic and Budget Outlook – Director of CBO.

Winter 2008—Hearing on the economic outlook and the impact on the Federal Budget Chairman, Board of Directors of the Federal Reserve System.

Winter 2008 — Hearing on the President's fiscal year 2009 budget – Director of OMB.

Winter 2008 — Hearing on the President's fiscal year 2009 budget – Secretary of the Treasury.

Winter 2008 — Hearing on deficits/debt.

Winter 2008 — Hearings on defense/homeland security and the President's fiscal year 2009 budget.

Winter 2008 — Hearings on domestic priorities and the President's fiscal year 2009 budget.

Winter 2008 — Hearing on the President's fiscal year 2009 budget – Members of Congress.

Winter 2008 — Receive Views and Estimates from other committees to coordinate the development of the annual concurrent budget resolution.

Summer 2008 — Hearing on Mid-Session Review – Director of OMB.

Summer 2008 — Hearing on the Update of the Budget and Economic Outlook – Director of CBO.

Other hearings to be announced.

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COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
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February 15, 2007

The Honorable Henry Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman,

Pursuant to Rules of the House of Representatives, I respectfully submit the Oversight Plan for the 110th Congress for the Committee on Education and Labor. The Committee adopted the Oversight Plan by unanimous consent, with a quorum being present, at a Full Committee Markup on February 14, 2007. Please also find an electronic copy burned to disc attached. If you have any questions, please contact Joe Novotny of my Committee staff at 225-3725. Thank you.

Sincerely,

George Miller

GEORGE MILLER
Chairman

attachment

REPORT OF OVERSIGHT AND INVESTIGATION PLAN
OF THE
COMMITTEE ON EDUCATION AND LABOR

MR. MILLER, from the Committee on Education and Labor, submitted to the Committee on Oversight and Government Reform and the Committee on House Administration the following.

REPORT
OVERSIGHT AND INVESTIGATION PLAN
OF THE COMMITTEE ON EDUCATION AND LABOR

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

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

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

2. Jurisdiction of the Committee on Education and Labor

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

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

3. General Oversight Responsibilities

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

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

4. Exercise of Oversight Responsibilities

Oversight is a constitutional responsibility of the Congress and a core objective of the Committee. Accordingly, the Committee will thoroughly oversee and investigate the various agencies, departments, and programs within its jurisdiction. In doing so, the Education and Labor Committee will actively consult with other House committees having concurrent or germane jurisdiction.

In its oversight proceedings, the Committee will make full use of formal hearings—held in Washington, D.C. and regionally—and "e-hearings" to ensure all relevant voices are heard and made part of the official record. The Committee will conduct Member and staff site examinations, correspond with impacted parties and review audits and investigations by, among others, the Congressional Research Service, Government Accountability Office, the United States Attorney General and the Offices of the Inspectors General of the Departments of Labor, Education, and Health and Human Services. The Committee has identified the following areas for oversight and investigation in the 110th Congress.

Strengthening the Middle Class: The Committee will investigate trends in economic conditions and employment practices generally that affect the ability of the Nation's workers to acquire and maintain decent standards of living for themselves and their families, including trade issues and compensation, benefits, and other workplace policies and practices.

Higher Education: The Committee seeks solutions that will make higher education more affordable and accessible to the middle class. The ever-increasing cost of college admission prevents many qualified students from obtaining a higher education. At four-year public colleges and universities, tuition has increased by about 40 percent since 2001. Since July 1, 2006, interest rates on new Stafford loans are fixed at 6.8 percent. Accordingly, the Committee will examine strategies to improve the effectiveness and efficiency of our Nation's postsecondary education system and explore ways to contain higher education costs. The Committee will also examine very closely the various loan and grant programs available to qualified students to identify the best practices going forward.

Retirement Security: The Committee will explore options for greater transparency and understandable disclosure of the various fees that 401(k) sponsors charge plan participants to establish, maintain and invest their plans. The Employee Retirement Income Security Act (ERISA) requires 401(k) plan sponsors to disclose only limited information on such fees. More than 45 million Americans are invested in these tax-deferred, defined contribution plans with assets totaling more than $2 trillion for their future retirement. Many of these investors are unaware of all the plan fees that could be cutting deeply into their savings. Therefore, the Committee will examine closely the disclosure practices among plan sponsors and the relationships among the various players in these defined contribution plans. The Committee will also review the Department of Labor's practices and authority under ERISA to oversee plan fees.

Public Education: The Committee will investigate the implementation and funding priorities of the 5-year-old No Child Left Behind (NCLB) Act seeking to close the academic achievement gap among the Nation's public school students. Although the Committee supports the overall integrity and core objectives of NCLB, it seeks more diligent oversight of the Department of Education's implementation of the law to improve NCLB's effectiveness. Accordingly, the Committee will thoroughly investigate specific aspects of the Department's implementation of the law to ensure that the core objectives of NCLB are met. The Committee also seeks to distinguish between remedies that address problems with implementation of the law and the lack of federal, state, and local resources.

Welfare of Miners: In addition to examining the Occupational Safety and Health Administration's efforts to protect our Nation's workers, the Committee will conduct thorough oversight on worker safety conditions in America's coal and non-coal mines. Last year was one of the deadliest years in recent history for America's miners. During this Congress, the Committee will ensure that all voices affected by

mining safety issues are heard and that existing miner laws and regulations are implemented and strengthened. The Committee will review the implementation of the MINER Act and investigate the process for investigating miner safety complaints. The Committee will examine and bring to light all available information about last year's tragedies at Aracoma Alma, Darby and Sago, and examine the thoroughness and fairness of MSHA's investigative approach.

Labor Rights: The Committee will examine closely the laws, regulations and practices affecting all our Nation's workers. The Committee will conduct thorough oversight of the Department of Labor, Equal Employment Opportunity Commission, and the National Labor Relations Board to ensure they are making and effectively enforcing the rules needed to protect workers, including the Nation's wage and hour, child labor, health and safety, organizing and collective bargaining, and workplace discrimination laws. Such oversight will include an examination of the effectiveness of voluntary compliance programs in relation to the enforcement of workers' and retirees' rights. In addition, the Committee will investigate where appropriate international labor issues, including those involving the importation and trafficking of men, women and children bound for involuntary servitude and other human rights abuses.

Fraud, Waste and Abuse: Where appropriate, the Committee will investigate specific concerns raised by Members and staff regarding allegations of fraud, waste and abuse. The Committee will remain vigilant over the taxpayer's investment in government, and the health and safety of the Nation's workers, students and children.

The Committee reserves the right to review and investigate the general legislative, administrative, and regulatory issues affecting its jurisdiction.

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN
U.S. HOUSE OF REPRESENTATIVES
110TH CONGRESS
THE HONORABLE JOHN D. DINGELL, CHAIRMAN

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

This is the oversight plan of the Committee on Energy and Commerce for the 110th Congress. It includes the areas in which the Committee expects to conduct oversight during the 110th Congress, subject to limits on staff and resources, but does not preclude oversight or investigation of additional matters as the need arises.

COMMERCE, TRADE, AND CONSUMER PROTECTION ISSUES

THE FEDERAL TRADE COMMISSION

In the 110th Congress, the Committee will review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission (FTC). In particular, the Committee will review Commission activity with regard to mergers and acquisitions, franchises, business opportunities, telemarketing, identity theft, and privacy, as well as actions regarding false and deceptive advertising, including offerings made by mail and e-mail.

THE CONSUMER PRODUCT SAFETY COMMISSION

In the 110th Congress, the Committee will conduct a broad review of the management, operations, activities, and performance of the Consumer Product Safety Commission (CPSC) in safeguarding consumers, particularly children, from faulty or dangerous products. This will include review of the CPSC's implementation of Section 15(b) of the Consumer Product Safety Act pertaining to Substantial Product Hazard Reports; other data gathering and dissemination efforts with respect to products within its jurisdiction; the assessment of civil penalties to enforce safety; CPSC work on emerging hazards; and the relationship of CPSC orders to common law. The Committee will examine other activities that may enhance consumer product safety, such as safety standard-setting and certifying organizations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the 110th Congress, the Committee will review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they pertain to motor vehicle-related safety.

INTERSTATE COMMERCE AND E-COMMERCE

In the 110th Congress, the Committee will examine issues that substantially affect interstate commerce. The Committee will continue its review of consumer information privacy in the commercial context. The Committee will also examine impediments to electronic commerce, including State legal and regulatory impediments and potentially anti-competitive activities in the private sector. In addition, the Committee will review and consider issues relating to private-sector cyber security, fraud, and other criminal issues confronting e-commerce.

TRADE

In the 110th Congress, the Committee will monitor and examine both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to industries, commodities, and services within the Committee's jurisdiction, including telecommunications, electronic commerce, food and drugs, and energy. The Committee will particularly examine the issue of whether these trade agreements adequately protect the interests of domestic and foreign workers and the environment. In addition, some of the trade practices that require investigation include: currency manipulation by China and others; widespread theft of American intellectual property; failure to abide by agreements regarding environment and worker health and safety; use of offshore havens to perpetrate frauds on U.S. consumers and investors; and the proper enforcement of anti-dumping and countervailing duty laws by the Department of Commerce. In doing so, the Committee will review the programs, policies, and procedures of various Government agencies that may needlessly impair the flow of people and commerce across our Nation's borders and, in particular, their ability to protect the international supply chain as it affects the economy of the United States.

TRAVEL AND TOURISM

In the 110th Congress, the Committee will review issues affecting the travel and tourism industries, as well as how the travel and tourism industries, along with Federal and State governments, can encourage and promote the United States as a travel destination for international and domestic passengers. This review will include, but not be limited to, the operations of various government departments that may needlessly interfere with the free flow of tourists across our border including activities related to the policies, procedures, and administration of programs related to passports, visas, and other relevant travel documents. In addition, the Committee will review issues related to the plans and programs of various Government agencies that may affect travel and tourism in response to pandemic outbreaks.

ATHLETICS

In the 110th Congress, the Committee will examine issues arising from the commerce of professional and amateur athletics, including drug abuse, and the

health and welfare of athletes. In addition, the Committee will monitor the governance of organizations responsible for administering athletics, including the U.S. Olympic Committee.

ENERGY AND AIR QUALITY ISSUES

GLOBAL CLIMATE CHANGE

In the 110th Congress, the Committee will carry out a broad review of the global climate change issue, with a particular focus on the role of human activity in global warming. The Committee will examine the social, economic, cultural, and homeland security implications of climate change and policy options for responding to this problem. The Committee will also review the Department of Energy (DOE, the Federal Energy Regulatory Commission (FERC), and the Environmental Protection Agency (EPA) strategies and activities in this area.

NATIONAL ENERGY POLICY

In the 110th Congress, the Committee will examine U.S. policies pertaining to energy efficiency and conservation, production, and consumption of electricity, oil, natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources, including the effect of budget cuts on research on alternative energy. In addition, the Committee will review issues arising from the production and delivery of oil and gas from Alaska and the Gulf of Mexico, including pipeline safety, the Strategic Petroleum Reserve, and foreign pipeline and LNG facilities crucial to American interests. The Committee will also examine global crude oil supplies in light of potential supply interruptions, such as the war in Iraq and political turmoil in Venezuela. The Committee will review the national security and energy policy implications of disruptions to Russian oil and gas deliveries to Europe and elsewhere.

OIL AND NATURAL GAS MARKETS

In the 110th Congress, the Committee will examine the unregulated over-the-counter oil futures market, investigate whether this market is being manipulated by speculators, and examine whether this speculation may be artificially inflating the price of crude oil. The Committee will also review solutions to this problem, including possible regulation by the Commodities Futures Trading Commission (CFTC). In addition, the Committee will investigate allegations of gasoline price gouging. The Committee will also examine the unregulated over-the-counter natural gas market, focusing on the need for market transparency and regulation. The Committee will also examine the role of the U.S. and Iraqi Governments in legislation requiring Iraq to cede control of its oil industry to foreign oil companies

and the implications for the global crude oil supply, as well as U.S. national security and energy policy.

MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

The Committee will oversee management and operations issues at the Department of Energy, including management and operations of the National Nuclear Security Administration (NNSA) and the DOE National Laboratories. Such a review will also include investigating allegations that laboratory employees on detail to Government agencies have improperly utilized their position to improperly steer Government contracts to themselves or their host labs. The Committee will particularly focus on DOE's management of the environment, safety, and health aspects of its policies and activities. The Committee will also review DOE management of the contractors that operate the National Laboratories. The Committee's oversight work will include a review of the implementation of nuclear security requirements at NNSA and DOE facilities; ongoing safety and security problems at the Los Alamos National Laboratory; and the Office of Environmental Management's accelerated cleanup program and high-level radioactive waste management efforts. The Committee will conduct a careful review of DOE's compliance with Federal and State environmental laws and regulations. In addition, the protection of nuclear materials around the globe is among the Committees highest priorities. Oversight in the 110th Congress will focus on DOE operation of the First and Second Lines of Defense programs overseas; DOE and Customs and Border Patrol (CBP) efforts to secure foreign ports that ship into the U.S.; on-going problems at both the National Labs and at nuclear power plants with respect to leaks of both nuclear materials and sensitive security information; and nuclear detection systems at air, land, and seaports.

THE FEDERAL ENERGY REGULATORY COMMISSION

In the 110th Congress, the Committee will examine the activities of the Federal Energy Regulatory Commission pertaining to energy industry licensing, ratemaking, and mergers and acquisitions, with a particular focus on the protection of consumers. The Committee will also examine issues pertaining to the adequacy and reliability of the Nation's interstate electric transmission grid. In addition, the Committee will conduct oversight of FERC's handling of lessons learned from the crisis in California and western electricity markets during 2001 and 2002, and steps taken to prevent future manipulation of energy markets for both natural gas and electricity.

THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission (NRC). The Committee will examine NRC's budget requests, conduct oversight of how the Commission discharges its various responsibilities, and review whether the Commission is an effective regulator of nuclear facilities. In

particular, the Committee will monitor closely the efforts of NRC to fully implement new security requirements at commercial nuclear power plants.

CLEAN AIR ACT

In the 110th Congress, the Committee will review the Environmental Protection Agency's implementation of the Clean Air Act, particularly pertaining to rulemakings affecting power plants, including new source review, mercury emissions, and other regulation of air pollution. The Committee will also investigate allegations of undue industry influence on Clean Air Act rulemakings and purported attempts to undercut existing enforcement actions.

ENVIRONMENT AND HAZARDOUS MATERIALS ISSUES

EPA MANAGEMENT AND OPERATIONS

In the 110th Congress, the Committee intends to conduct an extensive review of the management, operations, and activities of the Environmental Protection Agency, including a review of the agency's budget, funding decisions, resource allocations, grants, research activities, enforcement actions, relations with State and local Governments, and program management and implementation. The Committee will particularly examine EPA's substitution of voluntary compliance programs instead of enforcement, including the shifting of funds and personnel to voluntary compliance programs and initiatives that have no specific authorization and that the EPA Inspector General has reported often fail to achieve the promised compliance. In addition, the Committee will investigate all aspects of the EPA's decision to close its libraries and give away and/or destroy parts of the library collections. The Committee will also examine the issue of whether scientists both inside and outside EPA are playing an adequate role in rulemaking and other decision-making at the agency.

HAZARDOUS AND TOXIC WASTES

In the 110th Congress, the Committee will review the management, operations, activities, and funding of the Superfund program, with a particular focus on EPA failure to investigate, score, and list toxic waste sites that local communities, States, and EPA Regional Offices have requested for listing on the National Priorities List (NPL). The Committee will examine the issue of whether there is adequate funding for remedial action at NPL sites that are ready to begin final cleanup. The Committee will also examine the issue of whether EPA has adequately addressed widespread perchlorate contamination and the public health risks posed by Concentrated Animal Feeding Operations (CAFOs). The Committee will review global hazardous materials treaties to which the United States is signatory and review these agreements for compliance with Federal and State environmental laws and regulations.

DEPARTMENT OF DEFENSE COMPLIANCE WITH ENVIRONMENTAL LAWS

The Committee will review Department of Defense (DOD) environmental activities and ascertain its record of clean-up effectiveness, ongoing monitoring, and compliance with Federal and State environmental laws and regulations. The Committee will particularly examine EPA's failure to enforce environmental laws at DOD facilities; DOD opposition to the listing of toxic waste sites on the NPL; DOD refusal to sign interagency cleanup agreements with EPA; DOD challenges to State regulatory authority under the Resource Conservation and Recovery Act (RCRA) at formerly utilized defense sites (FUDS); DOD delays in cleaning up its Superfund sites; and DOD refusal to respond to data requests from the Agency for Toxic Substances and Disease Registry (ATSDR) pertaining to contamination of Marine families' drinking water at Camp Lejeune.

HEALTH AND HEALTHCARE ISSUES

THE FOOD AND DRUG ADMINISTRATION

In the 110th Congress, the Committee will review the management, operations, and activities of the Food and Drug Administration (FDA), including its implementation of statutes and regulations pertaining to its mission to ensure the safety of drugs and the food supply. Drug safety investigations will focus on allegations that the FDA has repressed expert scientific opinion regarding serious problems arising during clinical trials and dismissed credible information developed by FDA scientists charged with monitoring adverse events associated with approved drugs. The Committee will also review the failure of the FDA and other Federal law enforcement agencies to control the importation and sale of illicit, counterfeit, and dangerous drugs.

Food safety investigations will focus on the effect of budget and other resource cuts on the ability of the FDA to adequately enforce food safety laws and regulations. The Committee will also investigate allegations that compliance with the law has become voluntary with the effect on the food supply of: increases in E. Coli outbreaks in fresh produce; meat that is packaged in an atmosphere containing carbon monoxide with the specific purpose of preserving the red coloring beyond the time when it can be consumed safely; and inadequate inspection of imported food.

The Committee will also conduct a broad examination of the regulation of medical device safety. In addition, the Committee will review the issue of generic drug lag and the FDA's failure to approve generic biopharmaceuticals; the adequacy of clinical trial oversight conducted by FDA and the related issue of human subject protection; the effect of six-month exclusivity extensions granted by the FDA upon approval of pediatric drug testing protocols and whether such protocols are sufficient to determine either the safety or efficacy of these drugs in children; the FDA's implementation of the Best Pharmaceuticals for Children Act; the safety and regulation of the blood supply; and the frequency and reliability on inspections of foreign drug manufacturing, particularly in China and India.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

In the 110th Congress, the Committee will review the management, operations, and activities of the Centers for Medicare and Medicaid Services (CMS), including its management and oversight of the programs it administers. The Committee will also examine and review Medicare and Medicaid management and activity as it relates to ongoing Committee efforts to prevent waste, fraud, and abuse in Federal healthcare programs. Medicare and Medicaid fraud investigations will include drug pricing abuses under Part D (the Medicare drug benefit); CMS policing of rebates due the Medicaid program under the Medicaid drug rebate program; and fraud involving durable medical equipment. The Committee will also review alleged fraud in billing by home health agencies (HHAs); hospice benefit fraud; CMS enforcement against nursing home abuses; the effectiveness and reliability of Program Safeguard Contractors (PSCs); the high rate of hospital-acquired infections; and the effectiveness of the Health Insurance Portability and Accountability Act (HIPPA) enforcement.

HURRICANE KATRINA AND HEALTH SERVICES

In the 110th Congress, the Committee will investigate the efforts of Department of Health and Human Services (HHS), the Department of Homeland Security (DHS), and others to reconstruct the healthcare infrastructure in New Orleans following Hurricane Katrina, including the homeland security implications of such efforts for future disasters. The Committee will also review the performance of the HHS Office of Emergency Preparedness during and after Katrina and the use of the Public Health Service Corps during Katrina and other emergencies.

CENTERS FOR DISEASE CONTROL AND PREVENTION

In the 110th Congress, the Committee will review the management, operations, and activities of the Centers for Disease Control and Prevention, with particular focus on the effects of outsourcing of critical Government functions and its impact on its ability to respond to both natural and man-made outbreaks of disease.

NATIONAL INSTITUTES OF HEALTH

In the 110th Congress, the Committee will examine the National Institutes of Health (NIH) organizational structure, priority setting, and research activities. This effort will include oversight of management and operations of internal NIH programs, as well as NIH-funded extramural research. Particular emphasis will be placed on the effectiveness of NIH's policies, procedures, and programs related to preparing for and responding to terrorist events.

TELECOMMUNICATIONS AND INTERNET ISSUES

THE FEDERAL COMMUNICATIONS COMMISSION

During the 110th Congress, the Committee will review the management, operations, and activities of the Federal Communications Commission (FCC), including the effect of its decisions on increasing competition, increasing the availability of technologies and services, assuring widespread deployment and reasonable rates for telecommunication and broadband services, protecting consumers, assuring adequate emergency communications capability and otherwise serving the public interest, convenience and necessity. The Committee will examine the FCC's spectrum management policies to determine whether the policies encourage efficient use of the electromagnetic spectrum and equitable distribution of Commission licenses and authorizations. The FCC's efforts to transition the Nation from analog to digital broadcasting will be a particular focus of the Committee. The Committee will also examine the management and funding of the FCC's Office of Inspector General (IG), particularly with respect to the issue of whether the IG has adequate resources and the institutional independence necessary to carry out its responsibilities.

UNIVERSAL SERVICE REFORM

In the 110th Congress, the Committee will investigate waste, fraud, and abuse in the FCC's Universal Service Fund, including the management and administration of the High Cost program, the E-Rate program that pays to connect schools and libraries to the Internet, and the Rural Health Care program.

INTERNET GOVERNANCE AND OPERATIONS

The Committee will review programs and efforts to assure the safe, secure, and robust functioning of the Internet. In particular, the Committee will examine the adequacy of efforts to protect the integrity of telecommunications networks and commercial use of the Internet, including reviewing programs of the Department of Commerce, FCC, DHS, and others to secure cyberspace. The Committee will examine the adequacy of efforts by the FCC and others to fight child pornography on the Internet, including the role of Internet Service Providers; and the activities of the Department of Justice in providing the necessary law enforcement resources for the discovery and prosecution of Internet child pornography. The Committee will also examine issues regarding the structure of Internet governance, including activities of the Internet Corporation for Assigned Names and Numbers (ICANN).

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

In the 110th Congress, the Committee will review programs under the management of the National Telecommunications and Information Administration (NTIA), including the interoperable communications grant program intended to help the Nation's first responders obtain state-of-the-art communications equipment to effectively communicate with each other in times of disaster. In

addition, the Committee will investigate the adequacy and effectiveness of NTIA's converter box program intended to help consumers in the government-driven transition to digital television. NTIA's actions related to Internet governance will also be examined.

CORPORATION FOR PUBLIC BROADCASTING

In the 110th Congress, the Committee will continue to review activities and funding of the Corporation for Public Broadcasting, the Public Broadcasting System, National Public Radio, and Public Radio International, with a particular focus on maintaining the independence of these important functions and assuring that the public interest remains paramount in their administration and management.

HOMELAND SECURITY ISSUES

CRITICAL INFRASTRUCTURE ASSURANCE ACTIVITIES

In the 110th Congress, the Committee intends to review infrastructure assurance efforts, including the Department of Homeland Security efforts to increase critical infrastructure resilience, in areas within the Committee's jurisdiction.

NUCLEAR SMUGGLING

In the 110th Congress, the Committee will review Federal Government and private sector efforts to detect the illicit transportation of nuclear materials and devices at border crossings, seaports, and mail facilities. The Committee's review will analyze and assess DHS, Customs and Border Patrol, DOE, and other Government efforts and equipment aimed at detecting and preventing the smuggling of dangerous commerce, particularly nuclear and radiological weapons of mass destruction. The Committee will also review measures taken by private sector companies to detect and prevent the use of their facilities and equipment for such purposes.

EMERGENCY PREPAREDNESS AND BIOTERRORISM

In the 110th Congress, the Committee will conduct an extensive examination of the efforts and fund expended to protect the U.S. from pandemic disease and biological and chemical weapons. The Committee will review the implementation by HHS of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and the coordination between HHS and DHS with respect to setting priorities and goals for bioterrorism-related research and preparedness activities, as well as overseeing activities and funding. The Committee will review HHS efforts against avian influenza and other pandemic diseases; Federal subsidies and other funding provided to pharmaceutical companies to

develop vaccines; and particularly, the status of the development of anthrax and smallpox vaccines.

PUBLIC SAFETY COMMUNICATIONS OPERATIONS

In the 110th Congress, the Committee will examine whether the communications needs of first responders are being met. The Committee will examine efforts to ensure that first responders have interoperable communications capabilities with local, State, and Federal public safety officials. The Committee will also consider whether first responders have an adequate amount of and are effectively utilizing spectrum for voice, video, and data transmissions.

IMPLEMENTATION OF GOVERNMENT-WIDE CYBER SECURITY PROGRAM

The Homeland Security Act of 2002 included a separate legislative provision entitled the Federal Information Security Management Act, which reauthorized a government-wide cyber security program under the direction of the Office of Management and Budget (OMB). During the 110th Congress, the Committee will review the management and implementation of the cyber security provisions of the Homeland Security Act.

MISCELLANEOUS ISSUES

FEDERAL AGENCY MANAGEMENT

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

BARNEY FRANK, MA, CHAIRMAN

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February 14, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

By direction of the Committee on Financial Services, and pursuant to clause 2(d)(1) of rule X of the Rules of the House of Representatives for the 110th Congress, I am transmitting herewith the Committee's oversight plan for the 110th Congress. The oversight plan was adopted by a voice vote, as amended, a quorum being present.

Should you have any questions, please contact me or Thomas Duncan, General Counsel, at extension 5-4247.

Sincerely,

BARNEY FRANK
Chairman

BF:tgd/jec

Enclosure

cc: The Honorable Spencer Bachus

110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

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

FEBRUARY 13, 2007.Approved by the Committee on Financial Services

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

R E P O R T

Clause 2(d)(1) of rule X of the Rules of the House of Representatives for the 110th Congress requires each standing committee, not later than February 15 of the first session to adopt an oversight plan for the 110th Congress. The oversight plan must be submitted simultaneously to the Committee on Oversight and Government Reform and the Committee on House Administration.

The following agenda constitutes the oversight plan of the Committee on Financial Services for the 110th Congress. It includes areas in which the Committee and its subcommittees expect to conduct oversight during this Congress, but does not preclude oversight or investigation of additional matters or programs as they arise. Any areas mentioned in the oversight plan may be considered by the Financial Services Committee, the four subcommittees of jurisdiction or the Subcommittee on Oversight and Investigations. The Committee will consult, as appropriate, with other committees of the House that may share jurisdiction on any of the subjects listed below.

FINANCIAL INSTITUTIONS

Industrial Loan Companies. The Committee will continue to review the growth in the number of industrial loan companies, the impact of this growth on the historic separation between banking and commerce. Legislation is necessary in this area.

Implementation of FACT Act. The Committee will monitor government and private sector implementation of the Fair and Accurate Credit Transactions (FACT) Act (Public Law 108-159), the 2003 legislation that renewed certain key provisions of the Fair Credit Reporting Act (FCRA) and gave consumers important new rights and protections against identity theft, including the ability to obtain free credit reports annually. The Committee may examine whether, after the FACT Act is implemented, there remain barriers for consumers in maintaining accurate and complete consumer reporting files. The Committee will seek to determine if additional efforts need to be undertaken to promote voluntary reporting of data not currently being supplied to credit reporting agencies, to facilitate greater access to affordable financial products and services.

Consumer Protections. In addition to issues addressed throughout this oversight plan that relate to consumers of financial services, the Committee will consider other specific consumer protection issues within its jurisdictional purview, including, but not limited to, regulatory voids created by agency interpretations of the application or enforcement of State law over national banks, Federal thrifts and their affiliates or subsidiaries, marketing tactics, rising fees, and penalties on credit card, payday, mortgages and other consumer loans, unfair or deceptive acts or practices, the use of credit reports to change the rates and terms of pre-existing accounts, to ensure that the financial services industry fulfills its responsibility to treat its customers fairly and fully disclose the terms on which financial products and services are offered to the public. The Committee will also consider industry practices with respect to overdraft protection programs, deposit hold periods, and other fees.

Provision of Credit to Military Personnel. The Committee will monitor the implementation of Section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109-364, Section 670, "Limitations on Terms of Consumer Credit Extended to Service members and Dependents." The Department of Defense is currently drafting the implementing regulations for this law, and the

Committee will carefully review the impact that short-term unsecured loans are having on the financial well-being of servicemembers, their families, and the overall readiness of the armed services. The Committee will also examine the potential impact that the law will have on financial institutions and on the availability and affordability of credit for military personnel.

Data Security and Identity Theft. Building on the Committee's long-standing role in developing laws governing companies' handling of sensitive personal financial information about consumers (including the Gramm-Leach-Bliley Act and the FACT Act), the Committee will continue to seek legislation that better protects the security and confidentiality of such information from any loss, unauthorized access, or misuse. The Committee will analyze whether a national uniform data security standard which preempts State laws would better protect consumers, decrease costs, reduce regulatory conflict, and minimize frivolous lawsuits. The Committee will also review the appropriate standard for providing notices of data breaches to the affected consumers. Finally, the Committee will examine the extent to which State "file freeze" laws have been successful in protecting individuals from identity theft.

Data Security for Government Agencies. The Committee will examine major data security breaches at government agencies to ensure that personal financial information is properly safeguarded and that the affected individuals receive prompt notification where that is appropriate.

Mortgage Lending. The Committee will study the complex problem of, and potential solutions to, abusive and deceptive lending in the mortgage industry, particularly among those households with imperfect credit. The Committee recognizes that extending credit to underserved segments of the population has positive aspects and the Committee's effort will be to decrease the amount of abuses without undermining such access to credit. In targeting abusive practices, the Committee will be cognizant of the need to avoid policy prescriptions that result in shutting off credit to underserved borrowers. The 2005 Home Mortgage Disclosure Act (HMDA) data, like the 2004 HMDA data, continued to show substantial disparities in the incidence of higher-priced lending across racial and ethnic lines, with Black and Hispanic borrowers more likely to obtain loans with prices above the pricing thresholds than non-Hispanic white borrowers. The Committee will continue to examine HMDA data to help assess patterns of home mortgage lending to minority populations while recognizing the inherent limitations of any set of data. The Committee will extend its inquiry to examine all relevant factors.

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

Diversity within the Federal Financial Services Agencies. The Committee will examine the level of racial, ethnic and gender diversity at senior management levels within the Federal financial services agencies. The Committee will also examine the policies, programs and initiatives used by these agencies to obtain and retain racial, ethnic and gender diversity among their senior managers and officers.

Payments System Innovations. The Committee will review government and private sector efforts to achieve greater innovations and efficiencies in the payments system. The Committee will continue to monitor the implementation and impact of the Check Clearing for the 21st Century (Check 21) Act (Public Law 108-100). As part of this effort, the Committee will review the pending Federal Reserve study on the effects of the adoption of the Check 21 Act on the financial services industry, including the appropriateness of the current maximum hold periods and amount limits provided under the Electronic Funds Availability Act, and the GAO report evaluating the implementation and administration of the Check 21 Act. The Committee will also review improvements to the payments system, including ACH debit entries, wire transfers, and international remittances.

Basel Capital Accord. The Committee will continue to review changes to the Basel Capital Accord, which seeks to establish an international minimum standard for assessing regulatory capital cushions held by commercial banks, and monitor its implementation in the United States. The Accord seeks to determine the level of capital financial institutions must hold against various assets. The Committee will examine the need for the recommended changes and will address whether the proposed new capital charges will (1) result in a more safe and sound banking system; (2) have a discriminatory effect on any class of U.S. financial institutions; (3) create unnecessarily burdensome regulatory requirements; or (4) result in other unintended consequences. The Committee will also assess whether adequate arrangements have been made for the allocation of responsibilities among home and host regulators for reviewing and setting regulatory capital requirements within a banking organization. The Committee will continue to consider whether legislation is needed on the topic.

Implementation of the USA PATRIOT Act. The Committee will monitor the government's efforts to combat terrorist financing, including its enforcement of Title III of the USA PATRIOT Act (Public Law 107-56) and its implementation of the counter-terrorist financing provi-

sions included in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-796).

Money Laundering and the Financing of Terrorism. The Committee will review enforcement of anti-money laundering laws and regulations, including but not limited to those enacted or implemented as part of the USA PATRIOT Act. The Committee's work in this area will include an examination of (1) the costs and benefits of ongoing regulatory and filing requirements, and (2) opportunities to decrease the burden of complying with these and similar statutes without impairing the operations of law enforcement. This review will include an examination of the administration's annual National Money Laundering Strategy. The Committee will also monitor the Office of Terrorism and Financial Intelligence, to ensure that adequate resources are applied efficiently, and in particular will monitor the effectiveness of the Financial Crimes Enforcement Network (FinCEN) and ongoing changes at the Office of Foreign Assets Control (OFAC), including adequate allocation of assets at OFAC to develop suitable, modern computer systems that allow it to do its job effectively. The Committee will also monitor the data mining and examination of personal financial information conducted by government agencies, to ensure that an appropriate balance is struck between law enforcement priorities and the protection of civil liberties.

Money Service Businesses' Access to Financial Institution Services., The Committee will examine why financial institutions continue to sever their relationships with Money Services Businesses (MSBs) and assess the effectiveness of FinCEN regulatory guidance to both MSBs and financial institutions, and review actions that regulators can take to ensure that such MSBs are not denied access to the banking system.

Financial Supervision. The Committee will require Federal regulators to provide periodic updates on their safety and soundness supervision of the banking, thrift and credit union industries, to ensure that systemic risks or other structural weaknesses in the financial sector are identified and addressed promptly. The trend toward consolidation in the banking industry and the growing number of large credit unions serving broad fields of membership requires that Federal regulators maintain the expertise and risk evaluation systems necessary to oversee the activities of the increasingly complex institutions under their supervision. The Committee will also seek updates on consumer compliance supervision of financial institutions and review the regulatory enforcement of the Community Reinvestment Act, consumer protections, and agency customer service. The Committee may examine regulatory restrictions that prohibit the collection and public dissemi-

nation of racial and gender data of small business loans. The Committee will review the adequacy of the current reporting requirements under the Home Mortgage Disclosure Act. In October 2006, the Government Accountability Office (GAO) issued a report, "MINORITY BANKS: Regulators Need to Better Assess Effectiveness of Support Efforts," at the request of a number of Democratic members of the Committee. The Committee will continue to monitor the Federal financial agencies' efforts to promote and preserve minority-owned financial institutions by paying close attention to the agencies' progress in implementing the goals outlined in GAO's October 2006 report.

Commercial Real Estate Guidance. The Committee will review and monitor the federal banking regulatory agencies' implementation of the Commercial Real Estate Guidance issued by three of the four agencies. The Committee continues to be concerned over the lack of regulatory uniformity in this area. The Committee will examine whether there is a need to include participation by state supervisors. The Committee intends to monitor the agencies' application of the Guidance to ensure that the thresholds that were incorporated in the Guidance are not applied as arbitrary ceilings, but, instead, as indicators showing that further analysis is warranted.

Access to Financial Services. The Committee will continue to explore ways to expand access to mainstream financial services by traditionally underserved segments of the United States population, particularly those without any prior banking history (commonly referred to as the "unbanked"). One area of review will be developments in the rapidly expanding marketplace for international remittances services used by individuals seeking to send funds back to relatives in their countries of origin.

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

Deposit Insurance Reform. The Committee will monitor the implementation of the Deposit Insurance Reform Act of 2005 and the Fed-

eral Deposit Insurance Reform Conforming Amendments Act of 2005, to ensure that deposit insurance continues to serve its historic function as a source of stability in the banking system and a valued safety net for depositors.

Credit Unions. The Committee will review issues relating to the conversion policies and procedures, community reinvestment, safety and soundness and regulatory treatment of the credit union industry.

Regulatory Burden Reduction. The Committee will review the current regulatory burden on banks, thrifts, and credit unions with the goal of reducing unnecessary, duplicative, or overly burdensome regulations, consistent with consumer protection and safe and sound banking practices. The Committee's starting point will be the work done in the 109th Congress that resulted in passage of the "Financial Services Regulatory Relief Act of 2006" (Public Law 109-351), but which did not include a number of provisions included in the House-passed regulatory relief bill, H.R. 3505.

Credit Card Regulation. The Committee will continue its review of credit card industry practices, particularly relating to marketing, fees and disclosures. The Committee will monitor the Federal Reserve Board's review of the format and content of the disclosures required by the Truth in Lending Act related to open-end credit arrangements (such as credit card accounts).

Remittances. The Committee will review the marketing and disclosure practices of financial institutions and money transmitters who offer international remittance services to consumers seeking to send funds to relatives in other countries.

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

Financial Literacy. The Committee will continue its efforts to promote greater financial literacy and awareness among the public. As part of these efforts, the Committee will review the implementation of Title V of the FACT Act (Public Law 108-159), which authorized the creation of a Financial Literacy and Education Commission comprised of senior officials from a wide cross-section of government agencies.

Community Development Financial Institutions Fund. The Community Development Financial Institutions (CDFI) Fund was created in 1994 to promote economic revitalization and community development. The Committee will continue to oversee the Fund's operations, particularly its progress in implementing reforms to make the grant-making process fair and transparent. In addition, the Committee will examine the contribution of the Fund to community development and

its measurement of the effect of its efforts in rural, urban, suburban, and Native American communities. The Committee will examine the extent to which demand for this program has increased, and whether authorization levels should be adjusted, and the effect that proposed Administration budget cuts would have on the Fund's ability to foster community development across the country. The Committee will also monitor the CDFI Fund's administration of the New Markets Tax Credits program, which was recently extended through 2008.

Community Reinvestment Act. The Committee will review the manner and efficacy of the financial services agencies in assuring compliance with the Community Reinvestment Act (CRA), including the degree to which the regulators are consistent in applying the regulations to all institutions. The Committee wants to ensure that CRA loans, services, and investments are efficiently directed to the low and moderate income communities, and will also examine how well institutions are complying with the revised CRA regulations that were recently adopted. The Committee will review the effect the revised regulations have had on institutions' lending, services, and investments in the communities in which they are located.

Appraisals. The Government Accountability Office in a 2003 study found that 69 percent of states need more staffing for appraisal industry oversight, and 40 percent needed more resources to support related litigation efforts. Since then, anecdotal media reports about appraisal fraud, lender pressure, and faulty appraisals have continued to grow. The Committee will examine these matters, the effectiveness of the Appraisal Subcommittee of the Federal Financial Institutions Examination Counsel in overseeing State-based appraisal enforcement and licensing programs, and the need for appraisal regulatory reform.

Credit Monitoring. The Committee will study the development of the credit monitoring industry and the need for enhancing the protection that consumers purchasing this service have.

SECURITIES

SEC Oversight. The Committee will monitor the operations of the Securities and Exchange Commission (SEC) and the impact of efforts to improve the coordination, effectiveness, and efficiency of its functions, including with respect to its supervisory and inspection functions; its efforts to provide investors with improved access to financial data filed with the SEC; and its initiatives to reduce regulatory duplication and promote regulatory cooperation. The Committee will also review proposals to enhance the functions of the SEC and for greater

consolidation of domestic market regulation.

Sarbanes-Oxley Act. The Committee will continue to monitor the impact of the Sarbanes-Oxley Act on investors, public companies, and markets, particularly with respect to the efforts of the SEC and Public Company Accounting Oversight Board (PCAOB) to improve the efficiency of implementation of the internal control requirements under section 404 of that Act, the impact of the Act's corporate governance reforms, and the adequacy of investor protections provided by the Act generally.

Public Company Accounting Oversight Board (PCAOB). The Committee will review the PCAOB's oversight of public company auditors, including reforms of auditing standards and the results of the PCAOB's inspection program.

Financial Accounting Standards Board (FASB). The Committee will review the work of the FASB to improve financial accounting standards, including progress on efforts to reach convergence with the International Accounting Standards Board on accounting standards, continued consideration of the appropriate form for standards, and the implications of increased incorporation of market valuations under accounting standards.

Convergence of International Accounting Standards. The Committee will review progress on efforts to converge generally accepted accounting practices in the United States and International Accounting Standards and toward acceptance of financial reports using the converged standards in the US and abroad.

Corporate Governance. The Committee will review developments and issues concerning corporate governance in public companies, including proposals to increase accountability to shareholders through enhanced shareholder access to management's proxy, shareholder nomination of directors, and majority voting. The Committee also will review issues raised with respect to the integrity of the shareholder voting process.

Executive Compensation. The Committee will review the SEC's recent regulation requiring greater transparency in disclosures of executive compensation arrangements, and consider legislative proposals to increase accountability to shareholders in public companies and empower shareholders to rein in executive pay where they deem appropriate. The Committee also may explore other current executive compensation and disclosure issues, including back-dating of stock options.

Market Structure. The committee will monitor the implementation of the SEC's revised rules governing the National Market System, including Regulation NMS, and the implications of those changes for

securities markets and investors. The Committee also will monitor developments in exchange governance and the growth and innovation of exchange trading systems, competition among the numerous exchange and alternative trading venues, exchange mergers, market data distribution and fees, and other developments in the securities and options markets, such as penny pricing of options contracts, portfolio margining, the growth of Exchange Traded Funds (ETFs), and the use of practices like payment for order flow.

International Exchange Mergers. The Committee will monitor the impact of cross-border exchange mergers in the securities and related markets, as well as implications for the continued oversight of combined organizations by national authorities.

SRO Regulation. The Committee will review the effectiveness of self-regulatory organizations in the securities markets and assess the impact of proposed mergers of the regulatory functions on the securities markets, market participants, and investors, including the impact of harmonization of rules and arbitration systems.

Securities Arbitration. The Committee will examine the impact of mandatory arbitration requirements on securities investors, as well as the balance, fairness, and efficiency of the current arbitration system.

Investment Companies. The Committee will review the current state of regulation of investment companies and their advisors with respect to mutual fund operations, governance, disclosure, and sales, including the impact on investors of recent rule changes and court decisions. The Committee also will review the effectiveness and efficiency of the approval process for new products, such as exchange-traded funds.

Hedge Funds. The Committee will examine the current state of the hedge fund markets to assess the impact of their growth, scope of activities, and prominence in financial markets. The Committee will review the potential impact of hedge funds activities on markets, investors, financial intermediaries, and companies.

Global Competitiveness of U.S. Financial Markets. The Committee will examine recent data and studies concerning the competitive position of the U.S. financial markets and exchanges. The Committee also will assess proposals to enhance the competitiveness of U.S. markets, including those to streamline regulation of U.S. financial markets and institutions and to consolidate oversight of exchanges in a single regulator, as well as proposed corporate governance and litigation reform.

Federal / State Allocation of Enforcement Responsibilities. The Committee will examine the impact of several pieces of legislation over the last decade streamlining securities registration and regulation and allocating responsibilities between state and federal authorities. In

particular, the Committee will examine the impact of this legislation on the enforcement of the securities laws and whether loopholes have been created that permit fraudulent securities offerings to escape either Federal or State law enforcement.

Rating Agency Reform. The Committee will monitor the SEC's implementation of legislation to improve oversight of securities rating agencies.

Business Continuity Planning. The Committee will monitor the implementation of the Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System as well as the related efforts of all participants in the securities industry to improve business continuity planning to protect investors against the effects of natural disasters, terrorism events, and pandemics. The Committee will also review the impact of global mergers and alliances and their impact on business continuity planning.

SIPC. The Committee will examine the operations, initiatives and activities of the Securities Investor Protection Corporation (SIPC) and possible opportunities to better protect investors.

Fair Fund. The Committee will examine the success of Federal regulators in implementing the Fair Fund provision established under the Sarbanes-Oxley Act to distribute civil fines and ill-gotten gains from corporate wrongdoers to defrauded investors. The Committee will review options for improving the operations of the Fair Fund.

GOVERNMENT SPONSORED ENTERPRISES

Regulatory Reform. The Committee will continue efforts to improve the regulatory structure of the housing-related government sponsored enterprises (GSEs), including Fannie Mae, Freddie Mac, and the Federal Home Loan Banks (FHLBs). The Committee will consider proposals to consolidate GSE supervision under an independent regulator with enhanced supervisory and enforcement powers similar to those of the bank regulatory agencies.

GSEs and Financial Disclosure. The Committee will review the progress of the financial restatements by Freddie Mac, Fannie Mae, and some FHLBs. The Committee also will review the status and results of registration with the SEC by the GSEs.

Federal Home Loan Bank System. The Committee will monitor the Federal Home Loan Bank system's ability to fulfill its housing mission and provide liquidity to member banks in a safe and sound manner. The Committee will also monitor the various regulatory initiatives

undertaken by the Federal Housing Finance Board (FHFB) to alter the capital requirements of the Federal Home Loan Banks.

Farm Credit System. The Committee will examine recent proposals to expand the scope of permissible activities for institutions that are part of the Farm Credit System and the implications for local communities and financial institutions.

Board Director Appointments. The Committee will monitor the progress of the FHFB in fulfilling its statutory obligation to appoint directors to the boards on each of the FHLBs.

FHLB Community and Economic Development. The Committee will focus on the efforts to advance community and economic development within the FHLB system, including the implementation of the enhanced targeted economic development lending for small business, small farms, and small agri-businesses allowed under the Gramm-Leach-Bliley Act and of the performance of the FHLBs in implementing the FHFB's community investment cash advance regulation.

REFCorp Payments. The Committee will monitor the efforts of the housing GSEs to pay the obligations of the Resolution Funding Corporation (REFCorp) established to cover the costs of resolving the savings-and-loan crisis and the policy implications for the GSEs upon the satisfaction of the remaining REFCorp debts.

HOUSING

Federal Housing Response to Hurricane Katrina. The Committee will conduct a hearing or series of hearings on the housing reconstruction needs created by Hurricane Katrina, including the availability of affordable housing for low-income families, the impact of Katrina on public and assisted housing, and the impact of communities experiencing an influx of persons from the Gulf Coast after Hurricane Katrina hit. In addition, the Committee will examine the role of government in long-term housing, as well as economic and infrastructure recovery of the Gulf Coast region and the ability of homeowners to rebuild, including the availability of homeowner's insurance. The Committee will also be reviewing potential funding sources for the production, repair, and reconstruction of affordable housing in areas affected by Katrina, including funding that could be made available through a GSE Affordable Housing Fund.

FY 2008 Budget for the Department of Housing and Urban Development, the Rural Housing Service, the Neighborhood Reinvestment Corporation and the National Flood Insurance Program. The Committee will conduct a hearing or hearings to consider Administration FY 2008

budget proposals for these agencies and programs, including receiving testimony from relevant agencies.

Housing Production. The Committee may conduct a hearing or series of hearings on proposals to create a National Housing Trust Fund, possible funding mechanisms for this fund, and how both non-profit and for-profit organizations can participate in production programs. Issues to be considered include the extent to which the existing housing stock meets the demand for affordable housing by low-income families, seniors, and disabled persons; a review of federal housing programs which can be used in the construction or substantial rehabilitation of affordable housing units; and strategies for developing additional affordable housing units.

Housing Tax Credit Programs. The Committee may conduct a hearing or series of hearings on legislative and administrative proposals to provide for better coordination between the Low Income Housing Tax Credit Program and Federal housing programs under the Department of Housing and Urban Development and the Rural Housing Service which are used in conjunction with housing tax credits.

Housing Preservation. The Committee will hold hearings on the importance of preserving federally assisted housing, including the challenge of maintaining housing affordability for those federally assisted properties scheduled to experience mortgage maturities in the next decade. The Committee will review HUD's policies and performance in approving proposals by owners to preserve and rehabilitate older assisted housing projects. The Committee may also explore other related topics, such as prepayment policies, troubled projects, renewal of expiring project-based voucher contracts and transfer of project-based section 8 contracts. The Committee may conduct a hearing, or series of hearings, on the transition of the Mark to Market program from the Office of Multi-family Housing and Restructuring to the new Office of Affordable Housing Preservation (OAHP) and on efforts by the OAHP to provide assistance to affordable housing areas in the oversight and preservation of affordable housing programs. The Committee may conduct a hearing, or series of hearings, on HUD's property disposition program, and on the extent to which HUD has worked with local housing authorities and non-profit organizations to preserve the affordability of HUD's inventory of multi-family housing following foreclosure by the borrower. Further, the Committee will review the circumstances by which current owners choose to leave the program and how incentives can be used, coupled with a reduced regulatory burden, to encourage continued participation by the private sector.

Public Housing. The Committee will review the state of public housing programs, including the impact of cuts to the public housing operating and capital funds and to the HOPE VI program, and the impact of the elimination of the Drug Elimination Program. The Committee also will review HUD's implementation of the Quality Housing Work Responsibility Act of 1998 (QHWRA), including the impact that conversion to asset-based management is having on public housing agencies in light of severe funding shortfalls for the public housing operating and capital fund programs; the Community Service requirement; the performance to date of Moving to Work agencies; and areas where unnecessary regulation could be curtailed, while fully maintaining protections for tenants. In particular, the Committee notes that QHWRA provided flexibility to the public housing authorities in managing public housing developments and programs while at the same time targeting housing to low income families, and the Committee will review which provisions from this 1998 act still have not been implemented by HUD.

HOPE VI. The Committee will review the HOPE VI program, including the need for reauthorization, the impact of funding cuts on the ability of the program to meet the needs of distressed public housing developments, the benefits of mixed-use communities, and the implementation of Mainstreet Partnership. The Committee will review the progress by past HOPE VI award recipients of implementing and completing their revitalization plans, including the amount of funds that remain unspent in some HOPE VI accounts.

Section 8 Housing Choice Voucher Program. The Committee will conduct a hearing or hearings on the Housing Choice Voucher Program. Such review may include consideration of legislation to reform the voucher funding formula, and to streamline the current voucher rent and inspection rules. The Committee will examine the adequacy and effectiveness of the voucher program in addressing the needs of low-income people. As part of this review, the Committee will examine the impact of high concentrations of tenant households on low- and middle-income communities that may already have high concentrations of low-income residents and solutions such as mixed-use communities and transitioning to homeownership.

Federal Housing Administration (FHA). The Committee will conduct hearings on the FHA single family loan program, including the causes and impact of the declining market share of the FHA program in relation to the overall mortgage market, the appropriate level of FHA loan limits in high-cost areas, the level of default and foreclosure rates, loss mitigation efforts, and program administration issues. In addition, the Committee will review the extent to which moderniza-

tion of the FHA single-family program may address declining market share. The Committee will review legislation to authorize FHA to insure single family zero down payment loans and loans to borrowers with higher credit risk than FHA currently serves. The Committee will also review other FHA loan programs, including multi-family housing loans, manufactured housing loans, reverse mortgage loans (HECMs), and hospital and health care loans.

Downpayment Assistance. The Committee may review the American Dream Downpayment Program, as it sunsets at the end of 2007, to examine its record in moving low-income families to homeownership.

Rural Housing Service (RHS). The Committee will conduct hearings to consider legislation to create a revitalization program at the Rural Housing Service to preserve and rehabilitate affordable housing under the Section 514, 515, and 516 multifamily housing programs.

HUD Mission, Management Reform and Staffing. The Committee will review the overall mission, organization, human resources and information technology capabilities of the Department of Housing and Urban Development to determine whether the Department is meeting and addressing housing issues in the most efficient manner.

Project-Based Section 8 Program. The Committee will review the GAO's findings regarding the timeliness of Housing Assistance Payments (HAP) for project-based Section 8 properties. In addition, the Committee will review HUD's policy on the renewal of expiring project-based Section 8 contracts as well as expiring project-based Section 8 certificates.

Limited English Proficiency. The Committee will also review the Department of Housing and Urban Development's final guidance on Limited English Proficiency, published pursuant to Executive Order 13166.

Section 202 Elderly and Section 811 Disabled Housing. The Committee may hold a hearing on the Section 202 and 811 supportive housing programs for the elderly and disabled, including proposals to preserve the existing housing stock of 202 and 811 projects and to increase refinancing flexibility for such projects to carry out needed rehabilitation of older properties.

Community Development Block Grant (CDBG) Program. The Committee will hold a hearing on the mission and objectives of CDBG funding and other HUD community development programs, including HUD implementation of these programs.

Homelessness. The Committee will review the McKinney-Vento homeless assistance program, including the implications of data provided by HUD's Homeless Management Information Strategies (HMIS) nationwide homeless count.

Oversight of Federal Housing Programs. The Committee may hold oversight hearings on other Federal housing programs run by the Department of Housing and Urban Development and the Rural Housing Services.

National Flood Insurance Program. The Committee will conduct a hearing to consider legislation to reform the National Flood Insurance Program. The Committee will continue to monitor the National Flood Insurance Program's policy sales, premium use, claims handling practices, mandatory purchase requirements, and subsidization of repetitive loss on nonresidential, vacation, and second home properties. In addition, the Committee will continue its review of the implementation of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108-264).

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

Native American Housing Programs. The Committee will conduct hearings to consider legislation to reauthorize the Native American Housing Assistance Self Determination Act. The Committee will also continue to examine land title issues on Indian lands in connection with home ownership.

Mortgage Foreclosures. The Committee may hold a hearing on the issue of home mortgage foreclosures, and the impact on borrowers of such foreclosures.

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

Fair Housing. The Committee will review fair housing enforcement, including the adequacy of resources and staffing levels, and the National Fair Housing Training Academy.

Mortgage Finance Reform/Real Estate Settlement Procedures Act. The Committee may review issues related to the Real Estate Settle-

ment Procedures Act (RESPA), including a Government Accountability Office report regarding the title insurance industry that is due this year.

Escrows. The Committee will generally explore problems related to establishing and servicing escrow accounts. This examination will also focus on the need to advance Federal reforms to require escrow accounts for those homeowners with less-than-perfect credit scores or high-cost mortgages.

Mortgage Broker Licensing and Oversight. The Committee will explore ongoing State efforts to improve mortgage broker licensing and oversight, as well as proposed Federal solutions in this area to better protect homebuyers.

INSURANCE

Terrorism Risk Insurance. If not extended, the Terrorism Risk Insurance Program established under the Terrorism Risk Insurance Act of 2002 (Public Law 107-297), as amended by the Terrorism Risk Insurance Extension Act of 2005 (Public Law 109-144), will expire on December 31, 2007. In order to ensure the continued availability of terrorism insurance coverage and protect the economic security of the United States, the Committee will work to extend the program and make needed changes to the Act.

Sales of Insurance and Securities Products to Servicemembers. In response to abuses in the marketing and sale of securities and life insurance products to servicemembers, the 109th Congress enacted the Military Personnel Financial Services Protection Act (Public Law 109-290). The Act requires or requests a variety of actions and reports by various agencies and entities, including the Securities and Exchange Commission, the Department of Defense, the Inspector General of the Department of Defense, State insurance and securities regulators, and the National Association of Insurance Commissioners (NAIC). The Committee will monitor implementation of the Act and review these pending reports and actions.

Regulatory Modernization. For more than 130 years, the States have had the primary responsibility for regulating the business of insurance, and in recent years many industry participants have called on policymakers to modernize and improve insurance regulation to reflect the realities of the 21st Century. Potential policy options to improve the efficiency and effectiveness of the insurance regulatory system include establishing an optional Federal charter for insurers, promoting greater State uniformity in insurance regulation via Fed-

eral legislation, and advancing by the NAIC of a coordinated State regulatory modernization effort. The Committee will continue to evaluate these policy alternatives.

Agent and Broker Licensing Reform. As part of the Gramm-Leach-Bliley Act (Public Law 106-102), Congress sought to establish greater reciprocity or uniformity thresholds for non-resident producer licensing. Since then, many States have made considerable progress in streamlining their licensing systems. Nevertheless, the Committee will review the progress of the States in passing and implementing uniformity and reciprocity reforms for insurance agent and broker licensing. The Committee will also evaluate what other measures might help to promote even greater uniformity and reciprocity while still assuring sufficient consumer protections.

Life Insurance Product Approval. The current State-by-State system for approving new life insurance products has resulted in economic inefficiencies and delays in bringing life insurance products to market. In order to fix this problem, the Interstate Insurance Product Regulation Commission was established to streamline such reviews. The Commission expects to begin accepting product filings for new life insurance products in early 2007. The Committee will assess the effectiveness of this State-led effort to achieve appropriate levels of uniformity and promote efficiency in the process of approving new life insurance products.

Insurance Consumer Protections. Consumer advocates have raised concerns about the practice of recording consumer inquiries as part of consumer claim records. They have also identified a number of problematic insurance marketing practices like misleading sales and marketing representations, the churning of life insurance policies, coercion and pressure tactics, and product bundling. The Committee will examine the systems established by the States to protect consumers from such practices.

Credit Scoring and Insurance. The U.S. Supreme Court has under consideration in its current term several consolidated cases involving when insurers need to inform individuals about adverse information contained in their credit reports that affects their premiums. The Committee will examine the forthcoming decision.

Discrimination in Insurance. Section 215 of the Fair and Accurate Credit Transactions Act (Public Law 108-159) requires the Federal Trade Commission and the Federal Reserve, in consultation with the Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development, to study and report to Congress on the effects of credit scores and credit-based insurance scores on the availability and affordability of financial products. The Committee

will review this study. The Committee will also monitor the effects of other insurance companies' underwriting and rating practices and policies to assess whether they unfairly decrease the availability and affordability of insurance coverage in certain geographical areas, particularly those that contain higher concentrations of racial and ethnic minority groups.

Availability of Natural Disaster Insurance. In light of recent withdrawals from some insurance markets like those along the Gulf Coast and the Northeast Corridor, the Committee will review the general availability of insurance across the United States. This review will focus on availability and affordability of natural disaster insurance for homeowners and businesses, and the effects the 2005 hurricane season had on the insurance marketplace. The Committee will also explore existing programs in foreign countries and the States for providing insurance or reinsurance for natural catastrophes. The Committee will also examine policy proposals for addressing market failures, including the potential to create an all-perils policy.

Uninsured Disaster Losses. Natural disasters often impose uninsured financial costs on individuals, private insurers, and Federal, State and local governments. The Committee will therefore study how those at-risk are informed of the availability of federal programs and private insurance coverage, and how well individuals, businesses, and local governments understand the risks they assume for uninsured disaster losses as a result of their choices. The Committee will also examine the extent to which risks are shared between government programs and private insurance and the extent to which the two cover disaster losses.

Mega-Catastrophes. While the property and casualty insurance industry has absorbed the costliest insured event in U.S. history – Hurricane Katrina in 2005 – without any systemic failure, many experts have begun to debate whether insurers and their reinsurance partners have the financial capacity to absorb losses from even larger or multiple "mega-catastrophes" that may occur in the future as the result of global warming or other factors. The Committee will examine whether sufficient insurance and reinsurance capital exists to handle a mega-catastrophe and, if necessary, what prudent reforms would improve insurers' access to capital in order to ensure adequate capacity in and solvency of the industry and to meet consumer needs.

Katrina Claims. After Hurricane Katrina, many consumers experienced frustration in the processing of their claims, in terms of the timeliness and payments attributable to wind or water damage. The Committee will examine the claims-paying process used by private insurance companies and the need for possible reforms.

Surplus Lines and Reinsurance. In the 109th Congress, the House passed H.R. 5637, the Nonadmitted and Reinsurance Reform Act of 2006. To promote greater efficiency in the surplus lines and reinsurance marketplaces used by large and sophisticated entities to obtain coverage against losses, the Committee will continue its review of these matters.

Guarantee Funds. To protect policyholders in the event of an insolvency of an insurer, the States have in place a system of guarantee funds. The Committee will continue to monitor this system.

Viaticals and Life Settlements. During the 1980s, the viaticals industry emerged as the AIDS epidemic took hold. More recently, a life settlement industry has developed to allow those who are not dying a chance to sell their life insurance policies for lump sum payments. The Committee will continue to monitor the evolution of these marketplaces. The Committee will also examine the efforts of State and Federal regulators to decrease the potential fraud and abuse in them, but also protect the interests of policyholders.

Retirement Products. With the tremendous growth of personally controlled retirement savings over the last two decades and the coming wave of retirements of the Baby Boom generation, individuals will need to insure that their savings last throughout their retirements rather than relying heavily on former employers to manage pension assets and provide stable payments. The Committee will monitor the response of the insurance industry to these developments. The Committee's focus may include an examination of hybrid annuity instruments that incorporate features of insurance, securities and banking products. The Committee will explore the ability of financial regulators to adequately protect consumers of such annuity products and whether any gaps in functional oversight exist.

Business Continuity Planning. Business continuity planning has become a focus for all participants in the financial industry, including insurers, in light of terrorist attacks, large-scale natural disasters like Hurricane Katrina, and potential pandemics like avian flu. The Committee will continue to examine the ability of the insurance industry, State insurance regulators, the NAIC, and other interested parties to protect against potential disruptions in the insurance marketplace.

Insurance Investments. The long-term nature of many insurance investments makes the industry a source of alternative funding for community improvements and large-scale infrastructure projects. In Massachusetts, two specifically created pools – one for property-and-casualty insurers and one for life insurers – already work to help fund the development of affordable housing, commercial and industrial real estate, small business, and other community projects. The Committee

may examine ways to facilitate the ability of insurance companies to invest in the areas in which they conduct business or that need assistance.

Insurance Intermediaries Practices. During the past two years, a number of cases of bid-rigging and kickbacks between insurance brokers and insurers have come to light. While the States have largely settled these investigations, the Committee may examine the extent to which the States have been unsuccessful in addressing and resolving the problems and in providing redress to insurance purchasers harmed by the practices.

Risk Retention Groups. Two decades have now passed since Congress enacted the Risk Retention Act of 1981 and its 1986 amendments. The Committee may review the regulatory structure created by these laws to identify any potential problems resulting from the Act's partial preemption of State insurance law, assess the Act's effectiveness, and determine whether additional refinements to the Act could benefit insurance consumers.

Reinsurance. Reinsurance is a tool that helps insurers to manage risk, but the insurance industry, particularly after large-scale disasters, sometimes experiences supply contractions and steep increases in reinsurance premiums. The Committee will study the present ability of insurers to obtain reinsurance in the United States and the ways in which to enhance its availability.

International Developments. The business of insurance is no longer local or even national. The capital pools provided by the reinsurance industry and the adoption of international trade agreements have made the insurance industry a global one. The Committee may explore how the current State-by-State insurance regulatory system fits into this evolving global marketplace.

Insurance Information. After the September 11, 2001 terrorist attacks and Hurricane Katrina, many noted that the Federal government lacked an in-house resource for obtaining information about the insurance industry. A centralized insurance informational resource center within the Federal government could help to better coordinate responses after disasters, enhance international discussions on insurance issues, and provide expert advice to both Congress and Federal financial regulators on issues affecting the insurance industry. The Committee may explore the options for improving the access of Federal policymakers to insurance information.

INTERNATIONAL FINANCE

Annual Report and Testimony by the Secretary of the Treasury on the State of the International Financial System and International Monetary Fund Reform. The Committee will review and assess the annual report to Congress from the Secretary of the Treasury on the state of the international financial system and the International Monetary Fund (IMF). Pursuant to section 613 of Public Law 105-277, the Committee will hear annual testimony from the Secretary of the Treasury on the contents of this report, as well as on matters relating to the international financial institutions and international economic issues generally. The Committee will also conduct oversight of U.S. participation in the reform efforts currently being considered by the IMF's management and board, including changes to the IMF's voting shares, lending arrangements, lending conditionality, and country surveillance activities. Should any reforms that are approved by the IMF's board require a change in the institution's charter, the Committee will be prepared to consider any necessary authorizing legislation.

U.S.-E.U. Financial Sector Issues. The Committee will continue to monitor the progress of the European Union to build a unified financial services market, including implementation of revisions to corporate governance standards, adoption of International Accounting Standards, oversight of financial conglomerates and other regulatory structures. The Committee also will monitor assessments of regulatory equivalency in the U.S. and E.U., as well as developments in the allocation of home and host state responsibilities in connection with organizations and activities that cross jurisdictions.

U.S. Oversight over the International Financial Institutions (IFIs). The Committee will review U.S. participation in, and the effectiveness of U.S. policy toward, the International Monetary Fund (IMF), the World Bank Group, and the regional Multilateral Development Banks (MDBs). The Committee will consider the findings of the Independent Evaluation Group's 2006 "Annual Review of Development Effectiveness" of World Bank programs. The Committee will examine how some growth strategies appear more effective at reducing poverty than others and assess the degree to which economic growth has translated into sustained poverty reduction in Bank-assisted countries. The Committee will also look at how increasing income inequality has been shown to undermine the poverty-reducing effect of growth in a number of countries.

The Committee will hold hearings to evaluate the role and effectiveness of the multilateral development institutions in helping to reduce poverty and foster growth in Africa, Latin America, and in other poor regions in the world. The committee will examine the role of trade

and investment in promoting growth and reducing poverty in Africa and elsewhere, with particular attention to how the distribution of the gains of economic growth within a country are essential to sustainable growth. The Committee will monitor any effort by institutions to fund projects with further sales of gold reserves.

Replenishment of the International Development Association (IDA). The Committee will consider legislation to authorize funds for the 15th replenishment of IDA, the concessional lending window of the International Bank for Reconstruction and Development. Special attention will be given to degree to which previous congressionally mandated reforms to improve transparency and improve anti-corruption measures at the IFIs have been adopted.

The African Development Bank (AfDB) and the African Development Fund (AfDF). The Committee will monitor and conduct necessary oversight activities with respect to continued U.S. support for these regional African development institutions that focus on promoting sustainable economic growth and poverty reduction in Africa.

International Debt Relief. The Committee will monitor and conduct necessary oversight activities regarding the Multilateral Debt Relief Initiative (MDRI) proposed by the G8 finance minister in 2005 and formally adopted in 2006. The MDRI provides 100% debt relief to select countries that are already participating in the joint-IMF/World Bank Heavily Indebted Poor Countries (HIPC) program. Under the initiative, all pre-existing IMF, World Bank, and African Development Bank (AfDB) debt will be cancelled for any country that completes the HIPC program. The IMF will internally fund its debt relief in part with the money it obtained from the sale of some IMF gold in the late 1990s, while the World Bank and AfDB will be compensated by G8 donors. In March 2006, donors agreed to a financing package for the MDRI that stipulates additional donor contributions over time to ensure delivery of fresh resources for poverty reduction for the World Bank and the AfDB.

Last fall, the Board of Governors on the Inter-American Development Bank (IDB) announced that it would cancel the debts of five impoverished countries in Latin America. The Committee will closely monitor the implementation, scope and duration of this debt cancellation program.

Millennium Challenge Corporation (MCC). The Committee will continue to monitor the participation of the Secretary of the Treasury as a member of the board of the MCC. The MCC is designed to help developing nations improve their economies and standards of living by allocating bilateral development assistance based on specific criteria designed to measure progress in recipient countries' ability to allocate

resources in support of good governance, investment in health and education, and economic policies that foster economic freedom.

Counter-terrorism Financing Policy. The Committee will continue to monitor the role of the Treasury Department in promoting the adoption and implementation of counter-terrorism standards around the world through the Financial Action Task Force (FATF), the IMF, and the MDBs as well as the evolution of the standards themselves as promulgated by FATF. The Committee will also monitor the Office of Technical Assistance at Treasury, its coordination with the other agencies in the Terrorist Financing Working Group and its assessment and alignment of resources in the delivery of counter-terrorism financing training and technical assistance abroad.

Global Fund to Fight AIDS, Tuberculosis and Malaria. The Committee will continue to monitor the role of the World Bank as non-voting board member and trustee of the Global Fund to Fight AIDS, Tuberculosis and Malaria in addition to assessing the status of the World Bank's programs to reduce HIV/AIDS in developing countries.

Exchange Rates. The Committee will review and assess the semi-annual report to Congress from the Secretary of the Treasury on International Economic and Exchange Rate Policies pursuant to the Omnibus Trade and Competitiveness Act of 1988. The Committee will monitor developments related to the exchange rate policies of the United States' major trading partners and will pay particular attention to the policies of countries that seek to maintain a fixed exchange rate for their currencies. The Committee will assess the effects of these currency practices on the competitiveness of U.S. firms and on the stability of the international financial system.

Global capital flows. The Committee will monitor the effects of the flow of capital globally, and in particular, trends in foreign countries' investments of their large currency reserves in the United States and other countries. The Committee will assess the effects of the investment of these reserves on global financial stability and on multilateral policy initiatives. The Committee will also assess U.S. and multilateral polices on the regulation of capital flows.

Committee on Foreign Investment in the United States. The Committee will act on legislation to reform the process by which foreign investments into the United States are assessed for their national security implications through the interagency Committee on Foreign Investment in the United States (CFIUS). The Committee will closely monitor CFIUS actions to seek to ensure that foreign investments that pose legitimate threats to national security are either rejected or the threats are effectively mitigated. The Committee will also monitor

the extent to which the United States maintains a policy of openness toward foreign investment, so that investments that pose no threat to national security are able to go forward.

Trade in Financial Services. The Chairman and the Ranking Member of the Committee continue to serve on the Congressional Oversight Group on Trade, pursuant to the Trade Promotion Authority Act (Public Law 107-210). In this capacity, the Committee will remain active in the oversight of trade negotiations and will consult regularly with the United States Trade Representative on matters within the jurisdiction of the Committee, including the financial services and investment provisions of bilateral and regional trade agreements, as well the financial services elements of multilateral trade negotiations and actions within the World Trade Organization. The Committee will also monitor the progress of the United States' trading partners in meeting their financial services and investment commitments under existing trade and investment agreements.

Export-Import Bank of the United States. The Committee will monitor implementation of the Export-Import Bank Reauthorization Act of 2006 (Public Law 109-438), with particular emphasis on the new mandates in the law regarding export assistance for small businesses, and women and minority-owned businesses. The Committee will also closely monitor the Bank's competitiveness relative to foreign export credit agencies (ECAs), with particular attention to competitiveness with the export credit practices of countries that are not members of the Organization for Economic Co-operation and Development.

North American Development Bank. The Committee will monitor and conduct necessary oversight activities over U.S. participation in the North American Development Bank (NADBank) and the status of U.S. efforts to implement reforms at the Bank.

THE ECONOMY, DOMESTIC MONETARY POLICY, AND TECHNOLOGY

The Economy and Its Impact on Living Standards. The Committee will examine the extent to which changes in the economy, and in particular changes in labor and capital markets, as well as changes in public policy, have altered the way in which policymakers should think about the relationship between economic growth, productivity growth, and growth in employment and incomes. The Committee will examine these relationships in an effort to determine policy responses that will increase our ability to improve the standard of living for American families.

Conduct of Monetary Policy by the Board of Governors of the Federal Reserve System. The Committee will hold hearings to receive the Chairman of the Board of Governors of the Federal Reserve System's semi-annual reports on the conduct of monetary policy. As part of this effort, the Committee will review issues associated with monetary policy and the state of the economy, including whether the current path of monetary policy is consistent with the triple goals -- maximum employment, stable prices, and moderate long-term interest rates --set forth in the Federal Reserve Reform Act of 1977 (P.L.. 95-188). The Committee will continue to monitor the Federal Reserve Board to see if ways can be found to make its activities more transparent, consistent with the increased transparency the institution has shown over the past decade and a half.

Management of Reform of the Federal Reserve System. The Committee will conduct oversight of the operations of the Federal Reserve System, including the System's management structure, its role in providing financial services, its conduct of monetary policy, and its role as a regulator with particular attention to compliance with anti-money laundering and anti-terrorist financing laws and regulations.

Defense Production Act. The Committee will review the Defense Production Act and its authorities to determine their effectiveness in promoting national security. The Committee will consider reauthorization of the DPA authorities prior to their expiration in 2008.

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

Management of the Nation's Money: Activities of the Bureau of the Mint and the Bureau of Engraving and Printing. The Committee will conduct oversight, as appropriate, of the activities of these Treasury bureaus as they relate to the printing and minting of U.S. currency and coins, and of the operation of U.S. Mint programs for producing Congressionally authorized commemorative coins and Congressional gold medals. The Committee also will monitor the Mint's first year of

operation of the Presidential $1 Coin Act, and how well the Mint and Federal Reserve gauge and meet consumer demand for the new coins.

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

Counterfeiting. The Committee will continue its review of efforts to detect and combat the counterfeiting of U.S. coins and currency in the United States and abroad. Particular attention will be paid to anti-counterfeiting efforts by the United States Secret Service and to ways those efforts can be made more effective.

The U.S. Treasury Department's Financial Crimes Enforcement Network (FinCEN): The Committee will continue to oversee the operations of FinCEN and the Bureau's ongoing efforts to implement its regulatory mandates pursuant to the Bank Secrecy Act (BSA), as amended, to crack down on money laundering and terrorist financing activities. The Committee will monitor FinCEN's implementation of the BSA Direct program to allow secure Internet filing of forms by and notification of institutions as required by law. The Committee will oversee FinCEN's efforts to implement a statutory provision in section 6302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), that required the Treasury Secretary issue regulations requiring financial institutions to report certain cross-border electronic transfers to FinCEN.

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

Treasury's Office of Foreign Asset Control (OFAC). The Committee will continue to monitor the functions of OFAC as its workload in-

creases, and study ways of improving its working relationship with financial institutions.

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

Development of Economic Opportunities. The Committee will review, when appropriate, economic development programs under the Committee's jurisdiction, including programs administered by the Appalachian Regional Commission, the Economic Development Administration (EDA), the Delta Regional Authority. Reauthorization will be considered when appropriate. Existing law authorizes the EDA through fiscal year 2008. As part of the next EDA reauthorization process, the Committee intends to assert its jurisdiction over this agency and review the agency's work.

Committee on Foreign Affairs

Oversight Plan of the Committee
110th Congress
(Adopted January 23, 2007)

Pursuant to Rule X, clause 2 (d) of the Rules of the House of Representatives, the Committee on Foreign Affairs, hereinafter referred to as "the Committee," has adopted this oversight plan for the two year period of the 110th Congress. As required by that rule, the Committee has submitted this plan to the Committee on Oversight and Government Reform and the Committee on House Administration, not later than February 15 of the first session of the Congress. It includes the areas in which the Committee intends to conduct oversight during this Congress.[1] New developments always change the Committee's priorities. The oversight work of the Committee may therefore change.

The Committee will consult with other Committees having jurisdiction over the same or related laws, programs, or agencies as are within its jurisdiction, including its special oversight jurisdiction; and it will use such mechanisms as joint briefings and coordination of staff work and travel to meet the requirements of Rule X(2)(d)(1)(A). As required by Rule X(2)(d)(1), in the course of its oversight work, it will remain continually alert for the existence of Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals, and it will review Federal programs with a view to insuring against duplication of such programs.

1. Priority Oversight Matters

a. Iraq—The U.S. involvement in Iraq is one of the most critical issues for U.S. foreign policy. The Committee will review all aspects of U.S. policy, including the military dimension of the U.S. presence, internal political developments, U.S. reconstruction assistance, and regional and international diplomatic efforts to help stabilize Iraq and the role of external financial and material support for insurgents and terrorist groups in that country.

b. Afghanistan—The Committee will review all aspects of U.S. policy toward Afghanistan, including factors contributing to the resurgence of the Taliban and their basis for support, U.S. assistance programs and their

[1] The fact that an issue is listed here does not mean that the Committee will necessarily hold a formal meeting devoted solely to that issue. The Committee, in the course of its oversight work, may also rely on briefings by business and non-governmental organizations and by U.S. government officials, officials of foreign governments, as well as on Member and staff travel, and investigations. It is the intention of the Committee that, wherever practicable, oversight activities will be planned on a bipartisan basis.

reauthorization, the increasing rate of narcotics production, the ineffectiveness of international reconstruction projects, the state of the Afghan national security forces, the role of NATO Member States in security and reconstruction matters, the lack of progress in judicial reform, the status of women and children, U.S.-Afghan trade development and promotion, and other matters.

c. **Iran**—Iran has increasing influence over key events in Lebanon, Iraq, and Afghanistan, and continues to develop a nuclear capability that could lead to the development of weapons of mass destruction. The Committee will critically evaluate U.S. policy toward Iran and its proxies, particularly Iran's development of a nuclear capability, the ongoing talks with the European 3 and the members of the UN Security Council, and U.S. security guarantees to Middle East allies to address the Iranian threat. The Committee will also review the political situation within Iran, sources of instability, including ethnic tension (Persians, Azeris, Arabs, etc.), the economy, internal threats to the regime, and Iran's foreign policy, especially regarding the Persian Gulf. The Committee will also review relations with other countries, including Russia and China, and how they may be contributing to or restraining Iran's foreign policy.

d. **North Korea**—The Committee will review the nuclear and missile threat posed by North Korea, its continuing human rights violations, and efforts to assist North Korean refugees. The Committee will review the status of the Six Party Talks and examine proposals to engage in bilateral dialogue with North Korea as a supplement to the multilateral negotiations. Review the role of other countries, especially China, in helping to end the problem.

e. **Cuba** – The Committee will review U.S.-Cuba policy and evaluate how the United States should approach a transition in Cuba (as defined in U.S. law), examining future opportunities and persistent challenges in the U.S.-Cuba relationship.

f. **Foreign Assistance Authorization, Implementation and Reform**—The Committee will review the planning, budgeting, and implementation of U.S. foreign assistance programs, including the need for reauthorization of U.S. foreign assistance accounts and programs. The Committee will review the ongoing changes in the implementation of U.S. foreign assistance, including the development of centralized planning and budgeting by the new Director of Foreign Assistance, the implementation of the new Foreign Assistance Strategic Framework, the decreased role of the U.S. Agency for International Development in developing foreign assistance policy, the continuing obstacles facing the Millennium Challenge Corporation, the increasingly important role of other agencies besides the U.S. Agency for International Development in providing U.S. assistance, and the role of U.S. embassies in overseeing the presence and activities

of personnel of various USG agencies implementing assistance programs in other countries.

g. **Other Middle East Flashpoints** —The Committee will review other Middle East flashpoints such as the Israeli-Palestinian conflict, the ongoing political turmoil in Lebanon, and prospects for reform throughout the region.

h. **Assessing a rising China and its growing global role**—The Committee will review current thinking as to the degree to which China is prepared to become a responsible stakeholder in the international system of states in dealing with situations such as that regarding North Korea. It will also review China's growing role in regions far from its borders, including Africa and the Western Hemisphere, and China's growing role in the world economy and its increasing impact on the world's environment. The Committee will also review human rights, corruption, environmental damage and social unrest in China and the prospects for democratic reforms.

i. **The Rise of India**—The Committee will review the status of U.S.-India relations, define the U.S. interests and objectives related to that relationship, and assess the future prospects for that relationship. The Committee will consider the likely role India will play in the world community in the coming years, and its relations with Russia, China, the EU and other international states and entities.

j. **U.S.-Russian Relations**—The Committee will review U.S. policy and interests and approaches toward Russia, Russian foreign policy objectives, the role of nationalism in Russian politics, and the approach of the 2008 Russian presidential election. The Committee will examine the Russian approach toward democracy, human rights and economic freedom, the Russian Government's use of energy supplies as strategic leverage over neighboring states, and Russian sales of advanced arms and proliferation of technology related to weapons of mass destruction.

k. **Central Asia**—The Committee will review U.S. policy toward the Central Asian states, including the establishment of energy pipelines within and to the surrounding regions, the implementation of democracy promotion activities, and the roles neighboring countries play in regional relations.

l. **Stopping Nuclear Black Markets and the Proliferation of Other Weapons of Mass Destruction**—The Committee will review the critical problem of "loose nukes" around the world, such as unprotected enriched uranium in Russia, and what new tools may be needed to combat nuclear black markets such as the one created by A.Q Khan.

m. **Improving Cooperation with Traditional U.S. Allies**—Relations with traditional U.S. allies have frayed over differences regarding approaches to terrorism, the Middle East and trade. The Committee will review ways in which to improve these traditional alliances, including review of areas of consensus between the United States and its partners, as well as continuing differences, such as the disagreements over how to handle detainees. Review of staffing levels at posts in Europe and Eurasia, as foreign service personnel are required to take on increasing duties in the areas of allied cooperation in out-of-area operations, Muslim outreach, public diplomacy, and other areas while overall personnel levels are reduced.

n. **Sudan**—The Committee will review the continuing genocide in Darfur to determine what steps need to be taken to stop the violence and to provide humanitarian relief to those who are continuing to suffer. The Committee will review the implementation of the North-South peace agreement, political and economic developments in Southern Sudan, and the role of outside states and entities (e.g., China, the Arab League) in helping or preventing a solution.

o. **Somalia**—The Committee will review: the conditions leading up to the Ethiopian intervention and the subsequent U.S. air strikes; current conditions; implications for the war on terror; next steps in reconstruction and stabilization operations (including lessons learned from Iraq and Afghanistan).

p. **Global AIDS Crisis and the Risk of an Avian Flu Epidemic**—The Committee will review global health challenges from all perspectives, including national security implications of transboundary epidemics, the continuing humanitarian crisis caused by AIDS, Malaria and Tuberculosis and plans to prepare, respond, and combat the avian influenza virus, including a review of the four international donor conferences on avian influenza. The Committee will review existing policies as it prepares to reauthorize the U.S. leadership assistance program against HIV/AIDS, Tuberculosis and Malaria.

q. **Global Warming**—The Committee will hold oversight hearings on U.S. efforts to address international environmental issues, and will consider ways to help other nations reduce their greenhouse gas emissions, including through promoting the export from the United States of "green" technology to the developing world, including China.

r. **Plan Colombia and Counter-Narcotics** —The Committee will review the effectiveness of Plan Colombia and U.S. counternarcotics strategy and consider proposals for improving the fight against the scourge of illicit

narcotics. The Committee will also review the role of outside forces (e.g., President Chavez of Venezuela) and the views of surrounding countries.

2. General Review of U.S. Foreign Policy

- **a.** Meetings with foreign political leaders: The Committee's ongoing program of informal and formal meetings with foreign political leaders gives it the opportunity to explore the effectiveness of United States foreign policy with those who are major players.
- **b.** Meetings with Administration officials: The Committee's formal and informal meetings with Administration officials allow Members and staff to explore the effectiveness of the Administration's implementation of foreign policy.
- **c.** Meetings with key stakeholders and constituencies: The Committee's formal and informal meetings with key stakeholders on foreign policy allow for an opportunity to explore the effectiveness of foreign policy with those who are keenly interested.

3. International Security/UN/Peacekeeping/General

- **a.** Oversight of arms transfer procedures and legislation, including the implementation of previous laws and modifications made to the Arms Export Control Act regarding arms transfers. Review of: policy regarding unmanned aerial vehicles; theTaiwan Relations Act (to ensure effective implementation); efforts to negotiate a multilateral "Code of Conduct" regarding conventional arms transfers; and government-to-government arms sales and end-use monitoring programs.
- **b.** Peacekeeping oversight, including: Administration policy implementing existing Presidential Decision Directives on peacekeeping; supporting new peacekeeping operations and terminating existing missions; UN peacekeeping reform; the Global Peace Operations Initiative; command and control issues; implementation of the Code of Conduct; and special attention to the status of the international peacekeeping efforts in Kosovo, Bosnia, Africa (particularly Sudan, Liberia, Cote d'Ivoire, Darfur, Democratic Republic of the Congo, Eritrea-Ethiopia, Western Sahara, Somalia), Afghanistan, Lebanon, Gaza, East Timor, Haiti and the Middle East.
- **c.** "Rogue Regimes"—Review of the problems of security threats from so-called "rogue regimes" that have or could gain the power to create or use weapons of mass destruction.
- **d.** Review of National/International Missile Defense and its relationship to U.S. relations with allies, Russia, China and others; its impact on long-term U.S. security and nonproliferation goals; and other related issues.
- **e.** National Missile Defense—Review of foreign policy aspects including implications of modifying radars in the United Kingdom and Denmark.
- **f.** Nonproliferation and disarmament topics:

i. Nunn-Lugar Program—Review implementation of program aimed at dismantlement and destruction of nuclear, chemical, and biological weapons in the former Soviet Union, including waiver issues and expanding geographic scope of the program.
ii. Compliance with existing arms control agreements and review of agreements to which the U.S. is not party, including the Comprehensive Test Ban (CTBT) Treaty and the Land Mine Ban Treaty, and the negotiation of future arms control arrangements, particularly a treaty related to the banning of fissile material production.
iii. Review of nonproliferation sanctions and technology control regimes including feasibility of establishing new international missile control and other regimes and investigating the scope of global black market activities and networks in the sale of nuclear, chemical, biological and missile materials and equipment, as well as reviewing U.S. efforts to combat and terminate these activities and networks.
iv. Re-evaluate the Nonproliferation Treaty's "Atoms for Peace" bargain.
v. Status of the implementation of the Global Initiative to Combat Nuclear Terrorism, including ways to broaden its participants organization and activities.
vi. Pakistan—Review of nonproliferation cooperation.
vii. Assess U.S. policy in reducing the role of China in the proliferation of WMDs and missiles.
viii. Review implications of the A.Q. Khan Nuclear Network—Require CIA/DIA briefings and reports on the matter.
ix. Evaluate the merits and requirements of U.S. support for IAEA Director General el-Baradei's January 7, 2005 proposed 5-year moratorium on the construction of any additional enrichment or reprocessing capacity and international fuel banks.
x. Review of programs regarding the disposition and elimination of excess weapons-grade plutonium stores worldwide.
xi. The status of the land mine treaty ban and U.S. efforts to develop alternative land mine technologies.

g. Security Assistance—
i. Review overall effectiveness and implementation of security assistance programs including Foreign Military Financing (FMF), Economic Support Funds (ESF), International Military Education and Training (IMET), International Narcotics and Law Enforcement (INL), draw-downs, Excess Defense Article transfers, antiterrorism, and nonproliferation and export control assistance (specific programs requiring additional oversight include security assistance for new NATO Member States and Middle East states).
ii. Review military assistance programs implemented directly by the Department of Defense.

iii. Consider possible amendments to the statutory framework governing non-military public security assistance

h. Realignment of U.S. military forces—Review foreign policy implications of the Defense Department's proposed troop realignment plan.

i. Implementation of UN reform/arrearages legislation, progress of additional international organization reform efforts, and oversight of the effectiveness of the promotion and protection of human rights within the United Nations system, particularly through the Human Rights Council:

i. Assess issues including; reform of fiscal management, procurement, ethics, accountability and transparency, hiring of Americans to work in the UN system, budgeting issues, institutionalization of work on the reform agenda within the United States Mission to the United Nations, etc.

ii. Review the work of the United Nations Department of Peacekeeping Operations.

iii. Review status of developments relating to UN Security Council Resolution 1540 and the U.S. Proliferation Security Initiative, including a discussion of related legal issues such as the ratification of the Law of the Sea Convention.

iv. Oversight of implementation of the Intelligence Reform Act provisions regarding efforts to support the Democracy Caucus at the United Nations.

v. Review of U.S. strategy to combat United Nations' practice of continuous actions against Israel.

vi. Assess the "cluster approach" of the UN system toward addressing the needs of internally displaced persons.

j. International crime—

i. Growing links between organized crime, illicit drugs, and global terrorism.

ii. Impact of U.S. foreign assistance on advancing the rule of law and anticorruption activities on U.S. ability to combat international crime.

iii. International criminal organizations in Africa, oversight of existing International Law Enforcement Academies (ILEA).

iv. Impact of international trafficking of humans, arms, and narcotics; document fraud; and money laundering.

v. International trafficking of women and children: sexual exploitation, labor slavery, "camel jockeying," and child soldiers.

vi. International intellectual property piracy issues: how piracy is being used to support international crime and terrorism, and its impact on the American economy.

vii. International economic espionage and how it hurts American business and interests.

viii. Extraterritorial prosecutions of U.S. law violations.

k. Oversight of agency implementation of the Government Performance and Results Act.

l. Narcotics—

i. The continuing heroin and methamphetamine crises in the United States and the Administration's plans for dealing with them.
ii. Source nation strategies, with special attention to Afghanistan, Colombia, Bolivia, Peru and Ecuador.
iii. Eradication efforts and their effectiveness; alternative development.
iv. The "certification process" and the annual drug certification determinations for the major drug producing and transit nations around the globe.
v. Aggressive oversight of the war on drugs in the Western Hemisphere and of the Administration's implementation of Plan Colombia and consideration of possible legislation for the consolidation phase of Plan Colombia.
vi. Efforts to avoid disruption of U.S. counternarcotics aerial interdiction operations.

m. International terrorism/espionage—

i. Review the evolution and current organization of al-Qaeda, examining the current status of al-Qaeda, its efforts to obtain WMD, its changing organizational structure as it becomes a more decentralized organization, its relationship and cooperation with other radical Islamic terrorist organizations, the extent to which it is inspiring new terrorist groups around the world, and its current recruitment effort.
ii. Review U.S. Government and allied efforts to capture or kill al-Qaeda's leaders, U.S. policies towards detention, treatment and rendition, including U.S. efforts to create a common coalition approach to such policies.
iii. Explore the existing U.S. Government strategy to deal with terrorists and the degree to which such efforts are based on systematic analysis; review various alternatives to win the long-term struggle against the ideologies of those who use terrorism.
iv. Oversight of the State Department's Antiterrorism Assistance Program, terrorism financing efforts, coordination of diplomatic initiatives with foreign governments in the global war on terrorism; oversight of Office of Foreign Assets Control, FBI, etc., as they continue to work the international aspects of terrorism.
v. The threat of fundamentalist terrorism in Latin America and Africa.
vi. Explore the activities of the Southeast Asian terrorist group, Jemah Islamiyah.
vii. The AMIA (Buenos Aires Jewish Community Building) bombing.
viii. Effectiveness of the U.S. technological response to terrorism.
ix. Border security programs, to include overseas visa lookout system in light of the new provisions of law relative to the exclusion of aliens who are members of foreign terrorist organizations.
x. Security of U.S. Government facilities abroad.

xi. Expenditure of post security funds, to include a review of personnel increases and asset management to minimize cost of property acquisition.
xii. Review of the Federal Government's efforts at coordinating international counterterrorism programs through the State Department.
xiii. Assessment of the effect of U.S. counter-terrorism activities, including activities in Iraq and Afghanistan, on the recruitment and support of terrorist groups and activities.
xiv. Assessment of PKK operations against Turkey.

n. Effectiveness and expansion of multilateral technology transfer/export controls, including international Code of Conduct for arms sales.
o. Review International Criminal Court and ongoing prosecutions; review of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone, justice efforts for Darfur genocide.
p. Cooperation with INTERPOL.
q. Review reorganization of arms control and Bureau for International Security and Nonproliferation.

4. State Department and Related Agencies Operations

a. Hearing with the Secretary of State on the FY2008 and 2009 budgets and authorization issues, including GPRA issues, supplemental spending plans, public diplomacy and reorganization plans, "Transformational Diplomacy", etc.
b. Review trust fund organizations: East/West Center, Asia Foundation, Eisenhower Foundation, and others.
c. Overseas property management: management of the foreign buildings; expenditures of supplemental funds; progress on asset management (property disposal and acquisitions).
d. Management of the foreign affairs agencies' workforce—implementation and development of staffing models, including review of the future of the Foreign Service; personnel practices, and management of overseas presence; assignment process; utilization of the Civil Service; size of the Senior Foreign Service and Senior Executive Service.
e. American Institute in Taiwan (general oversight).
f. International Border Commissions.
g. State Authorization Initiatives—further review of public diplomacy to include consideration of a central news/information function to provide posts with current web-based information on breaking issues; consular staffing; diplomatic security reforms.
h. Review of the separation of the international broadcasting function and the organizational structure of the Broadcasting Board of Governors, language service modernization plans, quality control issues of VOA and RFE/RL

and the Broadcasting Board of Governors' responsibility to assure broadcasts are of the highest quality.

i. Review of practices and procedures for receiving exchange and other visitors, especially foreign parliamentarians and other prominent officials.
j. Review of public diplomacy programs and issues arising from the consolidation of programs formerly conducted by the United States Information Agency; ability of the Department to measure the results of its efforts in this area and to plan and sequence its activities so as to most strongly support United States foreign policy.
k. Review of the role of the State Department in ensuring full compliance with The Hague treaty on international adoption and the Intercountry Adoption Act; review of the implementation of the Intercountry Adoption Act, and review of the Office of Children's Services with an emphasis on services related to abducted and adopted children.
l. Review of implementation of "rightsizing" of U.S. overseas posts.
m. Review of the U.S. use of private military contractors for security and related functions.
n. Review of the operations of the Office of Foreign Missions.
o. Embassy/post security, staffing, engagement; new embassy/consulate construction.
p. Review Diplomatic Security Bureau (DS)—overall activities, but focus on visa and passport fraud investigations; effectiveness of substantial staffing increases for DS during the past 3 years.
q. Consular processes—including concerns of the academic, student, and business communities as well as national security concerns.
r. Monitor Case-Zablocki Act modifications and compliance.
s. Reform of the Executive Branch reporting requirements.

5. Foreign Assistance

a. Hearings with the Director of Foreign Assistance: (1) on the FY2007 reprogramming request for fast-track countries and USAID missions identified by the Director of Foreign Assistance, and on the FY2008 foreign assistance budget request; and (2) on the underlying legislative authorities, objectives, design, implementation and effectiveness, on-going reform, reorganization and management of the U.S. foreign assistance program.
b. Review size, purpose and effectiveness of FY2008 and FY2009 International Affairs Function 150 budgets—special emphasis will be given to expected Administration initiatives, such as:
    i. Budget oversight/review of FY07 Supplemental.
    ii. Increases for HIV/AIDS, Malaria and Tuberculosis, and the Millennium Challenge Account initiative.
    iii. Increases in the Economic Support Funds program.

iv. Implementation of the Foreign Assistance Strategic Framework, including the views of nongovernmental and other private sector entities to such framework.

c. Conduct special review of programs with noted problems focusing on activities highlighted in USAID Inspector General and GAO reports—special emphasis will be given to USAID (and to the Office of the Director of Foreign Assistance, as the case may be):

i. Missions and Operations.
ii. Microenterprise Programs.
iii. Reforms to USAID's Management Structure.
iv. Strategic Objectives.
v. Enterprise Fund Management and potential expansion of the use of such funds.
vi. Changes to or elimination of the "R4" ("Review of Resources, Requirements, and Results") process.
vii. Oversight of "monetization" programs.
viii. Review of program evaluation policies.
ix. Acquisitions and Assistance Process.
x. "Manage the Budget" exercise being implemented by USAID.
xi. Roles of entities involved in assistance deliveries, including private for-profit enterprises, non-governmental organizations and governmental and intergovernmental agencies.

d. Special attention will be given to the effectiveness of programs that have consumed large amounts of Congressional attention in recent years, including:

i. U.S. participation in, and contributions to, international population planning activities and related programs and policies.
ii. U.S. participation in, and contributions to, international child survival activities and related programs and policies.
iii. Review of refugee and migration assistance programs and administrative expenses of the bureau charged with carrying out the purposes of the Migration and Refugee Assistance Act of 1962 and emergency response capability.
iv. U.S. participation in, and contributions, to international education, including basic education, activities and related programs and policies.

e. Review role and implementation of impact evaluation and monitoring processes in U.S. foreign assistance programs.

f. Oversight of U.S. global efforts against HIV/AIDS, Tuberculosis and Malaria, including U.S. support for the Global Fund to Fight AIDS, Tuberculosis & Malaria.

g. Review status, funding and implementation of the Millennium Challenge Account, including oversight of activities of the Millennium Challenge Corporation.

h. Review of U.S. poverty-reduction programs, including the role of the U.S. in helping to achieve the Millennium Development Goals and the role of international organizations and financial institutions in poverty reduction.

i. Impact of corruption on development and anticorruption in the developing world. Review of anticorruption foreign assistance programs and other programs designed to reduce corruption in foreign countries.

j. Oversight and review of the Office of the Coordinator for Reconstruction and Stabilization.

k. Review cost, management, donor coordination and impact of U.S. foreign assistance programs for specific regions and countries or specific needs. Special emphasis will be given to major aid programs in:

i. Iraq.
ii. Afghanistan.
iii. Newly Independent States of the former Soviet Union, with a particular focus on the states of Central Asia, on the status of U.S. law enforcement reform assistance in the former Soviet states and on assistance for democratic reforms and energy development and transit to export markets.
iv. Eastern Europe.
v. Bosnia (refugee return).
vi. The Andean region and Central America.
vii. Haiti.
viii. Africa.
ix. Activities that are research and promotional in character relating to international cooperation on environmental and other scientific issues.
x. Review of implementation of the Northern European Initiative and the Northern Europe Cross-Border Cooperation Act, especially environmental issues related to decommissioned Russian nuclear submarines.
xi. Egypt.
xii. North Korea.
xiii. Oversight and review of the implementation of reconstruction and other assistance to countries affected by the 2004 Indian Ocean tsunamis.

l. Tour of worldwide progress of democracy; review efficiency and effectiveness of U.S. Government-funded democracy programs, including roles of grantees and contractors.

m. U.S. public diplomacy efforts, branding and labeling U.S. assistance. (Are we getting credit for our good works?)

n. Victims of terrorism compensation.

o. Review current practices and suggestions to address perceived inequities and review of USAID's antiterrorism certification for contractors and grantees.

p. Review status and role of international labor programs implemented by the State Department and the U.S. Agency for International Development.

q. Peace Corps—Mark up Peace Corps Reauthorization Act and conduct oversight of plans for expansion, security and safety concerns, and the better utilization of returned Peace Corps Volunteers.
r. Oversight and review of the implementation of the Paul Simon Water for the Poor Act.

6. Africa

a. Periodic review of sub-Saharan Africa with the Assistant Secretary of State for African Affairs and of North Africa with the Assistant Secretary of State for Near Eastern Affairs.
b. Food Aid, Agricultural Development, and Trade in Africa – The Committee will review the effectiveness of present food aid and agricultural assistance programs in Africa and the U.S. contribution to address the UN Millennium Development Goal to eradicate extreme hunger and poverty.
c. Democracy, Governance, and Rule of Law – The Committee will review the effectiveness of present efforts to promote the development of democratic institutions and practices, capacity of public institutions to govern effectively and efficiently, and the adherence to established and transparent rules, standards, and procedures as a safeguard against arbitrary rule.
d. Periodic review of conflict areas in Africa, including but not limited to the Mano River region, the Gulf of Guinea, Zimbabwe, the Great Lakes region, and the Horn of Africa.
e. Libya—Review of U.S. policy toward Libya including the path toward cautious re-engagement, progress in addressing and compensating victims of previous terrorist aggression, and ongoing governance and human rights concerns.
f. Sudan—Continued investigation into the situation in Darfur following declarations of genocide by the Congress and the Administration; assessment of the implementation of the final peace agreement between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM); oversight of U.S. assistance to support implementation of the Comprehensive Peace in Sudan Act of 2004 (P.L. 108–497) and the Darfur Peace and Accountability Act of 2006 (P.L. 109-344).
g. Zimbabwe—Review of U.S. policy toward Zimbabwe, including oversight of U.S. efforts to support civil society and promote political and economic reform and implementation of the Zimbabwe Democracy and Economic Recovery Act (P.L. 107–99).
h. Democratic Republic of Congo (DRC)—Oversight of U.S. support for democratic transition in the DRC,UN peacekeeping operations in the region, and implementation of the Democratic Republic of the Congo Relief, Security and Democracy Promotion Act of 2006 (P.L. 109-456).
i. Liberia—Oversight of U.S. support for democratic transition in Liberia and UN peacekeeping operations in the region.

j. Nigeria—Review of U.S. policy toward Nigeria, including efforts to promote economic and democratic reform, combat corruption, support civil society, address human rights concerns and foster regional security.
k. Somalia—Review of U.S. policy toward Somalia, including efforts to counter extremism, foster peace and promote regional stability in a collapsed state.
l. Northern Uganda—Oversight of U.S. efforts to promote a just and sustainable peace in Northern Uganda.
m. Ethiopia – Review of political and economic developments in Ethiopia and emerging political tensions in the Horn of Africa.
n. Assessment of Africa's cooperation in the war on terrorism, with particular focus on U.S. efforts to provide counterterrorism training, equipment, and support for "front-line states," including the East Africa Counter-Terrorism Initiative (EACTI) and the Trans-Sahara Counter Terrorism Initiative (TACTI).
o. Oversight of African Contingency Operations Training and Assistance (ACOTA), the Global Peace Operations Initiative, and other U.S. efforts to provide training, equipment, and support for regional peacekeeping efforts in Africa.
p. Evaluation of U.S. relations with African regional and sub-regional organizations, including but not limited to the African Union (AU), NEPAD, ECOWAS, COMESA, and SADC.
q. Assessment of U.S. trade and investment in Africa, including oversight of the African Growth and Opportunity Act and review of non-tariff trade barriers and their connection to trade, corruption, and development, and evaluation of the success of USAID efforts in these areas.
r. Assessment of the impact of multilateral and bilateral debt on African economies, and the role of the International Monetary Fund (IMF), the World Bank (WB), and other International Financial Institutions (IFIs) in Africa.
s. Review of China's growing engagement in Africa.
t. Oversight of United States efforts to promote transparency and accountability in Africa, including the Chad-Cameroon Pipeline Project and the Clean Diamond Trade Act (P.L. 108–19).
u. Review of ongoing democratization efforts in Africa, including the growth of institutions promoting freedom of the press, pluralism, and the participation of civil society.
v. Oversight of Middle East Partnership Initiative (MEPI) programs in North Africa.
w. Oversight of the Congo Basin Forest Partnership Act of 2004 and other USAID-backed conservation programs in Africa.
x. Oversight of the Administration's efforts to combat infectious diseases in Africa, particularly HIV/AIDS, including U.S. support for the Global Fund to Fight AIDS, Tuberculosis & Malaria and PEPFAR.
y. Oversight of the U.S.-backed Special Court for Sierra Leone, including the trial of former Liberia President Charles Taylor.

z. Oversight of U.S. efforts to address corruption and organized crime in Africa, including the International Law Enforcement Academy in Botswana.
aa. Assessment of slavery in Africa.
bb. Review of growing religious tensions on the Continent.
cc. Assessment of gaps in official presence in Africa.

7. Asia and the Pacific

a. Periodic reviews of the region with the Assistant Secretaries of State for East Asian and Pacific Affairs and for European and Eurasian Affairs.
b. Overview of U.S. interests and foreign policy in the Asia-Pacific region: bilateral alliances; ASEAN and other regional organizations; USAID programs; public diplomacy; international terrorism and counterterrorism cooperation; democracy promotion and human rights; military-to-military relations; U.S. trade policy, including proposed free trade agreements; "great power" relations in the region; health (HIV/AIDS) and environmental concerns; and efforts to better coordinate antitrafficking in human persons policies.
c. Tsunami relief and reconstruction—In coordination with Full Committee, review Tsunami relief/reconstruction efforts in Southeast and South Asia.
d. North Korean strategic challenge—Oversight focused on diplomatic and alternative policy options for eliminating North Korea's nuclear weapons programs and capabilities, as well as efforts to curb proliferation and other illicit activities by the North Korean Government.
e. Managing Sino-American relations in the 21st Century—Oversight hearing examining broad trends in economic, political, and security relations between the U.S. and the PRC.
f. U.S.-Japan Relationship—Oversight of the continuing vital partnership between the United States and Japan and Japan's continuing emergence as a more active participant in the international system.
g. U.S. Security Policy in Asia and the Pacific—Oversight on counterterrorism, strategic trends in Asia, and U.S. security policy with PACOM Commander.
h. Maintaining Stability in the Taiwan Strait—Review of cross-Strait relations, strategic posture and relevant U.S. policy, including sales of defensive weapons under the Taiwan Relations Act.
i. Implementation of the North Korean Human Rights Act of 2004 (P.L.108-333)—Oversight on implementation of the U.S. Public Law 108–333 and the continued plight of North Korean refugees and migrants.
j. U.S. interests in Indonesia—Oversight hearing on issues including tsunami recovery, military-to-military relations, human rights, democratization, economic reform, decentralization, and U.S. public diplomacy.
k. U.S.–ROK Alliance Management—Oversight focused on the future of the U.S.–ROK alliance, the implication of U.S. force relocation for bilateral

relations, and U.S. public diplomacy efforts, particularly toward the younger generation in South Korea.

l. The situation in Burma—Oversight relating to prospective annual legislative renewal of U.S. sanctions against Burma under the Burmese Freedom and Democracy Act of 2003.

m. Marshall Islands Changed Circumstances Petition—Oversight hearing reviewing results of the U.S. Government review of "changed circumstances" petition by the Republic of the Marshall Islands for additional compensation for U.S. nuclear testing in the atolls during the 1950s.

n. Unrest in Vietnam's Central Highlands—Oversight focusing on what is arguably the most sensitive issue in U.S.-Vietnamese relations.

o. Review implementation of the Tibetan Policy Act of 2002 (Public Law 107–228, Sections 611–621).

p. Energy Security in Asia and the Pacific—Oversight focusing on Asia's growing energy requirements and the implications of such on geopolitics and grand strategy in the region and beyond.

q. U.S. Economic and Trade Policy toward the Peoples Republic of China—oversight hearing focusing on commercial relations with China and prospects for better balance in bilateral trade relations.

r. Cultural and public diplomacy toward Asia and the Pacific—oversight hearing focusing on the adequacy of U.S. cultural and public diplomacy in Asia, particularly Southeast Asia.

s. Visa policy and U.S. interests in Asia and the Pacific—oversight hearing examining whether the U.S. has adequately balanced U.S. security interests post 9/11 with foregone academic, commercial and tourist opportunities as a result of current restrictions.

t. Economic and Social Trends in the PRC—Oversight examining internal stability and reform, and the implications for regional stability and U.S. investment in China.

u. U.S. counterterrorism and counterproliferation policy in Central Asia

v. Extending reform mandate to Central Asia.

w. Review and monitor delivery and implementation of democracy promotion and assistance to the countries of Central Asia.

x. Rise of Islamist extremism in Central Asia.

8. Europe

a. Periodic reviews of the region with the Assistant Secretary of State for European and Eurasian Affairs. Oversight of the declining SEED Act assistance and Freedom Support Act funding for nations in Central and Eastern Europe that have not yet reached a level of democratic maturity; status of political and economic reforms.

b. U.S.-Russian relations. Review of U.S. policy and interests and approaches toward Russia, including Russian foreign policy objectives, the role of nationalism in Russian politics and the approach of the 2008

presidential election, and reported corrupt activities within the Russian Government and confiscation of privately-owned assets on a large scale using tax penalties and other legal charges and legislative changes in investment requirements. Monitor implementation of the Russian Democracy Act; review the Russian Government's use of energy supplies as strategic leverage over neighboring states; Russian sales of advanced arms and proliferation of technology related to weapons of mass destruction; the status of political and economic freedoms in Russia.

c. Review of European energy security generally.

d. Review of peace process in Northern Ireland.

e. Turkey's accession to the EU, resolution of the situation in Cyprus, Turkish policy toward Iraq, and U.S.-Turkish relations.

f. Future of the "Special Relationship" with Great Britain after the departure of Prime Minister Tony Blair.

g. Review U.S.–EU relations (political, security, trade and financial issues; European integration; cooperation in the campaign against global terrorism; cooperation and viewpoints regarding Iran's nuclear program and other nonproliferation matters; transparency in European rulemaking and legislating) on the occasion of the 10th anniversary of the signing of the "New Transatlantic Agenda" and the 50th anniversary of the Rome Treaty. Review EU enlargement; European Security and Defense Policy and its implications for the United States; economic relations; counterterrorism cooperation; and EU Arms Embargo on China.

h. Immigration and integration of Muslims in Europe. Implications for the United States regarding Muslim radicalism in Europe.

i. Review of NATO including: Defining U.S. strategic interests in pursuit of military cooperation with European states and how best to accomplish such objectives; NATO's role in Afghanistan; transformation; the enlargement process; intelligence/threat assessment, NATO–EU relations; oversight of new NATO headquarters building in Brussels and headquarters operations.

j. Developments in, and U.S. policy toward, Serbia and Montenegro and review of situation in Kosovo.

k. Black Sea Strategy—An overview of the political and economic situation among nations encircling the Black Sea, including the conflicts in Georgia and Moldova.

l. Developments in the Northern European Region including U.S. interests, policy and events in the Baltic states and the surrounding region.

m. Anticorruption and antihuman-trafficking in Eastern Europe. Progress made, barriers that still need to be overcome, and best strategies to achieve objectives.

n. Overview of U.S. relations with specific regions or countries in Europe including: France, Germany, Italy, Spain.

o. Challenges in the South Caucasus.

p. Review of U.S. policy toward Ukraine

q. Review of U.S. policy toward Belarus and monitoring implementation of the Belarus Democracy Act.

9. Middle East

a. Periodic reviews of the region with the Assistant Secretaries of State for Near Eastern Affairs, European and Eurasian Affairs and South Asian Affairs
b. Oversight of 9/11 bill implementation and legislation relating to Middle East
  i. Engaging the struggle of ideas and promoting reform to prevent terrorism (including oversight of the Middle East Partnership Initiative and the Broader Middle East and North Africa initiative)
  ii. Terrorist sanctuaries
  iii. Broadcasting
c. Iraq political, economic and security situation—Assess reconstruction and the U.S. policies toward and role in Iraq; construction of new Embassy in Iraq
d. Review of the Middle East peace process and related issues, including U.S. policy towards the peace process; the implications of Hamas' role in the Palestinian Authority; assistance to the Palestinians, including regional people-to-people programs, a possible "Marshall Plan for the Middle East," and operations of the United Nations Relief and Works Agency
e. Paul Simon Water Act—Review options to authorize multi-year funding for cooperative water projects in the Jordan River Basin.
f. Syria—Comprehensive review of status of Syrian Accountability and Lebanese Sovereignty Restoration Act implementation.
g. Differences between the U.S. and Europe in the Middle East.
h. Review of the UBS Case (Iran and Cuba)—Assessing the lessons learned
i. The Future of Gaza after Israel's disengagement.
j. Egypt—Review of GAO reports on cash transfer and the arms program
k. Status of Political and Economic Reform in the Middle East.
l. Review status and effectiveness of peacekeeping arrangements and anti-terrorism efforts on the Egypt-Gaza, Israel-Lebanon, and Syria-Lebanon borders.

10. South Asia

a. Periodic reviews of the region with the Assistant Secretary of State for South and Central Asian Affairs.
b. Oversight of 9/11 bill implementation and legislation relating to South Asia.
c. Review the U.S. policies toward and role in Afghanistan, including U.S. efforts against Al-Qaeda and Taliban militants, the status of political and economic reconstruction, the implications of the narcotics crisis in that country, U.S. assistance programs in Afghanistan (including security

assistance and counter-narcotics assistance from all sources), the rights of women and children, and Afghan-Pakistan relations.

d. India as a rising power—Oversight focusing on India's deepening economic, political and strategic engagement in the Asia-Pacific region and beyond and on review of U.S.-India Nuclear Cooperation Agreement negotiations and implementation.

e. U.S. Policy toward Pakistan—Oversight focusing on U.S. interests in and policy toward this front-line state in the global war on terrorism including review of Pakistan's agreement with Taliban and tribal leaders in Afghanistan-Pakistan border areas. As appropriate, also review progress in the Indo-Pakistani composite dialogue, progress towards democratic reform and the conflict in Baluchistan.

f. Pakistan earthquake reconstruction-in coordination with the full committee, review relief/reconstruction efforts in the earthquake-affected areas of Pakistan.

g. Oversight of India-Pakistan relations generally, including boundary disputes and potential increases in nuclear arsenals of each country.

h. Nepal – Review of the situation in Nepal, the peace accords and the restoration o democracy.

i. Bangladesh – Review of the situation in Bangladesh and the risk of erosion of democratic institutions.

j. Sectarian violence in Sri Lanka—Review resurgent violence and prospects for peace in Sri Lanka. As appropriate, also review political and societal violence elsewhere in the region.

11. Western Hemisphere

a. Periodic reviews of the region with the Assistant Secretary for Western Hemisphere Affairs.

b. In General—U.S. efforts in support of democratic institutions, political stability, and economic growth in the region.

c. U.S. counternarcotics and counterterrorism support in Colombia and other Western Hemisphere countries

d. Review of status of agreement with countries of the region by the U.S. Millennium Challenge Corporation.

e. General overview of progress of democracy in the region after the 2006 "year of elections."

f. Growing influence of China in the Western Hemisphere—Overview of China's heavy investment in Latin America.

g. Latin America & Caribbean aid authorization bills and general oversight of U.S. foreign assistance to the region.

h. Cooperation on Border Security—Assess border security cooperation between the United States and its neighbors.

i. Continued engagement with Venezuela—Review U.S. policy toward Venezuela.

j. Review and oversight of U.S. policy toward Cuba, including efforts to assist dissidents and reform advocates in Cuba U.S. support for victims of Communist Government repression in Cuba and overall U.S.-Cuba policy.
k. Nicaragua—Review of the political transition in Nicaragua.
l. Brazil—Assess U.S. relations with Brazil as an emerging regional power.
m. U.S. policy regarding the expropriation of property from U.S. citizens by governments in the Western Hemisphere.
n. Review progress toward completing Free Trade Agreements in Latin America, including Free Trade Agreements with Colombia and Peru, and their impact on business and labor in signatory countries.
o. Investigate methods to support institutional strengthening of the Organization of American States (OAS) and its Inter-America Democratic Charter.
p. Evaluate feasibility and implications of facilitating targeting remittances from persons in the U.S. to their home countries for development purposes.
q. Public health issues in the Western Hemisphere.
r. Assessment of Western Hemisphere's cooperation on the War on Terror.
s. Review U.S. efforts to achieve strengthened democratic institutions and judicial reform in Western Hemisphere countries.
t. Review of diplomatic strategy toward the nations of the Caribbean and oversight of Third Border Initiative.
u. Review status of indigenous populations and Afro-descended communities, in Canada, Latin America and the Caribbean.
v. GAO assessment of reconstruction in the Caribbean after recent hurricanes and proposals for disaster mitigation.
w. Guatemala—Oversight of Guatemala's efforts to address outstanding provisions of Peace Accords and create a Commission of Inquiry, or similar commission.
x. Mexico – Oversight of efforts to support democratic institutions in Mexico, the implications of the 2006 Presidential elections, and the status of a potential migration accord with that country. Review the impact of NAFTA and of sources of instability.
y. Citizen security – Evaluate strategies to help countries in the region respond to rising crime rates, lack of personal security and embedded practices of impunity.
z. Energy – Oversight of policies and programs to ensure stable supply of resources from the Hemisphere.
aa. GAO assessment of public diplomacy efforts in Latin America and the Caribbean.
bb. Evaluate impact of escalating crime rates, particularly as driven by gang violence and immigration, on Mexico, Central America and other countries in the region.

12. Human Rights

- **a.** Review of the State Department's annual "Country Reports on Human Rights Practices" and of the "Annual Report on International Religious Freedom."
- **b.** Assessing trafficking in persons threat to tsunami victims—Exploring the trafficking in persons situation in tsunami-devastated areas, including prevention and protection efforts by local governments and USG involvement and support.
- **c.** Review of U.S. policy to promote democracy and create country strategies to promote democracy and human rights, including review of the State Department's annual "Supporting Human Rights and Democracy" Report.
- **d.** Status of Cuban human rights situation; democracy movement, jailed dissidents, and the impact of the resumption of official contact with the European Union and European countries.
- **e.** International trafficking in persons—Review of the implementation of the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003 and 2005.
- **f.** Review of State Department's annual "Trafficking in Persons" Report.
- **g.** U.S. policy towards individual detained in the war on terrorism and on U.S. policy regarding treatment of such individuals.
- **h.** International refugee protection and resettlement—Assess U.S. Refugee policy and oversight on USG refugee initiatives, status and goals, and humanitarian assistance efforts and challenges.
- **i.** Religious persecution—Oversight of implementation of the International Religious Freedom Act of 1998.
- **j.** Combating the rise of anti-Semitism in Europe (possible joint hearing).
- **k.** Torture Victims Relief Act of 1998, and the Torture Victims Relief Reauthorization Act of 2005—oversight of implementation.
- **l.** Review U.S. efforts to assist in meeting the psycho-social needs of post-terrorist attack victims on School No. 1 in Beslan, North Ossetia..
- **m.** Review and assess U.S. strategy regarding Burma's continuing human rights violations
- **n.** Humanitarian crisis plaguing Uganda's children.
- **o.** Oversight of the newly-authorized Human Smuggling and Trafficking Center.
- **p.** Implementation of the Universal Declaration of Human Rights and other internationally recognized human rights.
- **q.** Review of People's Republic of China (political and religious repression, forced abortion and sterilization, forced labor, situation of Tibetan and Uighur minorities, North Korean refugees).
- **r.** Central Africa (human rights and refugee issues in the Democratic Republic of Congo, Rwanda, and surrounding countries).

s. Vietnam (religious and political persecution, access to U.S. resettlement programs, and related issues).

13. Economic Policy, Trade, and the Environment

a. Assess loss of American jobs to the growing capabilities and exports from China.
b. Assess loss of American jobs due to outsourcing, non-immigrant visa policies and implementation of Free Trade Agreements.
c. International intellectual property issues.
d. International energy policy issues.
e. Enterprise Funds.
f. Overview of global trade situation and implementation of International Monetary Fund terms and conditions.
g. Trade distorting actions by foreign governments (bribery, economic espionage, manipulation of customs rules, import licensing, skewing health and safety standards, etc.); Mutual Recognition Agreements ("MRAs"); and efforts by other foreign governments to implement the OECD Anti-Bribery Convention.
h. TDA/EXIM Oversight; Commerce Department trade promotion and enforcement activities.
i. Oversight of OPIC and review of possible reauthorization legislation, including review of OPIC's transparency initiative, accountability ombudsman, and protection of international labor rights, human rights, and international environmental standards.
j. Overview of the Export Administration Act (EAA) and the views of the Administration on legislation reauthorizing and modernizing its provisions.
k. Implementation of sanctions against Iran and other regimes by the Departments of State and Treasury.
l. Global environmental trends: international instability and national security.
m. The U.S. Government position on global warming/Kyoto Protocol.
n. How environmental cooperation can enhance bilateral relations and U.S. interests abroad.
o. Impact on U.S. business due to the lack of foreign export credit agency environmental standards.
p. Role of regional trade agreements in promoting a new global trade round and global economic growth; progress toward a new global trade round; foreign government adoption of standards adverse to U.S. interests.
q. International cooperation for access to the international space station.

14. American Red Cross

Hearing on the role of the American Red Cross in international disaster response and the review of governance audit leading to possible legislation amending the American Red Cross' charter.

15. Miscellaneous

a. Presidential War Powers Act and the Bush doctrine of preemption.
b. Codify U.S. foreign policy law.

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

PETER T. KING, NEW YORK
RANKING MEMBER

One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515
January 24, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Juanita Millender-McDonald
Chairwoman
Committee on House Administration
1309 Longworth Building
Washington, DC 20515

Dear Committee Chairs:

Pursuant to clause 2(d)(1) of Rule X of the Rules of the House of Representatives I am submitting the Committee on Homeland Security's Oversight Plan for the 110th Congress. The Oversight Plan was adopted by the Committee on Homeland Security in open session on Tuesday, January 23, 2007, without amendment, by voice vote, a quorum being present.

Should you have any questions, please contact me or Ms. Cherri Branson, Oversight Counsel at X6-2616.

Sincerely,

BENNIE G. THOMPSON
Chairman

cc: The Honorable Peter T. King, Ranking Member

COMMITTEE ON HOMELAND SECURITY OVERSIGHT PLAN

U.S. HOUSE OF REPRESENTATIVES

110TH CONGRESS

REP. BENNIE G. THOMPSON, CHAIRMAN

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

This is the oversight plan of the Committee on Homeland Security for the 110th Congress. It includes the areas in which the Committee expects to conduct oversight during the 110th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

MANAGEMENT, INVESTIGATIONS AND OVERSIGHT

During the 110th Congress, the Committee will assess the progress of the Department of Homeland Security in meeting its major management and integration challenges. The Homeland Security Act of 2002 transferred 22 separate agencies into the Department of Homeland Security (DHS). The Committee will conduct oversight of the effectiveness of DHS efforts to integrate and coordinate the management and administration of these numerous legacy entities, especially regarding the effectiveness of the Department's efforts to streamline activities relating to human capital recruitment and retention, asset investment, acquisitions, financial management and other departmental administrative functions essential to the short and long-term effectiveness of the Department in fulfilling its critical mission functions. As a component of this oversight, the Committee will examine the effectiveness of this merger, particularly in light of the Secretary's findings following his Second Stage Review initiative. The Committee will review the Department's inventory of facilities, both within the United States and overseas, to help ensure their full utilization and consolidation. Additionally, the Committee will examine the Department's efforts to establish and locate a new headquarters within Washington, DC.

PROCUREMENT AND CONTRACTS MANAGEMENT

During the 110th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to improve the integration and coordination of the procurement functions of its major legacy components, and to ensure that effective management controls are put in place to prevent contract waste, fraud and abuse. The Committee will review the authorities and activities of the Chief Procurement Officer to ensure the effective management of this key function. The Committee also will review the Department's implementation of Section 831(a) of the Homeland Security Act of 2002, which grants the Secretary authority with respect to research and development projects to use more flexible contracting mechanisms in an effort to

attract "nontraditional government contractors" for needed homeland security technologies, as well as the Secretary's use of "streamlined" acquisition authority in certain circumstances.

FINANCIAL MANAGEMENT

During the 110th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address the financial management challenges of individual components, including the implementation of internal controls and the mitigation of organizational weaknesses which preclude the issuance of clean audit opinions. Additionally, the Committee will examine the Department's efforts to integrate the financial management systems of the component agencies into a unified system and the Department's compliance with the Department of Homeland Security Financial Accountability Act, P.L. 108-330.

HUMAN CAPITAL MANAGEMENT

In February 2004, the Department of Homeland Security proposed new regulations for human resource management, in accordance with Section 841 of the Homeland Security Act of 2002, to create a more flexible and competitive personnel system and assess the impact of limiting personnel management flexibilities on DHS' ability to prepare for and respond to a terrorist attack or natural disaster. Since the publication of these regulations, several court challenges have required modification of the Department's initial plans. During the 110th Congress, the Committee will monitor the Department's efforts to implement a new personnel system. Additionally, the Committee will examine the Department's use of contract employees to fulfill its staffing needs and assess under what circumstances such employees could be used to address vacancies and allow for more appropriate and effective utilization of the DHS' Federal workforce.

INFORMATION TECHNOLOGY SYSTEMS MANAGEMENT

During the 110th Congress, the Committee will review the efforts of the Department of Homeland Security (DHS) to address information technology (IT) challenges, including the management and integration of the Department's information technology systems. The Committee will review the authorities and activities of the Chief Information Officer (CIO) and the coordination of policy and acquisition within and among the Department's CIOs. The Committee also will monitor the Department's progress in IT architectural planning, investment management, policy development, operations, and related personnel management. Additionally, the Committee will monitor the Department's compliance with the Federal Information Security Management Act of 2002, 44 U.S.C. § 3541.

EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE

FEDERAL PREPAREDNESS AND RESPONSE EFFORTS

The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security to ensure effective coordination of the Department's efforts to prevent, prepare for, respond to, and recover from acts of terrorism and other major emergencies.

Additionally, on October 4, 2006, President Bush signed into law P.L. 109-295, the Department of Homeland Security Appropriations Bill of 2007. Title VI of this law, cited as the Post Katrina Emergency Management Reform Act of 2006, made substantial changes to the Federal Emergency Management Agency (FEMA) that ultimately resulted in the integration of all preparedness and response activities in the Department The Committee will examine the Department's implementation of the FEMA reform legislation and its efforts to resolve the multi-faceted command and control problems experienced by the Department in its response to Hurricane Katrina.

NATIONAL PREPAREDNESS GOAL AND SYSTEM

Both the Post Katrina Emergency Management Reform Act of 2006 and Homeland Security Presidential Directive 8 (HSPD-8), direct the Department of Homeland Security to develop, and update as necessary a National Preparedness Goal that defines the target level of preparedness to ensure the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.

In the 110th Congress, the Committee will oversee the implementation of the Post Katrina Emergency Management Reform Act of 2006, which directs the President, acting through the FEMA Administrator, to develop a National Preparedness System to enable the Nation to meet the National Preparedness Goal. This system shall include target capabilities and preparedness priorities, equipment and training standards, training and exercises, a comprehensive assessment system, a remedial action management program and national planning scenarios.

Additionally, the Committee will oversee the implementation of the National Preparedness Goal and System to gage improvements in the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.

NATIONAL RESPONSE PLAN/INCIDENT MANAGEMENT

The National Response Plan (NRP) provides the structure and mechanisms for the coordination of Federal emergency support to State, territorial, local, and tribal governments, and for implementing direct Federal authority. In the 110th Congress, the Committee will oversee the Department of Homeland Security's review and revision of the National Response Plan, including the Department's role in coordinating the response obligations of all applicable Federal departments and agencies and the coordination between the Department and State and local governments, first responders, and the private sector in implementing the NRP. As part of this oversight, the Committee may review current preparedness and response plans of Federal, State, and local officials.

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

INTEROPERABLE COMMUNICATIONS

The Committee will monitor the implementation of the 21st Century Emergency Communications Act, Subtitle D of the Post Katrina Emergency Management Reform Act of 2006, including the Department's coordination and planning, technical assistance, establishment of communications standards and development of best practices for interoperable communications systems for first responders.

Additionally, the Committee also oversee the Department's coordination with other Federal agencies to award grants for interoperable communications, and its efforts to address challenges regarding the operability of communications equipment and the provision of technical guidance to assist urban areas and states in rapidly establishing interoperable communications systems.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND FIRST RESPONDERS

In the 110th Congress, the Committee will examine the Department's allocation and administration of grants to State and local governments. In particular, the Committee will review the coordination of grant programs within the Department and across the Federal government; challenges in the funding pipeline; the distribution and spending of such grants at the State and local levels; and the level of coordination between regional partners to ensure the most efficient use of terrorism preparedness resources. In addition, the Committee will examine the risk assessment and peer review processes used by the Department to ensure that it is using the most accurate data available to cost effectively award terrorism preparedness assistance.

FIRST RESPONDER TRAINING

During the 110th Congress, the Committee will review the efficacy of Federal terrorism preparedness training, incorporation of such training into first responder certification processes, and the level of coordination between Federal, State, and local training programs. The Committee intends to review the Department of Homeland Security's current training programs for first responders. The Committee will review the extent of State and local government utilization and awareness of these programs, the compatibility of the Department's programs with existing training requirements and certifications for first responders, and whether the Department is effectively utilizing existing training infrastructures at the State and local levels.

EXERCISES AND SIMULATIONS

The Department, through the Under Secretary for Preparedness, is responsible for coordination of all terrorism preparedness exercises at the Federal level. Additionally, the Department is responsible for conducting these exercises in collaboration with State and local governments, the private sector, and first responders. Furthermore, in the Homeland Security Presidential Directive 8, the President directed DHS to create a national program and multi-year planning system to conduct terrorism preparedness-related exercises. During the 110th Congress, the Committee will review DHS' National Exercise Program, and will evaluate the extent to which this program enhances our Nation's preparedness. The Committee will also review the execution of TOPOFF IV, a national terrorism exercise to be conducted in late 2007.

EMERGENCY WARNINGS

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

CONTINUITY OF OPERATIONS

The Committee will review the status of Federal agencies' planning to ensure the continuity of operations and the continuity of government should a terrorist attack, natural disaster, or other catastrophic event, such as pandemic, occur. As part of its oversight of the coordination of Federal, State, and local preparedness efforts, the Committee will review the guidance provided by the Department to other government agencies and the implementation of such guidance.

INTELLIGENCE, INFORMATION SHARING, AND TERRORISM RISK ASSESSMENT

DHS' OFFICE OF INTELLIGENCE AND ANALYSIS

During the 110th Congress, the Committee will review the resources allocated to efforts aimed at building the intelligence, analytical, and assessment capabilities of the Department and ensuring its full participation in the Intelligence Community in furtherance of its homeland security mission. The Committee will examine whether the Department is receiving relevant intelligence and law enforcement information from other Federal agencies on a timely basis; whether the Secretary of Homeland Security is appropriately involved in the prioritization of the Federal government's intelligence collection requirements for homeland security purposes; and the Department's role in managing, distributing, and otherwise using terrorist threat information in furtherance of its homeland security mission.

In addition, the Committee will explore the Department's role in the activities of the National Counterterrorism Center (NCTC) and the dissemination of terrorist threat information among Federal, State and local governments and the private sector.

DHS' INTELLIGENCE AND INFORMATION COLLECTION ACTIVITIES

The Committee will examine the Department's information collection efforts to ensure that they contribute materially to the Department's overall homeland security/counterterrorism mission. In particular, the Committee will oversee the efforts of the Department to coordinate and integrate the activities of its various intelligence and analytic units and offices and to ensure that national-level terrorist threat intelligence is being disseminated to the operational entities within the Department. As part of this oversight, the Committee will examine the effectiveness with which the Department's intelligence and threat assessments are utilized in carrying out Department-wide initiatives to understand and assess critical infrastructure vulnerabilities and to conduct national risk assessments. This oversight also will include a review of the Department's

plans to use Open Source Information, as recommended in the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004.

INFORMATION SHARING

The Homeland Security Act of 2002, and a subsequent Memorandum of Understanding on Information Sharing entered into by the Attorney General, Director of Central Intelligence, and Secretary of Homeland Security, mandated routine sharing of homeland security-related information between and among Federal, State, local and tribal officials, in order to assess the nature and scope of terrorist threats to the United States and to evaluate and act on that information in light of U.S. vulnerabilities. During the 110th Congress, the Committee will examine information sharing among Federal, State, local and tribal governments, law enforcement entities, first responders, and emergency management personnel. The Committee also will examine the development and implementation of the information sharing environment mandated under the Intelligence Reform and Terrorism Prevention Act of 2004, and whether the Department is meeting the terrorism threat-related information requirements of State, local, tribal and private sector officials in a timely and responsive manner. The Committee will also examine the issues of overclassification by DHS and other Federal agencies, as well as the use of unclassified information designations such as "Sensitive Security Information," and any impact such designations may have on the ability of the Department or other Federal agencies to share information among Federal, state, local, tribal, and private sector partners. In addition, the Committee will review DHS' and other Federal agencies' involvement with various intelligence fusion centers and will consider grant programs that might support law enforcement and counterterrorism efforts at those fusion centers and other appropriate facilities.

THREAT COMMUNICATIONS AND ADVISORIES

In the 110th Congress, the Committee intends to review the Department's policies and procedures with respect to issuing threat and warning advisories, including the Homeland Security Advisory System, to ensure that they convey information in a timely and relevant manner to Federal, State, local and tribal government officials and other entities.

INTELLIGENCE-DRIVEN EFFORTS TO COUNTER TERRORISM-RELATED SMUGGLING

During the 110th Congress, the Committee will examine the operations and progress of the Terrorist Screening Center, the Human Smuggling and Trafficking Center, and other cooperative efforts to prevent and interdict terrorist travel, including the Department of Homeland Security's interaction with and participation in such entities and efforts. In addition, the Committee will review the Department's intelligence-driven efforts to prevent and interdict terrorist travel and the smuggling of illicit terrorism-related materials, including the expansion of its ability to analyze terrorist techniques, patterns, indicators, and trends, and to share such information in a timely manner to enable front-line Department personnel to identify, intercept, and disrupt terrorists attempting to travel into and within the United States.

THE NATIONAL OPERATIONS CENTER

The Department of Homeland Security's National Operations Center (NOC) serves as the national nerve center for information sharing and domestic incident management, by increasing the vertical coordination between Federal, State, local and tribal government and private sector partners. In the 110th Congress, the Committee will oversee the Department's efforts to collect and fuse information in the NOC in order to maintain domestic situational awareness, and to carry out its role as the primary national-level center during domestic incidents and special events.

PRIVACY AND CIVIL LIBERTIES PROTECTION

Section 222 of the Homeland Security Act of 2002 (the Act) created a Privacy Officer for the Department of Homeland Security (DHS), in order to ensure that DHS' information gathering and analysis functions, across its many directorates and offices, adhere to established standards for protection of personal privacy. Section 705 of the Act also established an Officer for Civil Rights and Civil Liberties to review and assess information alleging abuses of civil rights or civil liberties by employees and officials of the Department, and the recently enacted Intelligence Reform and Prevention Act of 2004 required the Department's Inspector General to designate a senior staff member to handle similar issues and work with the Officer for Civil Rights and Civil Liberties on such matters. During the 110th Congress, the Committee will monitor the Department's efforts to ensure appropriate privacy and civil liberties protections.

RADICALIZATION

Terrorists aren't merely seeking to come across our borders – they may already be here in the form of homegrown terror cells that draw their inspiration from a variety of sources, including right wing ideologies based on race hatred as well as extremist religious beliefs that may or may not have an al Qaeda nexus. The Committee will closely examine the forces of radicalization within U.S. society in order to understand the nature of this threat to the homeland.

TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION

NATIONAL STRATEGY FOR TRANSPORTATION SECURITY

During the 110th Congress, the Committee plans to examine the Department of Homeland Security's (DHS) progress in developing a risk-based National Strategy for Transportation Security, as required by section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004. The Committee will examine the Department's efforts to develop strategies for addressing terrorist threats in varied transportation environments and to secure the nation's transportation system and its users. The Committee also will review the potential efficacy and cost of current and proposed practices to protect the mass transit industry's passengers and infrastructure from terrorist attack, including hardening of facilities, the use of biological, chemical and radiological sensors, passenger screening, and other methods to prevent or mitigate a terrorist attack. Oversight in this area will include examination of transportation security grants and the

interaction of DHS with other agencies under agreements delineating responsibility for transportation security.

CONSOLIDATION OF REDUNDANT BACKGROUND CHECKS

At present there are a number of potential background check and credentialing programs that an individual might have to undergo in relation to transportation. All of these programs have similar, if not identical, credentialing requirements for submission of biographic information and background checks. However, most of these programs are not reciprocal and require duplicative fees of individuals. The Committee will review background check programs to ensure a more efficient system.

PASSENGER AND BAGGAGE SCREENING

During the 110th Congress, the Committee intends to review the Transportation Security Administration's (TSA) progress in developing and deploying passenger, baggage screening technologies, including the cost-effectiveness and accuracy of such technologies and possibilities for the acceleration of in-line EDS systems for our nation's airports. The Committee also will review TSA's passenger search policies and practices and passenger pre-screening programs including the use of no-fly and selectee lists and related privacy protections and passenger redress processes, and coordination with U.S. Customs and Border Protection on the screening of international air travelers. As part of this oversight, the Committee plans to examine TSA's staffing needs, resources, and the ability of airports to "opt-out" from the use of Federal screeners. The Committee will also assess the need for personnel flexibilities for the TSA workforce to meet the Department's security mission.

AVIATION SECURITY

In the 110th Congress, the Committee will examine the risks and consequences of different types of terrorist attacks on or utilizing aircraft, and the development of security measures, including supply-chain security programs such as "Known Shipper" to reduce or mitigate such risks. As part of this oversight, the Committee expects to review efforts by the Transportation Security Administration (TSA) relating to air cargo security, including the three pilot programs intended to assess the viability of screening a higher percentage of air cargo on passenger aircraft, general aviation aircraft, and countering Man Portable Air Defense Systems (MANPADS). The Committee also will review airport perimeter and access control procedures, as well as related technology (including the Transportation Worker Identification Credential and the Secure Identification Display Area credential), to assess the effectiveness of TSA requirements for limiting access to the secure areas of commercial and general aviation airports. In addition, the Committee will conduct oversight relating to the protection of the aircraft from hostile takeover including the flight planning and training practices of the Federal Air Marshals Service, the Federal Flight Deck Officer Program, and other necessary personnel, the efficacy of voluntary aviation personnel training, and the procedures employed to protect the cockpit when the door is opened in-flight.

AIRSPACE SECURITY

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

CRITICAL INFRASTRUCTURE PROTECTION

Under Homeland Security Presidential Directive 7 (HSPD-7), the Department is responsible for integrating sector-specific strategies into a National Strategy for Critical Infrastructure Protection, and for coordinating Federal efforts across all such infrastructure sectors. During the 110th Congress, Committee oversight will focus on the implementation of this National Strategy for Critical Infrastructure Protection, including the Department's national coordination responsibilities and its sector-specific critical infrastructure protection responsibilities. The Committee will also examine the Department's efforts to compile, maintain, and prioritize a National Asset Database, including the coordination of such efforts with State and local officials and the private sector. The Committee also will examine the coordination of efforts between the Department of Homeland Security, the Department of Defense, and States with respect to the deployment of National Guard units to assist with critical infrastructure protection activities.

In addition, the Committee will review the Department's progress in identifying, prioritizing, recommending, and implementing protective measures to reduce vulnerabilities for critical infrastructure and key resources, including its administration of programs to promote private sector sharing of critical infrastructure threat and vulnerability-related information, and its administration of systems and programs to provide timely warnings of potential risks to critical infrastructure.

The Committee will also conduct oversight of DHS implementation of regulations to secure chemical facilities

BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM

IMPLEMENTATION OF TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)

The Committee will monitor the phased implementation of the Transportation Worker Identification Credential (TWIC), including pilot programs to test TWIC card readers.

PORT AND MARITIME SECURITY

In the 110th Congress, the Committee will examine various aspects of port security, including the security of port facilities; the screening of vessels, passengers, cargo, and crew for potential terrorists or instrumentalities of terrorism; the development of international security standards for shipping and containers, and programs for scanning containers The Committee plans to review the efficiency and effectiveness of the Department's supply chain security programs and the implementation of the Maritime and Transportation Security Act of 2002 and the Security and Accountability for Every Port Act of 2006, and the relevant provisions of the Intelligence Reform and Terrorism Prevention Act of 2004.

COAST GUARD

In the 110th Congress, the Committee plans to monitor the Coast Guard's efforts to enhance maritime domain awareness through an examination of existing and alternative programs that contribute to this goal. As part of this effort, the Committee will review the progress and efficacy of the Coast Guard's Deepwater Program. Additionally, the Committee plans to monitor the Coast Guard's efforts to enhance maritime domain awareness. As part of this effort, the Committee will review the progress and efficacy of the Coast Guard's Deepwater Program. More specifically, the Committee will investigate the various difficulties the Coast Guard has encountered in procuring new assets to determine how that process can be made more efficient and effective. In conjunction with this desire to ensure effective and proper procurement, the Committee will closely examine the Coast Guard's budget to ensure that it has the appropriate tools to perform its important homeland security missions.

BORDER SCREENING

In the 110th Congress, the Committee intends to review efforts to ensure the deployment and implementation of technology and training to assist border and consular officials in identifying, intercepting, and disrupting terrorists, terrorist financing networks or others who would do us harm. As a part of this effort, the Committee will review the efforts of the Department to detect, detain, and remove aliens apprehended at or near U.S. borders and ports of entry who are subject to deportation, particularly those from countries of terrorist concern. The Committee will examine the integration, security, and reliability of criminal, immigration, and terrorist databases used to screen persons seeking to enter this country. The Committee will closely monitor the Department's progress in fully implementing the US-VISIT program and its supporting technologies and databases; the potential benefits and challenges of various biometric technologies; the impact of the program on cross-border travel at ports of entry; the ability of the Department to use overstay reports generated by the program for enforcement purposes; and the integration of the US-VISIT program with other screening programs. The Committee will examine the Visa Waiver Program, including expansion proposals and security enhancements. The Committee will also closely monitor implementation of the Western Hemisphere Travel Initiative in a manner to achieve both enhanced border security and to expedite legitimate and qualified travelers, and programs to establish other secure and reliable identification documents. Additionally, the Committee will oversee implementation of those sections of P.L.109-13 which involve measures affecting border enforcement methods used by the Department to ensure that undocumented persons or those persons involving a terrorist threat do not enter the United States.

The Committee also will assess DHS progress with respect to the integration and effectiveness of transportation and border security screening systems for passengers and cargo transported within the United States and across our borders. The Committee also will examine the existing state of infrastructure at our nation's ports of entry and assess improvements that may be required to enhance implementation of border security programs. The Committee will review Department of Homeland Security interior enforcement activities, information sharing and coordination with local law enforcement, and coordination with government-wide counter-terrorism activities. The Committee will also examine the international activities of DHS, including information sharing and cooperation with foreign governments.

OPERATIONAL CONTROL OF THE BORDER

The Committee will examine DHS' capabilities, progress, and remaining vulnerabilities in its efforts to gain operational control over the land and maritime borders of the United States. The Committee also will asses the progress and deliverables of programs to harden U.S. land borders from illegal entry by terrorists and criminal organizations, and other unknown individuals or contraband, through the deployment of personnel, infrastructure, and technology.

EMERGING THREATS, CYBERSECURITY, SCIENCE AND TECHNOLOGY

BIODEFENSE

In the 110th Congress, the Committee will examine efforts of the Department to establish a biological terrorism threat assessment capability, and the relationship of such threat assessments to countermeasure research and development activities. The Committee will conduct comprehensive oversight of the Department's activities as outlined in Homeland Security Presidential Directive (HSPD) 10 ("Biodefense for the 21st Century"). As part of this comprehensive oversight strategy, the Committee will examine multiple layers of biodefense, including efforts of the Department to continue to improve and expand efforts to detect and provide early warning of biological attacks through the BioWatch program and the National Biosurveillance Integration System and efforts to provide greater deterrence for terrorists considering use of biological weapons through improved bioforensic capabilities. The Committee will examine the short and long-term effectiveness of these activities, as well as the Department's coordination of the Federal government's biodefense initiatives, including defenses against agro-terrorism and the safety of nation's food supply as outlined in HSPD 9, ("Defense of United States Agriculture and Food").

Additionally, the Committee will conduct oversight of the Department's actions to provide for response capabilities to a biological event, including its responsibilities under Project BioShield in determining material threats to guide the Department of Health and Human Services in developing and procuring the necessary and appropriate medical countermeasures for the Strategic National Stockpile and its responsibilities for end-to-end incident management planning for bioscenarios such as a pandemic flu outbreak. The Committee will examine the Department's increasing laboratory Biosafety level 3 and 4 (which allow for research on the most dangerous pathogens) capacity, such as the National Biological Countermeasure and Analysis Center, the National Bio- and Agro-defense Facility and the Plum Island Animal

Disease Center, to ensure increased staffing levels and training needs are met at the new facilities as they become fully operational. Finally, the Committee will closely monitor the programs that will be carried out in the proposed facilities to ensure a seamless transition from where the work is currently being performed.

CBRNE TERRORISM AND NUCLEAR SMUGGLING

In the 110th Congress, the Committee will conduct oversight of the Department's programs focused on assessing threats related to chemical, biological, radiological, and nuclear and explosives terrorism, including the development of threat certification, characterization, detection, forensics and source attribution techniques. The Committee will review the integration of threat assessments with the development of detection capabilities and countermeasures. Additionally, the Committee will examine the efforts of the Department to establish and operate a nuclear and radiological detection and countermeasures test bed (CMTB) to protect our population and critical infrastructure.

Also, the Committee will examine the Department's progress in refining risk-based methods for identifying, screening, and scanning high-risk cargo entering the United States, and the development of non-intrusive inspection technologies and capabilities for detecting and interdicting commerce in and transit of nuclear, radiological, chemical, biological, and explosive weapons, components, and precursors. To that end, the Committee will also review the deployment and operation of radiation portal monitors and alternative approaches to tracking and monitoring cargo in transit. Finally, the Committee will examine the Department's efforts to develop and execute response and recovery efforts in the event of a CBRNE incident.

R&D INVESTMENT AND COORDINATION

The Committee will review the Department's efforts to strategically invest in basic research and development (R&D) designed to enhance the long-term prevention mission of the Department and its efforts to carry out statutory responsibilities for coordinating government-wide R&D in support of all homeland security missions.

COUNTER-PROLIFERATION ACTIVITIES

The Committee will review the efforts of the Department in counter-proliferation of nuclear and biological weapons, materials, and precursors and the detection and assessment of chemical and radiological threats, including the coordination of such activities within the Department and with related efforts of other Federal agencies.

CYBERSECURITY

The Committee will examine the Department's efforts to implement the National Strategy to Secure Cyberspace. The Committee will focus on enhancing accountability and leadership to improve integration of the cybersecurity mission within the Department, and coordination of cybersecurity best practices, risk assessments and warnings across all levels of government and the private sector. The Committee also will review DHS' cyber-related remediation activities, including plans for recovery in the event of a coordinated terrorist attack, and the Department's efforts to coordinate with the private sector to develop mechanisms for

information sharing on cybersecurity threats, vulnerabilities and solutions. The Committee will examine the Department's efforts to support research and development and educational activities to improve cybersecurity. The Committee will continue to monitor the Department's activities regarding SCADA and process control systems, that represent a nexus between the physical and the cyber worlds and create vulnerabilities that will require additional research and attention in order to mitigate. Finally, the Committee will review the Department's investment in research and development (R&D) designed to implement the National Strategy to Secure Cyberspace.

SCIENCE AND TECHNOLOGY DIRECTORATE

The Directorate for Science and Technology (S&T Directorate) is the primary research and development arm of the Department. The S&T Directorate provides federal, state and local officials with the technology and capabilities to protect the homeland. In the 110th Congress, the Committee will conduct oversight of the coordination of homeland security-related research, development, testing, and evaluation (RDT&E) within the Department and the adequacy of mission support provided by the Directorate to operational elements of the Department, state and local authorities, and the private sector. The Committee will examine the effectiveness of the recent reorganization within the Directorate. The Committee also will examine the Directorate's partnership with other Federal departments. In particular, the Committee will review the effectiveness of academic, national laboratory, and international RDT&E partnerships.

TECHNOLOGY CLEARING HOUSE AND TECHNOLOGY TRANSFER

In the 110th Congress, the Committee will review the efforts of the Department to establish, as required by Section 313 of the Homeland Security Act of 2002, a centralized "clearing house" for information related to technologies that would further the mission of the Department and its end users. The Committee will review the Department activities relating to evaluation, testing, and certification of private sector homeland security technologies. The Committee also will evaluate the Department's role in facilitating the transfer and commercialization of existing technologies (including modification of military technologies) for use by Federal, state, and local governments and first responders to prevent, prepare for, or respond to terrorist attacks.

S&T FELLOWSHIP PROGRAM AND CENTERS FOR EXCELLENCE

During the 110th Congress, the Committee will review the Department's efforts to attract the Nation's most talented scientists and build partnerships with the academic community through its Homeland Security Centers of Excellence and its Scholars and Fellows program. The Committee will review the Centers' assignments and their role in fulfilling the Department's mission. The Committee also will examine the methodology and rationale underlying the allotment of Fellowship funds. Finally, given reorganization of the S&T Directorate, the Committee should ensure the Directorate clarifies how each Center is matrixed to the Directorate's Divisions and that there are clear lines of communication between the Centers and the respective Directorate Divisions.

THE HOMELAND SECURITY INSTITUTE

The Homeland Security Institute (the Institute), created under the Homeland Security Act of 2002 and sponsored by the Department, is a Federally-funded research and development center (FFRDC) that produces strategic analysis for the science and technology (S&T) mission of DHS. In the 110th Congress, the Committee will examine the utilization and tasking of the Institute by the Department's S&T Directorate, and the Institute's efforts to provide strategic direction and build the scientific capabilities necessary to support the DHS S&T mission.

SAFETY ACT IMPLEMENTATION

The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) was included as Subtitle G of the Homeland Security Act of 2002, and gave the Secretary of the Department of Homeland Security (DHS) the authority to designate and certify, upon application, certain anti-terrorism technologies as qualified to participate in a Federal liability protection program. In the 110th Congress, the Committee will review the Department's efforts to coordinate such designation or certification with its operational components and with other Federal, State, and local government agencies.

HUMAN FACTORS

The Committee will oversee the Department's new Human Factor Division within the Directorate of Science and Technology, in recognition of the importance of the "human element" in formulating effective, layered counterterrorism strategies. In the past, the S&T Directorate has placed much more emphasis on technologies to detect "things" such as the threat agents or objects themselves, but the most effective prevention strategies must also identify the "people" intending to do harm. The Committee will examine the Department's efforts in studying the social and human behavioral aspects that lead to terrorism.

JUANITA MILLENDER-MCDONALD, CALIFORNIA
CHAIRWOMAN

VERNON J. EHLERS, MICHIGAN
RANKING MEMBER

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March 19, 2007

The Honorable Henry Waxman
Chairman
House Committee on Oversight and Government Reform
Washington, D.C. 20515

Dear Mr. Chairman:

I am pleased to transmit the 110th Congress oversight plan adopted by the Committee on House Administration as required by the rules of the House. I look forward to working with you and your committee on the oversight matters contemplated in this plan and others.

With every good wish, I remain

Sincerely yours,

Juanita Millender-McDonald
Chairwoman

cc: Hon. Vernon J. Ehlers
Ranking Minority Member

Committee on House Administration

110th Congress Oversight Plan

Member Services

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

Committee Funding and Oversight

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

Congressional Accountability Act of 1995

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

Franking Commission

- Oversee the Members' use of the congressional frank by providing guidance, advice, and counsel through consultation or advisory opinion on the frankability of congressional mail
- Review proposals to reform mass mailing practices of Members, and regulations governing such mailings, and monitor current prohibition on mass mailings 90 days before a primary or general election.

- Review previously implemented rules to increase disclosure and improve the accounting of franked mail costs.
- Consider revisions of pre-election franking complaint procedures.
- Revise and reprint *Regulations on the Use of the Congressional Frank and Rules on Practice in Proceedings Before the House Commission on Congressional Mailing Standards.*
- Review the formula to determine the number of postal delivery stops in a congressional district which is a component of the Members' Representational Allowance.

Government Printing Office

- Oversee operations of the Government Printing Office, including the Superintendent of Documents.
- Review the need for legislation to reform government printing by eliminating redundancies, increasing efficiency, and enhancing public access to government publications.
- Examine options to improve operation and structure of the GPO Inspector General's office. Monitor implementation of remedial actions taken to address audit issues identified by the GPO Inspector General.
- Review the printing needs of the House of Representatives to identify the potential for eliminating duplication through greater use of GPO services.
- Examine current GPO printing and binding regulations to determine advisability of change.
- Oversee Superintendent of Documents' Sales and Depository Library Programs.
- Review use of GPO facilities and other assets to identify possible alternatives enhancing value to the Congress and the public.
- Oversee preparation of *Women in Congress, Black Americans in Congress, Hispanic Americans in Congress, Asian and Pacific Islander Americans in Congress,* and other congressionally-authorized publications.

House Officers and House Operations

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

Chief Administrative Officer

- Review procedures for processing contracts with the House that exceed the threshold of $250,000.
- Continue to review the current financial management system and implementation of the Financial System Replacement project.
- Review the structure of House Information Resources and determine organizational direction of technology services in the House.
- Review and oversee information technology services provided, maintained or hosted by House Information Resources.
- Review new technology initiatives to better serve Members, committees, and the House.
- Continue review of functions and administrative operations assigned to the Chief Administrative Officer.
- Review semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review the operations of the House gift shop and methods of proposed management.
- Continue review of House restaurant operations; furniture policy, inventory and selection; and alternatives to the current mail delivery process in order to strengthen the services and tools available to Members and staff.
- Review the printing needs of the Chief Administrative Officer's operation to identify the potential for eliminating duplication through greater use of GPO services.
- Examine Chief Administrative Officer's role in assuring accessibility to the House wing of the Capitol, the House Office Buildings and other House facilities consistent with the Americans with Disabilities Act.

Clerk of the House

- Review the administration of audio transmission on the House floor.
- Review and approve contracts and requests for proposals by the Clerk that exceed the $250,000 spending threshold.
- Oversee the Document Management System.
- Review progress towards defining a standard for the electronic exchange of legislative information between Congress and legislative-branch agencies.
- Coordinate on matters under the jurisdiction of the House Fine Arts Board.
- Continue review of functions and administrative operations assigned to the Clerk.
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review the printing needs of the Clerk to evaluate the potential for eliminating duplication through greater use of GPO services.
- Oversee preparation of *Women in Congress, Black Americans in Congress, Hispanic Americans in Congress, Asian and Pacific Islander Americans in Congress,* and other congressionally-authorized publications.

House Sergeant at Arms

- Review security operations in the House, including the House chamber, the galleries, the Capitol, House Office Buildings, and Capitol Grounds.
- Review semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.
- Review impact of electronic access to controlled spaces.
- Continue review of functions and administrative operations assigned to the Sergeant at Arms.
- Review the security operation of House parking facilities, regulations, and allocation of parking spaces.
- Review the policies and procedures for visitor access to the Capitol.
- Review the printing needs of the Sergeant at Arms and the Capitol Police Board to identify the potential for eliminating duplication through greater use of GPO services.
- Examine Sergeant at Arms' role in assuring accessibility to the House wing of the Capitol, the House Office Buildings, and other House facilities consistent with the Americans with Disabilities Act.
- Review the use of technology generally in the protection of the House of Representatives.

U.S. Capitol Police

- Generally oversee operations of the agency.
- Review and report authorization legislation as necessary.
- Review need for additional USCP facilities and equipment.
- Review analysis of uniformed officer post/duty assignments to determine and authorize force levels to meet the agency's security requirements, especially with the advent of the Capitol Visitors Center and responsibility for U.S. Botanic Garden.
- Monitor human-resources needs of the agency, including civilian component, attrition rates, recruitment efforts and incentive programs for officers and civilian employees.
- Review USCP training program for new recruits, and in-service training.
- Review and approve all department reorganizations, creation of new positions, appointments, terminations, and certain promotions.
- Authorize and oversee the installation and maintenance of new security systems and devices proposed by the USCP Board.
- Review and authorize regulations prescribed by the USCP Board for use of law enforcement authority by the Capitol Police.
- Examine options to restructure security at the Library of Congress and implement legislation to complete the merger between the Library Police and the Capitol Police provided for in Sec. 1015 of Public Law 108-7.
- Examine Capitol Police role in assuring accessibility to the House wing of the Capitol, House Office Buildings and other facilities consistent with the Americans with Disabilities Act.
- Review the use of technology generally in the protection of the House of Representatives.

House Inspector General

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

Oversight of Legislative Branch and Other Entities

Information and Technology Coordination

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

Library of Congress

- Oversee the remedial measures taken by the Library in response to audit issues.
- Conduct a review of the progress that the Library has made in providing public access to government information, especially in electronic form.
- Continue oversight of Library and Congressional Research Service operations.
- Oversee completion and opening of the National Audio-Visual Conservation Center at Culpeper, Va.
- Examine options to improve the operation and structure of the Library Inspector General.
- Review implementation of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481), the Veterans' Oral History Project Act (Public Law 106-380), the National Recording Preservation Act of 2000 (Public Law No: 106-474), and the History of the House Awareness and Preservation Act (Public Law 106-99).
- Consider human-resources legislation proposed by the Library.
- Examine options to restructure security at the Library of Congress and implement legislation to complete the merger between the Library Police and the Capitol Police.
- Review the use of technology generally in Library of Congress operations.

Smithsonian Institution

- Review the Smithsonian Inspector General's reports on the status of the Smithsonian.
- Oversee general museum and research facility operations of the Smithsonian Institution.
- Review and oversee Smithsonian Institution budget authorization.
- Consider legislation related to the Smithsonian Institution.

- Provide for the appointment of Citizen Regents to the Smithsonian Institution's Board of Regents.
- Review proposals for authorization of new Smithsonian facilities.
- Review operations of the National Zoo.
- Conduct additional oversight of Smithsonian Networks.
- Review the use of technology generally in Smithsonian operations.

Architect of the Capitol

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

Technology Use by the House

- Continue oversight of House Information Resources and other technology functions of the House to ensure timely, accurate electronic information dissemination.
- Oversee implementation of House Rule XI 2(e)(4) requiring committee documentation to be made available electronically, to the maximum extent feasible.
- Review computer security measures.
- Oversee implementation of Committee hearing room upgrade program.
- Oversee and continue to implement an enterprise House Disaster Recovery Program for house offices, committees and member offices.
- Oversee and coordinate the House strategic technology plan.
- Conduct and conclude House technology assessment.

Oversight of Federal Election Law and Procedures

- Recommend disposition of House election contests pending before the Committee.
- Review operations of the Federal Election Commission (FEC) and evaluate possible changes to improve efficiency, improve enforcement of the Federal Election Campaign Act, improve procedures for the disclosure of contributions and expenditures, and consider authorization issues and make recommendations on the FEC's budget.
- Review federal campaign-finance laws and regulations, including Presidential public financing, and consider potential reforms.
- Study the role and impact of political organizations on federal elections.
- Review operations of the Election Assistance Commission (EAC), evaluate and consider authorization issues related to EAC governance, examine the implementation of the Help America Vote Act (HAVA), and make recommendations on the EAC's budget.
- Examine the impact of HAVA on Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and consider proposals to improve voting methods for those serving and living abroad.
- Review state and federal activities under the National Voter Registration Act to identify potential for improvement to voter registration and education programs.
- Monitor allegations of fraud and misconduct during all phases of federal elections and evaluate measures to improve the integrity of the electoral process.

New Member Orientation

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

JOHN CONYERS, JR., Michigan
CHAIRMAN

LAMAR S. SMITH, Texas
RANKING MINORITY MEMBER

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515–6216
One Hundred Tenth Congress

February 14, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Juanita Millender-McDonald
Chairwoman
Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Waxman and Chairwoman Millender-McDonald:

Please find enclosed a copy of the Committee on the Judiciary oversight plan for the 110th Congress.

Sincerely,

John Conyers, Jr.
Chairman

cc: The Honorable Thomas M. Davis, III
Ranking Minority Member
Committee on Oversight and Government Reform

The Honorable Vernon J. Ehlers
Ranking Minority Member
Committee on House Administration

The Honorable Lamar Smith
Ranking Minority Member
Committee on the Judiciary

House Judiciary Committee
Oversight Plan
110th Congress

FULL COMMITTEE

I. Consumer Protection. The Committee expects to review a number of issues, including the civil justice liability system and recent federal changes to it; the efforts of the Department of Justice, Federal Trade Commission, and State Attorneys General to implement and enforce anti-spam legislation passed in the 108th Congress; efforts by the Department of Justice and other agencies to combat computer crimes and enhance the nation's cyber security.

II. Antitrust. The Committee expects to review a number of antitrust issues, including general oversight of the antitrust enforcement agencies; telecommunications (such as the need for "net neutrality" legislation, implementation of the Telecommunications Act of 1996 and the impact of Verizon v. Law Offices of Curtis Trinko 2004); international antitrust divergence; the final report of the Antitrust Modernization Commission; antitrust issues in various transportation industries; media consolidation; the implementation of the Standards Development Organization Advancement Act of 2004; health care antitrust issues; and antitrust issues concerning intellectual property (in conjunction with relevant Subcommittees.)

III. Department of Justice Reauthorization. The Committee will concentrate on an overall review of the Department of Justice with the engagement by the Subcommittees with the Department components that are specifically under their jurisdiction.

IV. Management Performance and Budgeting Oversight. The Committee may conduct oversight of the departments and agencies under the jurisdiction of the Committee, with emphasis on compliance with the Results Act.

V. Election Reform. The Committee will continue examining implementation of the Help America Vote Act as well as allegations relating to voter intimidation and threats and other allegations that were made in connection with the most recent election.

VI. Executive Power. The Committee may look into a variety of concerns that have arisen regarding unilateral and other exercise of executive branch authority, particularly where it impacts individual rights and liberties, including the issue of presidential signing statements.

VII. Privacy. The full Committee may conduct oversight concerning data security and privacy issues, as well as review the activities of the Privacy offices at the Department of Homeland Security and Justice Department as well as monitor the work of the Privacy and Civil Liberties Oversight Board in the Executive Office of the President (in conjunction with relevant subcommittees.)

SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW

I. Administrative Process and Procedure. Oversight of the administrative process and procedure will continue to be an important aspect of the Subcommittee's oversight agenda during the 110th Congress. This is expected to include the Administrative Law, Process and Procedure Project for the 21st Century; administrative taxation; the Congressional Review Act; the Regulatory Flexibility Act; and the extent to which agencies compete for policymaking primacy with the legislative branch.

II. Agencies. The Subcommittee anticipates continued oversight into the performance and progress of the Legal Services Corporation and its activities. It may also conduct oversight over the Executive Office for United States Attorneys; the Civil Division; the Environment and Natural Resources Division; the Executive Office for United States Trustees; and the Office of the Solicitor General.

III. Interstate Compacts. The Subcommittee has reported favorably several bills approving compacts during the last four Congresses that were enacted into law and it expects to engage in oversight to determine whether the process whereby states seek Congressional approval is being observed.

IV. Bankruptcy. It is anticipated that the Subcommittee will conduct oversight of bankruptcy legislation enacted in the 109th Congress, particularly its impact on consumers and others.

V. Special Counsel Regulations. The Subcommittee may examine the Independent Counsel Act and the Department of Justice regulation requiring the appointment of outside special counsels.

VI. Specific Statutory Oversight. The subcommittee may also conduct oversight concerning the Federal Debt Collection Procedures Act; the Contract Disputes Act; the Negotiated Rulemaking Act; the Administrative Dispute Resolution Act; the Administrative Procedure Act; the False Claims Act; the No FEAR Act; and the Federal Arbitration Act.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

I. Civil Rights and Civil Liberties Issues. The Subcommittee expects to review a variety of civil rights and civil liberties issues, which may include: implementation of the Justice for All Act of 2004; oversight of the work of the U.S. Commission on Civil Rights; the enforcement record, priorities, and authorization request of the Civil Rights Division; the operation of the Community Relations Service; the doctrine of free exercise of religion in the wake of recent court decisions; constitutional issues associated with the war on

terrorism; constitutional issues associated with the implementation of various DNA database programs; oversight of the enforcement of the FACE Act; gender discrimination; the Flag of the United States; marriage and civil unions; and protection of property rights.

II. Office of Government Ethics and Lobby Disclosure. The Subcommittee plans to consider the priorities and operation of the Office of Government Ethics, including current financial disclosure requirements and the operation of the Lobby Disclosure Act.

III. Pigford v. Glickman. The Subcommittee expects to examine the status of the implementation of this civil rights settlement between the United States Department of Agriculture and certain Black farmers.

IV. Americans with Disabilities Act. The Subcommittee expects to examine the current state of the law and enforcement of it by governmental and non-governmental action.

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

I. Department of Justice. The Subcommittee will conduct oversight examinations regarding various operations of the Department of Justice.

a. USA PATRIOT Act. The Subcommittee (along with the Constitution, Civil Rights, and Civil Liberties Subcommittee) expects to examine the Department of Justice's implementation of the USA PATRIOT Act.

b. The Federal Bureau of Investigation. As the largest federal law enforcement agency, the Federal Bureau of Investigation is expected to be the subject of oversight activities.

c. The United States Marshals Service. The Subcommittee plans to review the mission and operations of the United States Marshals Service.

d. Prisons. The Subcommittee expects to conduct extensive oversight of the management practices of the Bureau of Prisons and federal assistance programs for state prisons and jails.

II. Department of Homeland Security. The Subcommittee will continue to conduct oversight on the Department of Homeland Security's role in securing the Nation against terrorism, including the operations of all law enforcement functions transferred to the Department and coordination with federal, state, and local law enforcement. These include the Secret Service; the Federal Air Marshal Service; the Federal Protective Service; the United States Coast Guard's law enforcement activities; and the Immigration and Customs

Enforcement Offices of Investigations, Air and Marine Operations, and Intelligence with a specific focus on counter-narcotics efforts and counterfeit goods seizures.

III. Law Enforcement and Crime Prevention. The Subcommittee will conduct oversight of federal, state and local law enforcement and crime prevention activities funded by the federal government, such as Federal Law Enforcement Information Sharing; Federal Assistance to State and Local Law Enforcement; and Law Enforcement Training.

IV. Drugs. The Subcommittee expects to look into such issues as the extent to which our drug law enforcement efforts are focused on Major and International Drug Traffickers and Low- Level Street Traffickers; the Drug Enforcement Agency's Role in the Intelligence Community; the Department of State's Bureau of International Narcotics Law Enforcement and the International Law Enforcement Academies; effectiveness of drug treatment programs as alternatives to incarceration; DEA's drug scheduling and other regulatory authority; drug sales over the internet; and the abuse of prescription drugs, including fraudulent prescriptions.

V. Domestic Terrorism. The Subcommittee will continue oversight regarding our national laws and strategy for combating domestic terrorism.

VI. Sentencing Policies. The Subcommittee may examine the long-term impact of increased incarceration policies such as mandatory minimum sentencing, "truth-in-sentencing," "three strikes, you're out," "two strikes, you're out," etc., on crime reduction and other considerations. In light of the impact the Blakely and Booker/Fanfan Supreme Court decisions, the Subcommittee also expects to examine the state of the U.S. Sentencing Guidelines system.

VII. Criminal Street Gangs. The Subcommittee may consider enforcement and prevention issues concerning criminal street gangs, including in immigrant communities.

SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY

I. Patent and Trademark Office. The Subcommittee may conduct an oversight hearing on the operations of the U.S. Patent and Trademark Office, particularly based on recent complaints governing the quality of patents issued that may lead to infringement disputes and related litigation. The Subcommittee may also wish to explore the possibility of allowing the PTO to keep all of the revenue it collects in user fees rather than perpetuating the practice of requiring the agency to request funding back from congressional appropriators. In the past this has led to the diversion of PTO revenue to non-agency programs and endeavors.

II. Copyright Office. The Copyright Office is updating its Madison Building facilities. The Subcommittee may review the progress being made to modernize the Madison facility.

III. Patent. The Subcommittee will examine proposals to enact general patent law reform. The Subcommittee may want to examine the breadth of patent claims sought by the pharmaceutical and biotech industries on drugs and disease screening methods, and may examine the extent to which current patent law permits and contributes to the issuance of overbroad patents, as well as other patent law problems.

IV. Copyright. The Subcommittee may review the music licensing schemes under sections 114 and 115 of the Copyright Act and examine how they are functioning in an age of digital music; university role in combating P2P piracy over campus networks (use of content filtering technologies for student networks); the extent to which new entertainment hardware will recognize content watermarks; the extent of piracy of copyrighted goods in foreign countries such as Mexico, France, Spain, Brazil, India, China, and Russia (including WTO accession) and what U.S. law enforcement can do to address it; the extent to which federal law enforcement has the necessary resources and legal authorities to enforce the criminal copyright laws; and orphan works. The Subcommittee may also explore the operation of the statutory licenses (sections 111, 119, and 122) concerning distribution of copyrighted television programming.

V. Courts. The Subcommittee may want to examine the impact of two amendments to the Rules that went into effect on December 1, 2006 which require any party who challenges the constitutionality of a federal or state statute to notify the United States or relevant state attorney general of the challenge and require all companies to keep all electronic communications forever. The Subcommittee may also want to examine the disparate treatment of members of the military when seeking judicial review of courts martial. The Subcommittee may examine the issue of delinking the salaries of judges from those of members of Congress.

VI. Judicial Misconduct. The Subcommittee may review whether the Judicial Conference is using the judicial misconduct and disability statute appropriately.

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

I. Department of Homeland Security. The Subcommittee expects to examine the amount of resources and authority needed for U.S. Customs, Border Protection, the U.S. Immigration and Customs Enforcement, and the Citizenship and Immigration Services (CIS) to execute their responsibilities under the law. The Subcommittee will also examine technology at the Department of Homeland Security; whether US VISIT is being appropriately implemented; coordination between the Department and other federal

departments and agencies; electronic passports and visas; and recent trends in alien smuggling and methods for the detection, apprehension, prosecution and punishment of smugglers. The Subcommittee will continue to examine whether CIS is adjudicating immigration petitions in a timely manner; the proposed fee structure for CIS; background checks for immigration beneficiaries; the immigration detention process; and the process for removal of criminal aliens from the United States. The Subcommittee will also conduct oversight over U.S. refugee and asylum programs, as well as the Office of the Ombudsman.

II. Department of Justice. The Subcommittee plans to examine immigration courts, including the Bureau of Immigration Appeals; the immigration review process; the Office of Immigration Litigation; and the role that the Federal Bureau of Investigation plays in processing name checks on immigration beneficiaries.

III. Department of State. The Subcommittee will examine the Visa Waiver Program in light of a recent Administration proposal to expand and secure the program. The Subcommittee will also conduct oversight over the visa issuing process generally, as well as the U.S. refugee admissions program.

IV. Department of Labor. The Subcommittee will examine the functions of the Department of Labor as they relate to the provision of information necessary to process immigration applications and enforcement of certain aspects of immigration law and the enforcement of wage and hour laws in industries with a high incidence of immigrant employment.

V. Department of Health and Human Services. The Subcommittee will examine programs administered by the Office of Refugee Resettlement within the Department of Health and Human Services, especially with regard to the detention of unaccompanied alien children.

VI. Comprehensive Immigration Reform. The Subcommittee will examine the need for reform in United States immigration law and practices in order to ensure secure borders and an end to illegal immigration; to enhance the economic, social and cultural well-being of the United States of America; to address the economic needs of America while protecting the interests of American workers; and to consider the desire of U.S. citizens and lawful permanent residents to be reunited with their families.

VII. Implementation of the 9/11 Commission Recommendations and Recently Enacted Immigration Laws and Agreements. The Subcommittee will examine the implementation of the 9/11 Commission's recommendations as they relate to immigration and border security. The Subcommittee will also examine border security agreements between Mexico and Canada and various public laws enacted in the last two decades.

VIII. The Energy Employees Occupational Illness Compensation Program Act. The Subcommittee will continue to examine the function of the claims process under the

Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and the structure of auditing of data and science used by the National Institute for Occupational Safety and Health in conducting their functions under EEOICPA.

IX. Private Relief Legislation. The Subcommittee will review private relief legislation.

X. International Law. The Subcommittee plans to conduct oversight of international treaties, conventions, and agreements within its jurisdiction.

NICK J. RAHALL, II
CHAIRMAN

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

February 7, 2007

Rep. Henry A. Waxman
Chairman
Committee on Oversight and Goverment Reform
U.S. House of Representatives
2157 Rayburn H.O.B.
Washington, D.C. 20515

Dear Chairman Waxman:

Pursuant to House Rule X, clause 2, I am submitting the Oversight Plan adopted by the Committee on Natural Resources at the organizational meeting of the committee on February 7, 2007.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II
Chairman
Committee on Natural Resources

Committee on Natural Resources

Approved February 7, 2007

110th Congress

COMMITTEE ON NATURAL RESOURCES
OVERSIGHT PLAN
110TH CONGRESS

Under House of Representatives Rule X, clause 2, each standing committee of the House has general oversight responsibilities to determine whether laws and programs addressing subjects within its jurisdiction are being implemented in accordance with the intent of Congress and to determine whether they should be continued, curtailed or eliminated.

INDIAN AFFAIRS

Budget Overview: The Committee will review the President's budget request for programs and activities related to the Bureau of Indian Affairs and other Department of the Interior agencies with tribal-related programs.

Reorganization of Bureau of Indian Affairs (BIA): The Department of the Interior (DOI) has moved several programs and millions of dollars out of the BIA and into the Office of Special Trustee (OST). The Office of Special Trustee was established by the American Indian Trust Fund Management Reform Act of 1994 to oversee trust fund management reform throughout the DOI. The Committee will conduct a series of hearings on the effect this expansion of OST has had on Indian tribes, including resource and trust management, trust fund management, appraisals, and probate.

Homeland Security: Twenty-five Indian tribes govern over 260 miles of land that is either adjacent to, or directly accessible, by boat, to international borders. In addition, tribal lands are home to several potential terrorist targets such as dams, hydroelectric systems, and oil and gas pipelines, but Indian tribes have been excluded from receiving direct funding under the Homeland Security Act. The Committee will conduct a hearing on the efforts of Indian tribes to protect the US/tribal borders with little or no federal help. The Committee will explore the effects of placing this responsibility on Indian tribes, while providing few resources or assistance. The Tohono O'Odham reservation in Arizona shares 75 miles of border with Mexico and is a prime location from which to investigate the issue.

Economic Development Non-Gaming: Congress has spent a great deal of time looking into issues of Indian gaming enterprises over the last several years, but has devoted little attention to all other forms of economic development in Indian country. The Committee will look into what is needed to spur development on Indian reservations. This endeavor will extend in several directions including: the need for infrastructure conducive to development; established tribal plans, tribal laws and regulations relating to business operations and possible environmental effects; incentives that would encourage businesses to locate on Indian reservations; effective tribal court systems; and increased access for tribes to financial capital seed money. In short, the Committee will examine is needed to ensure strong, stable tribal government structures that are prepared to operate business development and foster relationships with outside businesses for the betterment of all involved.

Cultural and Sacred Land Protection: The Committee will continue its efforts to protect Native American cultural and sacred lands. Each year sites that are integral to the practice of Native American religions are defaced or destroyed. There is no comprehensive policy or law to prevent this destruction. Consultation with Indian tribes over encroachment of sacred lands by federal agencies is tenuous at best. Each new administration that comes to power is able to strengthen or weaken the protections that do exist. Over the last six years, numerous sites that had been placed under federal protection by the Clinton Administration have been leased for mining or opened to other destructive activities. Oversight would include exploring the rights of tribes to collect needed berries, fruits, and fauna, as well as special access to eagles if needed. Protection of and access to cultural and sacred sites must be provided while, at the same time, honoring the mores of Indian religions.

Law Enforcement and Personal Safety Issues: Tribal governments are the primary law enforcement agents and emergency responders for over 56 million acres, or 2%, of the United States. With staggering rates of unemployment (over 80% on some reservations), devastating poverty, and underfunded police and rescue agencies, many Indian reservations are prime targets for crime. The Committee will conduct hearings to explore the funding shortages that cause some tribal police forces to severely restrict activities part way through the fiscal year. In addition, the issue of gangs on reservations and how to address the violence they bring must be considered. Over the last several years, the influx of methamphetamine to Indian reservations has become a major problem on some reservations. Oftentimes the drug dealers are aliens or non Indians who have found the undeveloped Indian lands as a safe haven from which to peddle their poison.

Detention Centers: The Committee will examine the status of detention facilities throughout Indian Country. In September of 2004, the DOI Office of Inspector General (IG) released a report entitled, *Neither Safe nor Secure - an Assessment of Indian Detention Facilities*. This report found longstanding neglect and BIA indifference toward safety and security concerns at the detention centers. Almost all facilities were found to be operating below minimum staffing levels. All aspects -- from funding, to staffing, to maintenance, to training, to record-keeping -- were found wanting. The IG report stated, "BIA's detention program is riddled with problems and, in our opinion, is a national disgrace with many facilities having conditions comparable to those found in third-world countries. In short, our assessment found evidence of a continuing crisis of inaction, indifference, and mismanagement throughout the BIA detention program." It is anticipated that oversight activities will also include a review of the response of BIA to the report, including what, if any, improvements have been made since 2004.

Tribal Courts and Jurisdiction: The Committee will undertake an assessment and oversight of tribal court systems will be undertaken by the Committee. Indian tribal courts across the country operate with various degrees of competency and support. Strengthening tribal court systems and clarifying court jurisdiction is paramount to the operation of strong tribal governments and vibrant, self-sufficient Indian economies. Unfortunately, for decades there has existed a lack of clarity regarding the jurisdiction of tribal courts that is impeding the delivery of justice to Indian communities. For example, according to the National Congress of American Indians, one in every three American Indian or Alaska Native women will be raped during their lifetime. Nine

out of ten of those rapes will be perpetrated by a non Indian. But prosecuting these cases is unfairly complicated by the fact that Tribal courts do not have jurisdiction over non Indians.

Youth Issues: The Committee will hold an oversight hearing on issues faced by Indian youths and steps which can be taken to address those challenges. Indian youth are very often faced with violence, drugs, poverty and unhealthy lifestyles that are anathema to their cultural beliefs. Oversight will include finding ways to empower Indian youth and teenagers to turn against the negative and turn toward healthy living through strong cultural identity.

Native Hawaiians: The Committee will oversee the trust responsibility that the federal government established under the Hawaii Statehood Act. This will include enactment of the Hawaiian Homelands Act, the distribution of Hawaiian homelands and status of infrastructure on the lands. It will also include examining the need for legislation to establish a process through which the Native Hawaiian government could reorganize.

Rights of Way: The Department of the Interior is expected to release a Congressionally mandated report in March 2007 on what authority Indian tribes should have over utility rights-of-way that cross Indian lands. The Committee will conduct a hearing on the findings of that report. The hearing will include an Administration witness to explain the process used to compile the report and conclusions, as well as representatives of Indian tribes with rights-of-way issues. Depending on the results of the expected report, the Committee will also explore alternatives for Congressional action.

Environmental Safety: One of every three homes in Indian Country does not have adequate solid waste disposal systems. Lack of such systems results in open and illegal dumps throughout Indian lands. The Committee will review health and safety effects that open dumping has had on Indians near these sites. The Committee search for new ways to address this growing problem and to dramatically increase the construction of sanitation facilities.

INSULAR AFFAIRS

Budget Overview: The Committee will oversee that portion of the President's budget which relates to the insular areas of the United States, including five principal U.S. territories (American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands) and three freely associated states (Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau).

Regulation Reform: The Committee will review the need for, and advisability of, reducing or enhancing those federal rules and regulations falling within its jurisdiction which relate to the insular areas of the United States.

Normalizing Immigration and Border Security: The Committee recognizes that U.S., territories are also U.S. borders and that certain U.S. territories are viewed as more strategic and vital to the defense of the U.S. because of their locations. Two U.S. territories (American Samoa and the Northern Mariana Islands) have been allowed local control over immigration policy by

Congress, and are, therefore, exempt from U.S., immigration law. The Committee is aware that, in the case of the Northern Mariana Islands, local control over immigration policy has resulted in a population imbalance between residents and non-residents (2000 Census Bureau estimates about 55% of the nearly 70,000 population as non-residents primarily from Asia). In stark contrast, Census Bureau 2000 estimates for Asian non-residents in American Samoa is no more than 3% out of a total population of 57,000 (the majority of American Samoa's non-resident workforce comes from the neighboring and culturally aligned islands of the Independent State of Samoa). The Committee will review and make recommendations to normalize immigration and protect sensitive U.S. territorial borders.

Puerto Rico Self-Determination: The Committee will examine proposals to resolve Puerto Rico's political status. In April 2006, the Committee convened an Oversight Hearing on *The Report by the President's Task Force on Puerto Rico's Political Status* (Report) released by the White House in December 2005. During the 109th Congress, two legislative proposals -- one to implement the recommendations made by the Report and the other to authorize the calling of a constitutional convention through the election of delegates -- were referred to the Committee and received no further action.

General Oversight: The Committee expects to review fundamental issues facing each of the territories and the freely associated states. Some of these issues have recently been researched by the U.S. Government Accountability Office (GAO) in two December 2006 reports: *Compacts of Free Association - Micronesia and the Marshall Islands Face Challenges in Planning for Sustainability, Measuring Progress;* and *Ensuring Accountability* and *U.S. Insular Areas - Economic, Fiscal, and Financial Accountability Challenges.*

Compacts of Free Association: The Committee will exercise its oversight authority of funding and program assistance to the Republic of the Marshall Islands and the Federated States of Micronesia; in accordance with the Compact of Free Association Amendments Act of 2003 (P.L. 108-188). Additionally, Public Law 99-658, which established the free association relationship between the United States and the Republic of Palau, contemplates a review of the terms and related agreements of the Compact in the fifteenth year of the political relationship. The Committee intends to oversee any formal negotiations leading up to the fifteenth anniversary between the United States and the Republic of Palau.

ENERGY AND MINERALS

Budget Oversight: The Committee oversees energy and minerals related programs within the U.S. Geological Survey, Office of Surface Mining Reclamation and Enforcement, Minerals Management Service, Bureau of Land Management and the minerals and geology program of the Forest Service. The Committee will closely examine the budgets and programs of these agencies.

Federal Oil and Natural Gas Royalty Program: The Committee will perform rigorous and comprehensive oversight of the federal onshore and offshore oil and natural gas royalty program managed by the Minerals Management Service. About one-quarter of U.S. oil and gas

production takes place on federal lands or in federal waters in the Outer Continental Shelf. In Fiscal Year 2005, the U.S. collected approximately $10 billion in royalty payments from federal onshore and offshore oil and gas leases. However, a series of reports and investigations conducted by the Interior Department's Inspector General (IG), the Government Accountability Office(GAO) and by the media paint a picture of gross mismanagement of the royalty compliance and collection program, including under- reporting of royalty payments, inadequate auditing, and outright fraud. In particular, the Committee will focus on:

(1) Deepwater Oil and Gas Royalty Relief Act of 1995 – Under this law, leases in the Gulf of Mexico issued during 1998-1999 are considered flawed because they allowed waivers of royalty payments even when energy prices are high. Potential losses from threshold provisions that were erroneously omitted from the leases are estimated by the GAO to total $10 billion, largely from production that has not yet occurred.

(2) Royalty Audit and Inspection – In response to bipartisan criticism of the MMS audit program, which was losing between $200 million and $500 million annually due to theft and royalty underpayments by federal lessees, Congress enacted the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), a law that reformed the system for collecting royalties for oil and gas produced on federal lands and tightened the government's grip on hundreds of millions of dollars in revenue previously lost or stolen. In 1996, the Republican Majority enacted, over Democratic objections, the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (FRSSA), which has made it more difficult for the MMS to aggressively audit and collect federal oil and gas royalties and other monies owed the United States. According to a recent Interior Department IG report, MMS is now auditing less than 10% of lessees -- completely reversing the gains made as a result of the 1982 FOGRMA. In addition, there have been several highly critical GAO, IG and media reports on the consistent under-performance of the MMS audit and its enforcement functions.

(3) Oil and Gas Royalty Rates – The Committee will review results of an ongoing GAO study into royalty rates (requested by Senator Bingaman and Chairman Rahall) that is expected to find that States generally charge higher royalty rates than the federal government. In addition, industry analysts estimate that the U.S., "government take" on oil and gas is lower than most other countries in the world. According to this work, the U.S. "take" -- royalties and taxes, etc. -- is about 40%. The worldwide average is about 60-65%, and many countries have been demanding a bigger slice in recent years. The U.S., by contrast, has actually decreased its slice through additional royalty relief and tax breaks.

(4) Necessity of Royalty Relief – A 2005 Minerals Management Service report found that royalty relief provides only a marginal benefit increasing production by only 1.8%, while, in exchange, the U.S. loses, on average, 10% of royalty revenue -- or $40 billion over 40 years. The Committee will review the efficacy of royalty relief. Additionally, the Committee will review the various royalty relief" provisions of the Energy Policy Act of 2005 (EPAct), including enhanced relief for deep water leases in the Gulf of Mexico, new relief for "marginal wells," and new provisions added for deep drilling on previously issued "shallow" water gas leases in the Gulf and for future leases in the Alaska OCS. By waiving federal royalty

collections on huge amounts of publicly owned oil and gas, the bill constitutes a significant taxpayer subsidy that deserves Congressional scrutiny.

(5) Royalty In-Kind (RIK) - In June 2000 the Department of Interior implemented a final rule that should have resulted in an additional $70 being collected annually in royalty payments from companies drilling oil on federal and Indian lands. The rule came after years of public debate and litigation that forced the industry to settle several royalty underpayment lawsuits with the Justice Department for $425 million. During the oil rule battle, the industry began to promote "RIK" or "royalty-in-kind" through which companies pay royalties in the form of oil or gas instead of the more traditional cash payments. Despite Congressional concerns, MMS undertook a pilot RIK program and over the years continued to expand the RIK program until 2005, when Congress made the program permanent as part of the EPAct. This action ignored a series of reports and investigations, including one in 1998 by GAO, requested by Chairman Rahall, that concluded the RIK program was unlikely to succeed. It projected losses of $140 million to $367 million annually if the program were taken nationwide. Finally, on December 30, 2006, *The New York Times* reported, and the Committee has confirmed, that the head of the RIK program and 3 subordinates have been transferred out of the RIK program pending completion of a criminal investigation by the Department's Inspector General into potential widespread wrongdoing in the program. The Committee will closely investigate the management of this program.

Reform of the 1872 Mining Law: The Mining Law of 1872 is a relic of 19th century land laws that is greatly in need of reform and revision to bring it in line with modern-day land use and hard rock mining practices. Under this law, valuable hardrock minerals such as gold, silver, and copper are mined on public domain lands in the western states without the payment of a royalty. Further, these lands can be patented (fee simple title) by holders of mining claims for $2.50 or $5.00 an acre, depending on the type of claim (an annual appropriations bill provision has temporarily halted this practice). The Committee will conduct a full range of hearings and field inspections with the intention of reporting reform legislation to the House, including, but not limited to:

(1) No Royalty or Production Fee - As noted, the General Mining Law contains no provision for royalty payments or production fees on hard rock minerals extracted from the public domain. According to the non-profit organization, Earthworks, since 1872, more than $245 billion in metals and minerals has been extracted without payment to the American taxpayers, while the coal, oil and gas industries paid $35 billion between 1994 and 2001 alone.

(2) Patchwork Environmental Protection - The lack of environmental standards in the 1872 Mining Law also poses serious threats to lakes, rivers, streams and drinking water in the west. The Environmental Protection Agency (EPA) rates hardrock mining as the nation's top toxic polluter -- based on pollution levels reported by the industry itself. The inherently destructive nature of modern hardrock mining is exacerbated by the patchwork of federal and state mining and reclamation standards that exist today. The Committee will review the laws and regulations governing the environmental impacts of hardrock mining.

(3) Adequacy of Bonding and Abandoned Hard Rock Mines – The Committee will review recent hardrock mine bankruptcies and the adequacy of reclamation bonds associated with those mine operations. A 2003 state-sponsored report, "Nevada Mining Bonding Task Force Report", indicates that the problem of abandoned mines is not limited to old, historic mines. All of these late-20th century mines declared bankruptcy in the late 1990s, raising questions about the sufficiency of performance bonds to reclaim these sites after those modern mines went out of business.

(4) Uranium Mining – Hardrock mineral claims on western public lands have increased almost 50% in the past four years, in large part because a resurgence in nuclear power has led to a renewed interest in uranium exploration. A recent review of BLM records found that the number of metal mining claims jumped from 220,000 at the end of 2002 to almost 325,000 in 2006. In Colorado, Utah, Wyoming, and New Mexico, the total claims rose from just over 2,000 in 2001 to about 18,000 in 2005. In Arizona, a Canadian mining corporation has filed 616 claims, many within a few miles of the Grand Canyon's north rim.

Implementation of Energy Policy Act of 2005 (EPAct): The Committee will conduct oversight into a number of implementation issues related to the Energy Policy Act of 2005, including:

(1) Availability of Oil and Gas Resources – Section 364 of the EPAct required BLM to review and update an earlier 2003 report on domestic oil and gas resources and impediments to development. The new study expanded the review to include 6 additional areas: Northern Alaska (the National Petroleum Reserve - Alaska and the Arctic National Wildlife Refuge, 1002 area only; the Wyoming Thrust Belt; the Denver, Appalachian, and Black Warrior Basins; and the Florida Peninsula. The new study found that, in the inventory areas, 51% of the oil and 27 % of the gas are presently closed to leasing. The Committee will review the findings of the report to determine their accuracy and reliability.

(2) Energy Corridors – Under section 368 of the EPAct, several federal agencies undertook a process to identify energy corridors in the Western United States for oil, gas, and hydrogen pipelines, and electricity transmission and distribution facilities on federal lands. The proposed corridors are two-thirds of a mile wide and cross through, or are adjacent to, numerous specially protected areas of federal public lands. The designation of energy corridors for eleven Western States will be completed by August of 2007 and will be followed by a designation process for the Eastern States, Alaska, and Hawaii in August of 2009. The designation of energy corridors has the potential to impact thousands of Americans. Moreover, because it will affect our nation's treasured natural, cultural, and historical resources, it is essential that, through this process, Congress ensure that the Administration take special care and use diligence in determining the location of corridors.

(3) Alternative Renewable Energy OCS Projects – Also as a result of the EPAct, the MMS now has lead authority for renewable energy projects -- such as wave, wind, or solar energy on offshore lands -- and other projects that make alternative use of existing oil and natural gas platforms. MMS issued regulations for carrying out its new authority in May 2006. The Act also directed that the coastal States will share in 27% of the revenues generated from alternative

energy activities within the area extending three nautical miles seaward of a State's submerged lands. MMS has established a formula for sharing this revenue among coastal states within 15 miles of a renewable energy project.

(4) Split-Estate Lands and Energy Development – As required by Section 1835 of the EPAct, the DOI has reviewed and issued a report in December 2006 on the policies and practices of federal subsurface oil and gas development activities and their effects on the privately owned surface -- known as split estate lands. In split-estate situations, mineral rights dominate, or take precedence over, other rights associated with the property, including those associated with owning the surface, which causes to tensions between surface and subsurface owners, particularly in the West. Congress directed BLM to consult with the public in preparing this report; BLM held listening sessions in four Western States and the District of Columbia. More than 360 people attended the listening sessions, and 102 speakers offered comments to the panel. As a result, BLM has come up with 13 recommendations for outreach, policy, and regulatory action, all of which, according to BLM, are under its authority to implement and will not require legislative action.

Oil Shale R & D Program: In November 2006, the Bush administration authorized oil-shale leases for five sites on public land in western Colorado, the first leases since the shale bust of the 1980s wrenched the region's economy. The approval was for relatively small-scale "research and development" leases, but it was the government's biggest endorsement yet of oil shale, a vast petroleum resource with a checkered past. Environmentalists say the impact on wildlife and water quality has not been sufficiently taken into account. Additionally, the BLM has ignored concerns about potential impacts as expressed not only by conservationists, but by the State of Colorado and the White River National Forest, as well. Further, USGS noted in its comments that potential impacts to groundwater resources need to be addressed, a concern which , may have been ignored by the BLM.

Multiple Use Mandate and Energy Development: The Committee will perform necessary oversight into the way BLM has allowed its oil and gas program to dominate other public land uses to the detriment of BLM's other management responsibilities. As an example, a section of the Energy Policy Act of 2005 (EPAct), directed BLM to increase staff sizes in seven regional offices in the Rockies to handle the explosive increase in applications to drill on federal land. The pilot program, designed to facilitate the oil and gas industry's acquisition of federal permits, has drawn sharp criticism from Western residents. Additionally, the Bush Administration is putting plans in place to approve more than 118,000 new gas and oil wells on public lands in Utah, Wyoming, New Mexico, Colorado, and Montana over the next two decades, which is nearly double the current total number of producing wells on public lands throughout the Rocky Mountains.

Regulation of Coal Ash Placement: EPA is promulgating regulations to govern the disposal of coal combustion waste in landfills, surface impoundments, and mines. This is critical in view of the growing body of data that indicates increasing threats to health and the environment from unregulated disposal of coal combustion waste. The question of coal waste management,

whether regulated by EPA or the Office of Surface Mining Reclamation and Enforcement, will be reviewed by the Committee.

Abandoned Mined Coal Lands: The Committee will perform oversight on the 2006 Reauthorization of the Abandoned Mines Lands Program under the Surface Mining Control and Reclamation Act of 1977.

National Geologic Mapping Reauthorization: A legislative proposal to amend the National Geologic Mapping Act of 1992 to extend deadlines for development of a five-year strategic plan for the geologic mapping program and for appointment of the advisory committee was passed by both Chambers during the 109th Congress, although not enacted into law. The Committee will reconsider and move the reauthorization of this valuable program.

FISHERIES, WILDLIFE AND OCEANS

Department of Commerce - National Marine Fisheries Service:

Budget Oversight: The Committee will review the President's budget request relevant programs and activities of the National Marine Fisheries Service.

Recommendations of the Joint Ocean Commissions Initiative (JOCI): In 2003 and 2004, two major, national, bipartisan commissions - - the U.S. Commission on Ocean Policy (established by federal law) and the Pew Oceans Commission - - released reports making recommendations for improving federal policies related to the management and conservation of fisheries, other ocean resources, and the marine environment generally. In late 2004, the two commissions formed one entity, the Joint Ocean Commissions Initiative, to pursue these recommendations. The Committee will hold hearings on JOCI's findings and recommendations, prior to considering legislation implementing appropriate recommendations.

Marine Mammal Protection Act (MMPA): Marine mammals are protected under the MMPA. With few exceptions, the law prohibits harm or harassment of marine mammals without a permit. The authorization for appropriations expired on September 30, 1999. The Committee expects to hold hearings on implementation and enforcement of the MMPA, with the goal of updating and reauthorizing the Act.

Implementation of 2006 Amendments to the Magnuson Act: In 2006, the Congress reauthorized the Magnuson Act, adopting the first substantive changes to the law in more than a decade. These changes will require federal agencies and regional fishery management councils to change their operations. The Committee will conduct oversight to ensure that changes to the law are implemented as Congress intended. The Committee will also examine the appropriate levels of funding needed to implement the law effectively.

Administration of the Endangered Species Act (ESA): The ESA provides for the conservation and management of threatened and endangered species. The Secretary of Commerce, through NMFS, is charged with implementing this law for marine species. The Committee will hold

oversight hearings on the status of listed marine species and prospects for recovery, as well as on the agency's implementation of the Act and funding levels.

Overfishing on the High Seas: The Committee will hold oversight hearings on incentives to reduce overfishing in international waters and eliminate bycatch, including gear modification to reduce seabird, sea turtle and shark bycatch.

Invasive Species: The Committee will examine the impact that invasive species have on the marine and aquatic environments, and ways to address this growing national problem.

Department of Commerce - National Oceanic and Atmospheric Administration (NOAA):

Budget Oversight: The Committee will review the President's budget request for relevant programs and activities of the National Oceanic and Atmospheric Administration.

Northwest Hawaiian Islands Marine National Monument: On June 15, 2006, the Northwest Hawaiian Islands Marine National Monument was established by Presidential decree. The monument will be jointly managed by NOAA and the Fish and Wildlife Service. The Committee will hold oversight hearings on the management and operations of this important new monument.

National Marine Sanctuaries Act: There are 13 sanctuaries nationwide, in addition to the new monument in the Northwest Hawaiian Islands. The Committee will examine opportunities to improve the law in addition to reauthorizing the appropriations which expired in 1999.

Marine Protected Areas: Both NOAA and the Department of the Interior, through the National Park Service and the Fish and Wildlife Service, are authorized to develop and implement marine protected areas. If properly managed, marine protected areas can be tools to promote the sustainable use of oceans. Last year, NOAA and DOI released a joint framework for the development of a comprehensive system of marine protected areas. The Committee anticipates holding hearings on this issue.

Ocean Health: The Committee will hold oversight hearings on issues affecting the health of our oceans, such as coral degradation, acidification, marine debris, dead zones, and red tides. The Committee will examine the science surrounding these issues and opportunities to improve ocean health.

Coastal Zone Management in the 21st Century: In 2006, NOAA, through its National Ocean Service and in consultation with the Coastal States Organization, initiated a visioning process to engage stakeholders on the federal, state, and local levels in redefining our national approach to managing the Nation's coastal zone. The Committee will hold oversight hearings on their findings and gather insights into potential amendments to the Coastal Zone Management Act.

Department of the Interior - Fish and Wildlife Service:

Budget Oversight: The Committee will review the President's budget request for the programs and activities of the Fish and Wildlife Service.

Endangered Species Act Implementation: The Committee will hold oversight hearings examining the science behind decisions to list, not list, and delist endangered and threatened species. The Committee will also examine the appropriate levels of funding need to implement the law effectively.

Migratory Bird Treaty Act Enforcement and Bird and Bat Mortality: The Committee will hold oversight hearings on enforcement of incidental take of birds under the Migratory Bird Treaty Act, particularly the impacts that wind turbine development has on birds and bat mortality.

National Wildlife Refuge Operations and Maintenance Backlog: The Committee will examine how the operations and maintenance backlog is impacting the public's use of refuges.

Fish Hatcheries: Nationwide there are 69 federal fish hatcheries, seven Fish Technology Centers and a Historic National Fish Hatchery. The Committee will look at the condition of these facilities and explore opportunities to modernize them and recover costs for their operations and maintenance. The Committee also will address the role of the National Fish Hatchery System within the Fish and Wildlife Service's fisheries program.

Lacey Act Enforcement: The Lacey Act, enacted in 1900 and subsequently amended over the last century, was the first federal law to control trade in wildlife and wildlife products. The Committee will examine the adequacy of this venerable Act's existing authority to control the burgeoning multibillion dollar trade of threatened and endangered or otherwise illegal wildlife into and out of the United States.

Refuge Comprehensive Conservation Plan (CCP) Development: Under the 1997 National Wildlife Refuge Improvement Act, the Fish and Wildlife Service is required to develop CCPs for all refuges no later than October 9, 2012. With approximately six years remaining before the deadline, the Service has failed to complete CCPs for over half of the Refuge System. The Committee will examine the status of CCP development and resources and strategies that might be employed to meet this critical conservation requirement.

Convention on International Trade in Endangered Species: About 169 countries are party to this international agreement providing for the worldwide protection of endangered plants and animals by ensuring that trade does not threaten their survival. In 2007, member countries will assemble in the Netherlands for their regular meeting. The Committee will hold hearings on changes proposed by the United States and other countries, and will examine strategies the United States intends to pursue to achieve and promote species conservation.

NATIONAL PARKS, FORESTS AND PUBLIC LANDS

Forest Service:

Budget Oversight: The Committee will review the President's budget request for the programs and activities of the Forest Service.

Forest Planning and NEPA: The recent announcement by the Administration to exempt national forest plans from NEPA is only the latest in a series of administrative moves to scale back or exclude the public from Forest Service planning. The Committee will examine these changes and their impact on our natural resources and the public's right to know about and participate in the management of our national forests.

Hazardous Fuel Costs: Both the GAO and the USDA Inspector General have issued reports documenting problems with the Forest Service's handling of the hundreds of millions of dollars they have received for hazardous fuels reduction. The Committee will examine the issues identified in these reports, including agency failures to control costs, prioritize projects, and deliver value in its hazardous fuels program.

Healthy Forest Act Implementation: In 2003, the Forest Service and the Bureau of Land Management were given significant new authority to expedite the removal of dead and dying timber from national forests and public lands. The Committee will examine the agencies' use of this new authority.

Roadless Rule: In 2004 the Bush Administration overturned the Clinton Administration Roadless Rule and instituted its own directive. This new rule was subsequently put on hold by a U.S. District Court. The Administration is now trying to get around this court ruling by using a petition procedure under the Administrative Procedures Act. The Committee will review the Bush Administrations's actions on this matter.

Campground Closures: The Forest Service has ordered a nationwide assessment of all national forest campgrounds. In some areas, they are proposing to shut down or scale back one-third or more of all campgrounds. The Committee will examine the potential impact this assessment could have on public recreation in our national forests.

Timber Program: No activity of the Forest Service is more controversial than the timber program. Below-cost sales, salvage sales, and thinning have generated significant public concern. The Committee will examine the timber sale program to assess the program's impact on forest resources and to assure that it is managed in the public's interest.

Bureau of Land Management:

Budget Oversight: The Committee will review the President's budget request for programs and activities of the Bureau of Land Management.

Oil and Gas Development Impacts on Public Lands: This Administration has fast-tracked the extraction of oil and gas from public lands, with thousands of new drilling permits issued annually. This development has, in certain places, negatively impacted the natural, scenic,

historical, cultural, and recreational resources that exist on public lands. The Committee will undertake an extensive review of this matter.

Wild Horse and Burro Program: With the repeal of the prohibition on the sale and commercial slaughter of wild horses and burros, public attention has been focused on the many problems with the BLM's administration of the program. The Committee will examine the program with an eye toward moving legislation to prohibit the slaughter of these symbols of the American West.

Grazing Program: For the past several years, the Administration has been attempting to roll back reforms to the grazing program that were instituted in 1995. In 2006 the Administration issued a rule that repealed or undercut a number of the 1995 reforms. Implementation of this rule was subsequently enjoined by a U.S. District Court. The Committee will examine the changes being proposed and their impact on the long-term health of our public lands.

National Landscape Conservation System: In the late 1990's, the National Landscape Conservation System was established within the Bureau of Land Management to pull together under one umbrella the national monuments, national conservation areas, wilderness, and other conservation units administered by the BLM. Many of these conservation units were established only in the past decade and their management plans are new or in the process of being finalized. The Committee will examine the agency's management of the system and the numerous significant resources the system contains.

RS 2477: For several years, the Administration has been methodically moving to relinquish control of certain federal lands using a legislative statute known as RS 2477, which was repealed nearly 30 years ago. The potential relinquishment of these federal lands could significantly complicate the management of important public resources and adversely affect not only public lands but private lands as well. The Committee will examine the Administration's actions.

National Park Service:

Budget: The Committee will examine the President's budget request for the programs and activities of the National Park Service.

Yellowstone Bison: After six years and millions of dollars, implementation of the 2000 Yellowstone Bison Management Plan has not proceeded beyond the first phase of the plan. Thousands of bison have been slaughtered under the plan and the Committee will explore ways to protect and properly mange these living symbols of America.

Centennial Challenge: In August 2006, the President called on Americans to enhance our national parks and directed the NPS to come up with a plan to achieve this. The so-called "Centennial Challenge" is lacking in details and little appears to have been done thus far. The Committee will examine the program to determine how the Administration is meeting its responsibility as stewards of some of the most important elements of our national heritage.

Outsourcing of Federal Jobs: Despite the outpouring of negative reaction by Congress and the public to the Administration's plan to outsource jobs at federal land management agencies, the Administration is still proceeding methodically, but quietly, on outsourcing. The Committee will examine the Administration's efforts in this regard and their impact on public employees and the resources they protect day in and day out.

Recreation Fees: On January 1st, federal agencies rolled out a new "America the Beautiful Pass." That pass replaces others that were less costly to visitors to our National Parks and public lands attractions. The result is that individuals who want to continue to enjoy these American treasures are having to play 23% to 60% more than in the past to do so. The National Park Service is the largest collector of recreation fees but the Committee will look at the fee programs of all agencies to see where, why, and how such fees are being collected and used.

WATER AND POWER

Budget Reviews: The Water and Power Subcommittee will hold hearings to review the spending priorities of the Bureau of Reclamation, the Water Resources Division of the U.S. Geological Survey, and the Power Marketing Administrations. How can Congress work more effectively with the agencies and their limited budgets to encourage efficient, sustainable water supply and use in the West, including conservation and recycling of water for growing urban areas? What response can mayors, tribal leaders, governors, natural resource managers, and the business community expect when they ask the Bureau of Reclamation to help them solve water resource problems? What possibilities, if any, exist to reform agency budgets, and why do the agencies resist funding for clearly defined Congressional priorities and directives? How will increased emphasis on production of biofuels affect agency priorities?

Water Recycling: Congress in 1992 provided the Bureau of Reclamation with broad authority and specific direction to create a comprehensive water recycling program to serve communities in the 17 Western states and the Insular Areas. Unfortunately, the Executive Branch generally has not been responsive to "Title XVI" water recycling initiatives and has resisted full implementation of the authorized water recycling program. There is a consistent pattern demonstrating an inability to meet statutorily imposed deadlines, and to respond to bipartisan Congressional and committee inquiries. Subcommittee hearings will examine various legislative proposals to reform the Title XVI water recycling program, the Office of Management and Budget's "PART" reviews, and new membrane technologies for recycling and desalination.

Sustainable Water Supplies and the Bureau of Reclamation: The 17 Western states served by the Bureau of Reclamation have changed dramatically since enactment of the Reclamation Act of 1902. Hearings will explore the 21st Century federal role in providing assistance for drought protection and water supply development to communities, agricultural water users, and state governments. Does the current "mission" of the Bureau of Reclamation serve the contemporary water needs of the Western states? Does the Bureau of Reclamation's mission complement or complicate the goals of the states' water plans? How should the Bureau of Reclamation address changing water use patterns in the West and the transfer of water from irrigation to urban uses?

What do the Western Governors, tribal leaders, local governments, and natural resource managers expect from the Bureau of Reclamation? Who should pay for projects, and how should they be financed? Additionally the Committee will consider groundwater supplies and how the U.S. Geological Survey and the Bureau of Reclamation might more effectively assist state, tribal, and local governments to study, develop, and conserve groundwater supplies for agricultural, municipal, and environmental uses.

Changing Conditions are Affecting Western Water Supplies: The 2004 report of the National Science and Technology Council found that water managers in most states expect freshwater shortages in the near future, and the consequences may be severe. "In future years ... changes in the amount, timing, and distribution of rain, snowfall and runoff are probable, leading to changes in water availability as well as in competition for water resources." Understanding the natural variability of our water resources, which are affected by both precipitation and temperature, is critical to hydrologic forecasting. The Western States Water Council, the Western Governors' Association, and others have stressed the importance of considering climate variability when planning for drought. Timing and type of precipitation are as important as the amount. Recent observations show that diminished snow accumulation and earlier snowmelt can have profound implications for the amount of water that can be delivered to users or to aquatic ecosystems. Hearings will consider how state and local water managers are dealing with drought planning and water supply variability, and how the Bureau of Reclamation and the Geological Survey are responding to the changing water supply picture. Hearings will also consider the impact on agency programs of increased presence of nanoparticles and pharmaceutical chemicals in Bureau administered water supply systems.

Klamath River, California and Oregon: The Klamath River is heavily impacted by a Bureau of Reclamation irrigation project and federally-licensed hydropower projects. Salmon populations of vital importance to Indian Tribes and non-Indian fisheries have reached historically low levels. The river has been the source of controversy for years. Recently, some affected interests and the governors of California and Oregon have worked toward settlement of river management disputes. The Committee expects to conduct hearings on a settlement proposal, should one emerge from current negotiations, and will consider, among other things, the relationship of a Klamath River settlement to other fishery restoration and river management initiatives in the region.

Trinity River Restoration, California: The fishery resources of the Trinity River have been devastated by construction of Trinity Dam (completed in 1963) and the subsequent diversion of most of the river's flows for irrigated farms of the San Joaquin Valley and power generation. Despite specific legislative direction to restore the flows and fishery habitat that have been damaged by many years of reduced flows, as well as decades of studies, administrative restoration decisions based on best available science, and judicial rulings in favor of the restoration program, restoration work for the Trinity River has been frustrated and repeatedly delayed by aggressive actions by water and power contractors and bureaucratic inertia. Hearings will examine: (1) the status and funding of restoration work; (2) the management of the restoration work by the Secretary of the Interior as trustee for the Hoopa Valley Tribe; (3) the Hoopa Valley Tribe's conduct of its co-management responsibility for restoration; and (4) the

potential effects of Central Valley Project long-term water service contracts on Trinity River restoration.

CALFED, OCAP, and the Bay-Delta Conservation Plan: The severe decline in the ecological health of California's Sacramento-San Joaquin Delta has not been corrected. The Commmittee will conduct oversight on the California Bay-Delta Program (CALFED), the Central Valley Project Operations Criteria and Plan (OCAP), and the newer Bay-Delta Conservation Plan (BDCP). The 2004 CALFED authorization provided specific authorities to the federal CALFED agencies regarding ecosystem restoration, water supply, water quality, water use efficiency, and other categories. Four independent reviews conducted by the State of California found common agreement that the current CALFED governance structure is not working well, priorities for CALFED are not clear, and meaningful performance measures for the program are lacking. The objective of the CVP-OCAP is to document the operation of the Central Valley Project as part of the Endangered Species Act Section 7 consultation process. The OCAP process has been criticized as being subject to political pressure. The BDCP is intended to result in an approved Habitat Conservation Plan (HCP) to provide for the conservation and management of aquatic species and regulatory (Endangered Species Act) assurances related to water supply reliability and water quality. The Committee will consider whether the BDCP as currently structured will achieve these goals.

Lower Colorado River Basin Operation and Management: The Colorado River Basin states have demonstrated their ability to work together to resolve complex water management problems, but many challenges remain. Committee oversight activities will include an examination of the fiscal and environmental impacts of operating the Yuma Desalting Plant and the impact of its operation on the Cienega de Santa Clara in Mexico; drought and water supply variability in the Basin; the Lower Colorado River Multi-Species Conservation Program; transboundary water supplies and issues with the Government of Mexico; implementation plans for lining the All-American Canal and constructing new regulated storage at or near the All-American Canal; and the potential for adverse effects on water supplies from proposed new and widespread uranium development in the Basin. The Committee expects to consider how California's changing administration of its share of the Colorado River will affect the agriculture-dependent communities and coastal urban areas that are dependent on, or expect to use Colorado River water, and the relationship of those uses to federal and state efforts to protect and restore the environmental values of the Salton Sea.

Indian Water Settlements: Indian water settlements will play a crucial role in shaping the future of tribal and non-Indian communities throughout the West. There are increasing pressures to resolve tribal water claims, including the rapid growth of urban areas in the West, the over-appropriation of dependable surface water supplies, declining groundwater levels and environmental opposition to new water development projects. Indian tribes control large amounts of land and have vast entitlements to water resources. Federal Indian policy is to settle Indian water claims by negotiation rather than by litigation wherever possible, and to promote Indian self-determination through the development of diversified reservation economies. The United States, as trustee for Indian tribes and as a funding source, is a necessary party to water litigation, as well as to any efforts to settle litigation out of court. The Committee will consider

the current status of Indian water settlement negotiations, how settlements should be structured in light of increasingly uncertain and variable water supplies, the impact of federal water projects on tribal resources, and whether a permanent funding source for Indian water settlements is appropriate.

Power Marketing Administrations: The Department of the Interior's Bureau of Reclamation and the Department of the Army's Corps of Engineers generate electricity at hydropower plants located at major federal water projects. The Department of Energy's four Power Marketing Administrations (PMAs) generally sell this electricity in wholesale markets mostly to publicly and cooperatively owned utilities that, in turn, sell the electricity to retail consumers. As utilities expand their energy portfolios to include a higher percentage of renewables, the federal PMAs are developing new partnerships with utilities and non-governmental organizations. An example is the Public Renewables Partnership, an initiative dedicated to enabling public organizations, co-operatives, and Tribal utility authorities to effectively integrate renewable energy into their power portfolios and business strategies. Committee PMA hearings will review the PMAs' existing authorities and consider ways in which the PMAs might provide additional assistance and incentives to encourage utilities to reduce energy demand and increase the percentage of renewable energy in their portfolios, as has been successfully demonstrated in the Pacific Northwest. The Committee will also consider the PMAs' role in improving the nation's transmission infrastructure and current policies for siting transmission corridors on public lands and Indian reservations.

OVERSIGHT PLAN
Committee on Oversight and Government Reform
U.S. House of Representatives
110th Congress
Honorable Henry A. Waxman
Chairman

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

The following is the oversight plan for the Committee on Oversight and Government Reform for the 110th Congress. This plan consists of topics designated for investigation, evaluation, and review by the Committee on Oversight and Government Reform. The topics were selected by Chairman Henry A. Waxman, in consultation with the Ranking Minority Member, Rep. Tom Davis, other members of this Committee, and other Committees. In developing this oversight plan, the Committee reviewed oversight proposals by various entities, both inside and outside government.

On January 9, 2007, the Government Accountability Office submitted to the Committee 36 suggested areas for oversight for the 110th Congress.[1] GAO also issued its biannual "High Risk" report, which identifies government programs that are particularly vulnerable to waste, fraud, or abuse.[2] In addition, the Inspectors General from various agencies have submitted their audit plans to the Committee.[3] The Committee will review these plans and investigate areas of concern as appropriate.

The Committee also received proposals from groups outside government. The Project on Government Oversight, for example, submitted 12 suggested congressional oversight priorities.[4] Other groups have also submitted proposals.

The Committee has received, and will continue to receive, information from whistleblowers regarding waste, fraud, and abuse in government programs.

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[1] U.S. Government Accountability Office, *Suggested Areas for Oversight for the 110th Congress* (GAO-07-235R) (Nov. 17, 2006), sent by David Walker, Comptroller General of the United States, to Rep. Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform (Jan. 9, 2007).

[2] U.S. Government Accountability Office, *High Risk Series: An Update* (GAO-07-310) (Jan. 31, 2007).

[3] *See, e.g.,* Office of the Deputy Inspector General for Auditing, U.S. Department of Defense, *FY 2007 Audit Plan* (Sept. 29, 2006)

[4] Project on Government Oversight, *POGO's "Baker's Dozen" of Suggested Congressional Oversight Priorities* (Jan. 3, 2007).

Whistleblowers perform an essential service to the Committee, flagging critical issues that otherwise might go unnoticed and unaddressed.

Below are descriptions of some of the issues the Committee intends to investigate during the 110th Congress. The list is not exhaustive, but highlights significant areas for Committee oversight. The Committee will retain the flexibility to investigate emerging abuses and other issues as appropriate.

Agriculture

The Committee will review the agricultural component of energy policy, specifically ethanol production; and threats and risks to our food supply.

Election System Integrity

The Committee will review issues relating to the integrity of our election system, including issues relating to the procurement, deployment, and operation of electronic voting systems in jurisdictions across the country, barriers to voting, and accurate recording of the vote. The Subcommittee on Domestic Policy and the Subcommittee on Information Policy, Census, and National Archives will examine aspects of this issue that fall under their respective jurisdictions.

Energy and the Environment

The Committee intends to conduct oversight of numerous and varied energy and environment-related issues. Global warming issues will be a key area of interest. Due to the topic's magnitude and complexity, this investigation will entail numerous inquiries into governmental and nongovernmental activities and policies.

The Committee will also examine governmental and private sector policies and actions that may impact the nation's ability to develop and maintain a sustainable energy sector. Additionally, the Committee will examine the extent to which government agencies and departments responsible for environmental and public health protection are fulfilling their missions.

The Committee will inquire into potential opportunities for the government and private sector to enhance environmental and public health protections.

In addition, the Committee will examine lessening the nation's reliance on oil through approaches such as development of alternatives, increasing efficiency, exploring new sources, and expanding current sources of domestic energy production; the power/electricity outlook for Summer 2007 – expected shortfalls and blackouts; implementation of the Energy Policy Act; global climate change and implementation of the Clean Air Act.

Government Contracting

In recent years, the "shadow government" of private companies working under federal contract has exploded in size. Between 2000 and 2005, procurement spending increased by over $175 billion dollars, making federal contracts the fastest growing component of federal discretionary spending.

This growth in federal procurement has sometimes come at a steep cost for federal taxpayers. The Committee will examine the causes and effects of the increase in procurement, the importance of safeguards like competition from the procurement process, and shortfalls in the acquisition workforce.

Healthcare

The Committee will investigate alleged waste, fraud, and abuse that undermine government and government-funded health programs, with special attention to alleged abusive pricing and marketing tactics. As a primary protector of the public's health, the Food and Drug Administration will remain a major subject of oversight, including in such key areas as food and drug safety and the regulation of dietary supplements and medical devices.

The Committee also will focus on the urgent need for comprehensive tobacco control policy and the Administration's steps to address the domestic and global threat of the tobacco epidemic. The Committee will continue to review federal policies and programs that aim to prevent and treat HIV/AIDS, as well as those related to reproductive health. In recognition of the importance of scientific integrity, the Committee will examine government health programs to ensure that health policy is driven by sound scientific evidence rather than political considerations.

The Committee will also look at affordable health care and insurance for all Americans; agency efforts for increasing education and awareness about cancer, specifically gynecologic cancers; and access to the cervical cancer vaccine.

Finally, the Committee will continue its oversight of Administration efforts to improve health preparedness for terrorist attacks and naturally occurring disease outbreaks, such as pandemic influenza.

Homeland Security Oversight

Procurement spending at the Department of Homeland Security has surged by 189% since the creation of the new Department, rising from $3.5 billion in 2003 to $10 billion in 2005. Audit reports indicate that the Department sometimes fails to engage in responsible contract planning, including the determination of government needs and program requirements.

The Committee will investigate the Department's major acquisition programs, as well as its plans to oversee these projects. The Committee will also investigate the extent

to which the Department relies on private contractors throughout its various agencies, offices, and bureaus.

Management of the Department of Homeland Security. The Department of Homeland Security continues to struggle to bring together the multiple agencies under its control. We will continue to examine the efforts to combine personnel, procurement, and missions to attain the efficiencies that the combination was intended to produce.

The role of state and federal integration for homeland defense and military assistance, and the expanding role of the National Guard. We will continue our work on examining post 9/11 integration of state and federal response to disasters in the United States, focusing on the dual role of the National Guard. Examining the role of state and federal integration for homeland defense and military assistance is needed as questions have been raised about how effectively DoD, DHS, and state governors work together in this area.

Border Security. The technology used by the Office of Border Patrol (OBP) includes cameras and sensors to detect and identify illegal border intrusions. OBP manages remote surveillance technology under the auspices of the Integrated Surveillance Intelligence System (ISIS) program and the America's Shield Initiative (ASI). Substantial technological problems have thwarted these programs. In November 2005, Secretary Chertoff announced the next generation of border enforcement technology, Secure Border Initiative (SBI). SBI is a comprehensive, multi-year, multi-billion dollar program composed of a mix of personnel, infrastructure, and technology to gain operational control of the Nation's borders. The technology component, referred to as SBInet, is designed to supplement and replace the existing surveillance capabilities by integrating multiple state-of-the-art systems and traditional security infrastructure into a single comprehensive border security program. Continued oversight of these high-technology issues remain an important component of the immigration and border debate.

Hurricane Katrina

In 2005, Hurricane Katrina exposed incompetent leadership and a failure of our government to plan for massive disasters. It demonstrated that the nation is unprepared to handle either a natural disaster of this magnitude or a terrorist attack, despite the expenditure of billions of dollars in homeland security funding since the tragic events of September 11, 2001. The Committee will work with other congressional committees to ensure that unanswered questions about the government's response are addressed, and will also focus on how to improve the daily lives of Gulf Coast residents.

The National Disaster Medical Response System (NDMS) supplies and organizes teams of medical personnel in each state who stand ready to deploy at any moment. NDMS, previously housed in FEMA, now resides within the Department of Health and Human Services (HHS). Hurricane Katrina highlighted command structure confusion and general coordination problems within NDMS. The Pandemic and All-Hazards Preparedness Act required the transfer of NDMS from the Department of Homeland

Security to HHS in January 2007. As an essential component of the nation's emergency preparedness, continued oversight of this program is warranted to ensure the recently transferred NDMS functions effectively and efficiently.

Iraq Reconstruction and Troop Support

On January 10, 2007, President Bush gave an address to the nation, stating: "It is clear that we need to change our strategy in Iraq." This President's new strategy involves sending an additional 21,000 troops into Iraq this year. The President also requested that Congress appropriate $1.2 billion for economic assistance to Iraq. This funding request comes on top of approximately $50 billion spent to date on Iraqi reconstruction, including about $30 billion in U.S. taxpayer funds and another $20 billion in Iraqi funds under U.S. control.

The Committee will investigate what the United States and the Iraqi people have gotten for this investment. Reports indicate that oil production remains below pre-war levels, electricity has not met projected goals, and capital construction projects have been ill-supervised and poorly constructed. The Committee will also investigate allegations of waste, fraud, and abuse in the use of private contractors conducting reconstruction and troop support activities.

Open Government

The Committee will investigate allegations that the federal government may be inappropriately or unduly restricting access to information by Congress and the public. The Committee will examine public access to information through the Freedom of Information Act, as well as the proliferation of pseudo-classification designations such as "sensitive but unclassified." These often vague and undefined markings can be used to prevent or delay public release of government information. The Committee will also examine the implementation of other open government laws, such as the Presidential Records Act and the Federal Advisory Committees Act, to ensure that they are being implemented to ensure public access to information.

The Committee will examine issues related to national security classification. These include concerns about the rapid growth in classified information, the process for declassifying information that no longer needs to be kept secret, and instances in which information may have been classified or declassified for political purposes rather than in the interests of national security. Finally, the Committee will examine cases in which the executive branch has or is continuing to deny Congress access to information.

White House

House Rule X 3(i) directs the Committee to "review and study on a continuous basis the operations of Government activities at all levels with a view to determining their economy and efficiency." Pursuant to this requirement, the Committee will conduct

oversight of all federal entities, including the White House, the Executive Office of the President, and the Office of the Vice President.

SUBCOMMITTEE ON DOMESTIC POLICY

The Subcommittee on Domestic Policy is new to the 110th Congress. With its broad jurisdiction, the Subcommittee will be able and intends to conduct oversight in many long neglected areas of domestic policy.

The success or failure of domestic policy is reflected in the state of working America. Unfortunately, by many measures, the state of working America is bad and getting worse. Real family income has failed to keep up with productivity, and wealth disparities have grown dramatically. Average Americans find their quality of living imperiled, and the American Dream a fantasy. Meanwhile, great wealth is being concentrated in the hands of ever fewer corporations and households. Political influence and power to determine the laws by which our society is governed are also increasingly concentrated.

What is the role of government in the development of these trends? What part has deregulation and privatization played in the creation of these trends? How prevalent are and what are the costs of resulting waste, fraud and abuse? What role should government have in ameliorating these conditions?

The Subcommittee intends to undertake studies, carry out investigations, issue reports and conduct oversight hearings to find answers to those and other questions. Our oversight plan includes but will not be limited to the following areas:

- Consumer protection – Waste, fraud, and abuse in corporate billing practices; enforcement of anti-trust laws by relevant agencies; certain cases of product safety enforcement;

- Workplace rights – Enforcement of the National Labor Relations Act and related laws and regulations; enforcement of the Occupational Health and Safety Act and related laws and regulations; and enforcement of the federal minimum wage, overtime rules, and related laws and regulations;

- Retirement security – Waste, fraud and abuse in employee pension programs, and enforcement and adequacy of pertinent laws and regulations;

- Civil rights – Integrity of federal enforcement of and advocacy for civil rights statutes;

- Federal management of publicly owned assets – Enforcement of Telecommunications Act and regulations, with respect to concentration of media ownership, promotion of minority ownership, and the preservation of local

broadcasting; examination of the goals of the Fairness Doctrine; and oversight of the Interior Department Minerals Management Service;

- Energy – Waste, fraud, and abuse in the energy industry and government regulation thereof; the safety record of the nuclear energy industry; adequacy of long term storage plans; enforcement of public health and safety laws; and utility rates, ratemaking, and deregulation;

- Native American affairs – effectiveness and integrity of federal initiatives, programs and administration;

- Insurance – Waste, fraud and abuse in the health insurance industry; and

- Drug Policy – Effectiveness, cost-efficiency, and socio-economic consequences of current anti-drug policies, priorities, programs, and resources throughout the government, with particular attention to the coordination, direction, and management (where applicable) of such policies, priorities, programs, and resources by the Office of National Drug Control Policy.

SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA

The Subcommittee has jurisdiction over federal employee issues, the postal service, and the municipal affairs of the District of Columbia. The Subcommittee's oversight plan includes areas in which the Subcommittee expects to conduct oversight during the 110th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

Federal Workforce

Oversight of New Personnel Management Systems

The Subcommittee will monitor and determine the impact of new personnel management systems being implemented at the Departments of Homeland Security and Defense and the Government Accountability Office (GAO). Employees and employee organizations have challenged the rules and procedures developed by management as being beyond the scope of statutory authority. Particular attention will be paid to the implementation of collective bargaining, pay for performance, and employee appeal rights at these agencies.

Senior Executive Service

The Senior Executive Service (SES) was created in 1979 to provide a governmentwide, systematic program for the recruitment, retention, development, and

management of senior executives in the federal government. This cadre of nearly 7,000 top-level executives is noted for its policymaking and leadership responsibilities.

A new pay system for the SES was established in 2004. Key features of the new pay system include the elimination of locality pay and annual pay adjustments; replacement of six pay rates with one broad pay range; an increase in the cap on base pay; and the addition of a second, higher cap for SES appraisal systems that have been certified by Office of Personnel Management (OPM).

Some have expressed concern about the new system being equitable, transparent, and free from political influence. Several members of the Senior Executive Association have suggested that the new pay system has led to the politicization of the SES. Furthermore, under the Bush Administration the number of political appointees in government has increased, including political SESers who determine the pay of career SESers. The Subcommittee will examine SES's new pay system and whether or not the SES is being politicized.

Diversity in the Senior Executive Service

The Subcommittee will encourage greater diversity within the Senior Executive Service. A 2003 GAO report on SES diversity noted that the federal government faces large losses in the SES through retirement and normal attrition. However, it is not clear that this turnover will result in greater racial diversity in the SES. GAO's findings, and Subcommittee hearings held by the Federal Workforce and Agency Organization Subcommittee during the 108th Congress, documented the lack of diversity in the SES. As a result, the Office of Personnel Management created the SES Candidate Development Program (CDP). However, the first graduating class of the SES CDP was not significantly diverse racially.

The Subcommittee will also look at SES diversity at the Postal Service. Through a series of hearings, federal agencies, and the Postal Service will be called to testify about programs and policies they have implemented to improve diversity in the SES.

Merit Systems Protection Board

Established by the Civil Service Reform Act of 1978 (CSRA) as a successor agency to the U.S. Civil Service Commission, the Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency. The majority of the cases brought to the MSPB are appeals of agency adverse actions, which are removals, suspensions of more than 14 days, reductions in grade or pay, and furloughs of 30 days or less.

MSPB's authorization expires at the end of fiscal year 2007. The Subcommittee will hold a hearing to consider legislation to reauthorize MSPB for five years.

Office of Special Counsel

The Office of Special Counsel (OSC) is an independent federal agency with four statutory responsibilities. The first is to investigate and prosecute employee allegations of prohibited personnel practices at federal agencies, including retaliation for whistleblowing. In cases where an OSC investigation reveals reasonable grounds to believe a prohibited personnel practice has been committed, and an agency declines to voluntarily provide relief to a complainant, OSC will prosecute a petition for corrective action before the Merit Systems Protection Board.

OSC's current authorization expires at the end of fiscal year 2007. The Subcommittee will hold a hearing to consider legislation that would reauthorize OSC for fiscal years 2008 through 2012.

The Contract Workforce

The Bush Administration has dramatically increased the use of public-private competitions. During his 2000, presidential campaign, then Governor George Bush vowed to review for privatization at least 425,000 jobs by the end of 2004. After his election, officials with the Office of Management and Budget imposed numerical privatization quotas, requiring agencies to review 5% of their commercial inventories (federal employees who performed work which could be contracted out) in FY 2002 and another 10% in FY 2003. Congress prohibited the use of such quotas unless they were based on sound research and analysis and were consistent with agencies' missions. Nevertheless, there continue to be documented instances of agencies being pressured to achieve numerical privatization targets.

The Subcommittee will hold hearings to determine: what, if any, savings can be attributed to contracting out; the impact of contracting out on women, minorities, and veterans, among others; and whether work that is inherently governmental is being contracted out.

Federal Employees Benefit Programs

The Subcommittee will hold a series of oversight hearings on the benefit programs that are available to federal employees.

The *Federal Employees Health Benefits* (FEHBP) Program became effective in 1960. It is the largest employer-sponsored group health insurance program in the world, covering over 9 million federal employees, retirees, former employees, family members, and former spouses. Over 350 health plans are offered under the FEHBP Program. Each health place carrier under the program charges a different premium. The government pays up to 75% of the costs of the enrollees' health benefits coverage and the enrollee pays the rest. The Subcommittee will examine how premium rates are set and cost of prescription drugs for enrollees.

The *Federal Employees' Group Life Insurance* (FEGLI) Plan was established in 1954. It is the largest group life insurance program in the world, covering over 4 million federal employees and retirees, as well as many of their family members. The Subcommittee will hold a general oversight hearing on FEGLI. Such a hearing has not been held since 1999.

The *Federal Long Term Care Insurance Program* (FLTCIP) was created by Congress in 2000 when it passed the Long Term Care Security Act (Act). The Act required the federal government to offer group long-term care insurance to federal and postal employees and annuitants, members and retired members of the uniformed services, and other qualified relatives. In 2001, OPM entered into a seven-year contract with Long Term Care Partners LLC -- a joint venture formed by John Hancock Life Insurance Company and Metropolitan Life Insurance Company -- that allows eligible individuals to apply for long-term care insurance.

GAO's March 31, 2006, report, "Long-Term Care Insurance: Federal Program Compared Favorably with Other Products, and Analysis of Claims Trend Could Inform Future Decisions," found that the federal program's benefits and premiums compared favorably with other plans, but enrollment and claims experience were lower than expected. The Subcommittee will hold the first congressional oversight hearing on FLTCIP.

The *Thrift Savings Plan* (TSP) is a 401(k) style retirement savings plan for federal government employees and members of the uniformed services. The Federal Retirement Thrift Investment Board (Board) administers the TSP. In 2005, the Board introduced "Lifecycle Funds" into the TSP and in 2006 the Board, along with an independent contractor, surveyed TSP participants to study their needs, attitudes, understanding, and satisfaction with the TSP. The Subcommittee will examine the introduction of the L Fund into the TSP, the survey results, and the Board's consideration of additional funds for the TSP.

The *Federal Employees Dental and Vision Insurance Program* (FEDVIP) held its first open season November through December 2006. FEDVIP allows dental and vision insurance to be purchased on a group basis by federal and Postal employees, retirees, and their eligible family members on an employee-pay-all basis. Premiums for enrolled federal and Postal employees are withheld from their salary on a pre-tax basis. An oversight hearing will be held on how FEDVIP is being implemented, and enrollment rates.

Flexible Spending Accounts (FSAs) *and High Deductible Health Plans/Health Savings Accounts* (HDHP/HSAs) have been introduced to the Federal Employees Health Benefits Program (FEHBP) over the last few years. HDHPs are health plans that typically involve lower premiums because the enrollee bears a greater share of the initial costs of care. FSAs are employer-established arrangements that reimburse employees for medical and dental expenses not covered by insurance. FSAs are funded by salary reduction agreements under which employees receive less pay in exchange for equivalent

contributions to their accounts. Employees choose how much to put into accounts, which can vary from year to year; however, they must forfeit unused balances at the end of the year. HSAs are savings accounts for the purpose of health care spending that receive tax advantages.

FEHBP offers a type of "consumer-directed health plan" (CDHP) that combines a HDHP with a tax-advantaged HSA that enrollees use to pay for a portion of their health expenses. Proponents believe that HDHPs coupled with HSAs can help restrain health care spending because enrollees have an incentive to seek lower-cost health care services, and only to obtain care when necessary because account funds can accrue from year to year. Employee groups believe that these plans attract not only wealthier enrollees who use the HSA as a tax-advantaged savings vehicle but that premiums for traditional plans could rise due to a disproportionate share of older and less healthy enrollees with higher care expenses remaining in the traditional plans.

In January 2006, GAO released a report on FEHBP's first-year experience with HDHPs and HSAs. It found that FEHBP HDHP enrollees were younger and earned higher federal salaries than other FEHBP enrollees. These differences were largely due to a smaller share of retirees enrolling in the HDHPs. The Subcommittee will evaluate the impact of FSAs and HSAs on the Federal Employees Health Benefits Program.

Continuity of Operations Planning

The Congress has held many oversight hearings to examine the barriers to telecommuting and the development and promotion of telework by federal agencies. The primary benefits to telecommuting were once thought to be reduction in traffic congestion and pollution, improvements in recruiting and retaining employees, reduction in the need for office space, increased worker productivity, and improvements to the quality-of-life and morale of federal employees.

As discussed at a Government Reform Committee hearing in the wake of 9/11 and Hurricane Katrina, telecommuting also could serve as an important component of emergency preparedness. Developing the infrastructure and work processes necessary to support telecommuting could help ensure continuity of government operations in a time of pandemic, natural disaster, or other emergency.

The Subcommittee will hold a hearing to determine to what extent federal agencies have prepared essential and non-essential personnel to, continue operations by working from alternate work locations, including from home, in the event of an emergency.

Law Enforcement Officers

Federal civilian employees are covered by either the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS). Employees hired before January 1, 1984, are covered by CSRS, unless they elected to switch to FERS.

Employees initially hired in 1984 or later are covered by FERS. Both CSRS and FERS allow regular federal employees to retire at age 55 after completing 30 years of service, at age 60 with 20 years of service, or at age 62 with 5 years of service.

Congress has provided special retirement rules and benefits for federal employees who are classified as law enforcement officers (LEOs). Under both FERS and CSRS, LEOs can retire at age 50 with 20 years of service. They are required to retire at age 57, or after age 57 if the completion of 20 years of service occurs after age 57. Under FERS, a LEO also can retire at any age after completing 25 years of service but in any case must retire at 57.

To compensate LEOs for being required to retire earlier than other federal employees, LEOs accrue retirement benefits at a faster rate than other federal employees. For each year of federal service, LEOs earn 1.7% of the average of their 3 highest years of pay; non-LEO federal employees earn 1.0%. Furthermore, once retired, LEOs receive annual cost-of-living adjustments (COLA) regardless of age. Federal civilian employees do not receive COLAs under FERS until age 62.

For the purposes of retirement benefits under CSRS and FERS, title 5 of the U.S. Code defines a law enforcement officer as "an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States." Federal employees with the power to arrest, the authority to carry firearms, and the duty to enforce laws but whose primary duties do not include the investigation, apprehension, or detention of individuals are not classified as LEOs for the purposes of retirement benefits.

Over the years, numerous legislative proposals have been introduced relating who should be classified as LEOs and receive LEO pay and benefits. The Subcommittee will examine how law enforcement officer is defined and who should and should not be classified as a LEO.

Postal Service

General Oversight of the United States Postal Service

Congress has not held oversight hearings on the U.S. Postal Service (the "Service") since the late 1990s. In 2001, GAO designated the Service's transformation efforts and long-term outlook as "high risk" because the Service's financial outlook had deteriorated significantly. GAO's 2007 high-risk update determined that the Service had made sufficient progress to warrant removing them from the high-risk list. However, GAO noted that the Service still faced challenges in strategic human capital management and managing federal real property. The Subcommittee will hold an oversight hearing to determine what the Service is doing well and where it needs improvement. Future hearings will be based on what is learned from this hearing.

Mail Delivery

The Subcommittee will hold a hearing to determine the adequacy of the Service's systems for measuring the performance of mail delivery. Inferior address lists, mailpiece design inadequacies, printing and logistical problems, and budget constraints will be examined.

Whistleblower Protections

The Service is not, by law, subject to the Whistleblower Protection Act (WPA). The Employee and Labor Relations Manual (ELM) contains provisions adopted by the Service that replicate the more significant protections found in the WPA for victims of unlawful reprisal. These protections are termed "corrective actions," which involve remedies for the victims of unlawful reprisal. The term does not include disciplinary actions that may be issued to managers or supervisors. As the ELM provisions concern only "corrective actions," they do not mandate discipline for managers who retaliate against whistleblowers.

Ensuring employees whistleblower protections contributes to uncovering waste, fraud, and abuse. The Subcommittee will hold a hearing to examine the need to extend full whistleblower protections to postal employees.

Mail Processing Infrastructure

The Service has developed a highly complex infrastructure that includes about 450 plants that process and distribute an average of 660 million pieces of mail per day. To meet its universal service obligation, which requires it to provide mail delivery to all people residing in the United States, the Service delivered mail to over 142 million addresses in fiscal year 2004. With major changes that affect its mail processing operations, including declining mail volumes, increasing employee compensation costs, and a more competitive marketplace, the need for the Service to increase efficiency has become more urgent. In April 2005, GAO issued a report that raised concerns about the Service's plan to become more efficient by standardizing operations and reducing excess capacity at its mail processing and distribution infrastructure. The Subcommittee will examine the Postal Service's strategy for realigning its mail processing and distribution infrastructure.

District of Columbia

Budget and Legislative Autonomy

The Subcommittee will hold hearings on proposals designed to reduce congressional control over the District of Columbia. These legislative proposals would amend the Home Rule Act to remove any congressional input into the budget and legislative process of the District of Columbia.

District of Columbia College Access Act of 1999

The District of Columbia College Access Act (the Act) was created by Congress in 1999 and amended by D.C. College Access Improvement Act of 2002. The Act funds the D.C. Tuition Assistance Grant Program (TAG). D.C. TAG covers the difference between in-state and out-of-state tuition rates for District high school graduates at public colleges and universities throughout the nation. The program also provides limited financial assistance to D.C. high school graduates attending private schools in the D.C. metropolitan area as well as students who attend private historically Black colleges and universities in other states.

The D.C. College Access Act will expire on September 30, 2007, unless reauthorized. The Subcommittee will hold a hearing on reauthorization of the Act.

Offender Reentry

Since the enactment of the National Capital Revitalization and Self-Government Improvement Act of 1997, sentenced felons from the District of Columbia have been incarcerated within the federal prison system. Decisions regarding their commitment and release are made by the Federal Bureau of Prisons, the U.S. Parole Commission, and the D.C. Superior Court. The responsibility for reintegrating ex-offenders into the community rests with the Court Services and Offender Supervision Agency. These agencies will be called to testify at a hearing to examine the commitment, rehabilitation, and reentry of offenders in the District of Columbia.

The Washington Metropolitan Area Transit Authority

The Washington Area Transit Agency (WMATA) was created in 1967 by an interstate compact that resulted from the enactment of identical legislation by the District of Columbia, Virginia, and Maryland, with the concurrence of Congress. WMATA was established to "plan, finance, construct, and operate a comprehensive mass transit system in the National Capital Region." WMATA faces many challenges.

Questions have been raised about the safety of Metrorail after a series of incidents including a derailment in January that injured 20 passengers near the Mount Vernon Square Station. In addition, four Metro workers were killed in three train accidents in a span of a little more than a year. Metro riders have also expressed a desire for more timely information on Metro delays so they can adjust their travel plans accordingly. An oversight hearing will be held to assess what Metro is doing to address safety and communications concerns.

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, ORGANIZATION, AND PROCUREMENT

Government Management

Construction of Federal Facilities

Auditors have recently found extensive cost overruns and mismanagement in the construction of new federal buildings. The Subcommittee will review oversight of construction projects by the General Service Administration's Public Buildings Service, investigate reported problems in recently completed projects, and prevent further waste of taxpayer dollars by monitoring ongoing projects with high potential for excessive costs.

Inspectors General and Auditors

By preventing and detecting waste, fraud, and abuse, federal inspectors general and auditors generate savings for taxpayers that exceed their office budgets. The Subcommittee will investigate whether inspectors general and auditors have received adequate resources to keep pace with the increase in federal contracting. The Subcommittee will also conduct oversight to ensure that these offices remain neutral watchdogs and are not subject to partisan and political pressure.

GAO High Risk List

The Subcommittee will pay close attention to several programs on GAO's 2007 High-Risk List. The Subcommittee will primarily focus on the GAO-identified topic of "Managing Federal Contracting More Effectively," including interagency contracting and contracting by the Department of Defense, Department of Energy, and NASA. Other at-risk programs identified by GAO that the Subcommittee will review include "Managing Federal Real Property," and the "DOD Approach to Business Transformation."

Federal Government Finance

The Subcommittee will examine federal financial management. This review will include compliance with financial management and accounting laws, and the security and reliability of federal financial systems. The Subcommittee will also focus on agency efforts to reduce improper payments and achieve a clean governmentwide audit.

GAO and other federal auditors have found that purchase card programs, through which government employees make small-value procurements using individually issued credit cards, are highly vulnerable to abuse without proper internal controls. The Subcommittee will monitor purchase card programs to ensure that departments and agencies maintain adequate oversight and review of purchase card spending.

The federal government acts as a guarantor of certain private sector financial liabilities, such as pensions, student loans, and bank deposits. The Subcommittee will

review whether federal agencies responsible for managing these financial liabilities, such as the Pension Benefit Guaranty Corporation and the Federal Deposit Insurance Corporation, are properly managing and mitigating the risk that these liabilities will be shifted to the taxpayer.

Identification Documents

The Subcommittee will provide oversight of the REAL ID program, which mandates security and verification standards for state-issued driver's licenses and identification cards, and Homeland Security Presidential Directive 12, which establishes standards for secure identification cards for federal employees and contractors. This oversight will include review of contracts and grants, costs of compliance, and privacy and data security considerations.

Technology

The Subcommittee will conduct oversight of the federal government's use of information technology. Topics to be reviewed include IT procurement, accessibility, and cost-efficiency. This oversight will further the goal of building information systems that are compatible and interoperable across federal agencies.

Health Information Technology

The Subcommittee will provide oversight of federal programs to incorporate health information technology into the public health system, the adequacy of federal funding for health information exchanges, and the levels and uses of current federal investment. The Subcommittee will review the adequacy of health IT provisions in the 2003 Medicare Modernization Act and the implementation of Executive Order 13335, which established the Office of the National Coordinator for Health Information Technology and requires the Secretary of HHS to adopt electronic prescription standards and establish a Commission for Systemic Interoperability.

Project Bioshield

The Subcommittee will review the management of Project Bioshield and conduct oversight of federal facilities, federal and private laboratories, and contractors that develop or expedite vaccines, therapeutics, products related to the clean-up of biological agents, and other bioengineered agents. The Subcommittee will review federal plans and procedures to distribute vaccines and other therapeutics to states and localities, especially communities of color, both urban and rural.

Government Organization

The Subcommittee will conduct oversight of recent reorganizations within federal departments, as well as the management of large interagency projects.

Sixteen months after Hurricane Katrina devastated the Gulf Coast, rebuilding efforts are still stymied by bureaucracy. Dozens of federal departments and agencies have a role to play, yet central coordination is weak. The Subcommittee will review the activities of the Office of the Federal Coordinator for Gulf Coast Rebuilding, designated by the White House to coordinate rebuilding across all federal agencies, and will assess whether this office has sufficient authority and resources to complete its mission.

The FY 2007 DHS Appropriations Act passed by the 109th Congress included a reorganization of FEMA within DHS, pursuant to the lessons learned from investigations of the Hurricane Katrina response. The Subcommittee will monitor implementation of this reorganization.

The Subcommittee will also continue to review management challenges at DHS in merging diverse federal agencies into one department. The review will examine whether administrative functions and systems for procurement, financial management, property management, and security have been consolidated.

The Subcommittee's review of DHS organization will also include the coordination between Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) in monitoring the border and enforcing immigration and customs laws. The overlapping responsibility of the two agencies may create duplication in some areas and gaps in enforcement in others. Subcommittee oversight of the adequacy of the agencies' resources and the authorities vested in each agency could help bring to light some of the enforcement gaps that exist and help improve coordination between ICE and CBP.

In the area of homeland security organization, the Subcommittee will also review how the federal government balances security interests and economic needs in creating new border crossings and expanding existing crossings. It is unclear whether any expansion in border crossings would take place on an ad hoc basis or whether the expansion would be part of a comprehensive strategic plan dealing with the flow of commerce across our borders. Oversight by the Subcommittee would examine whether all appropriate federal agencies and interests are represented in the decision-making process concerning when and where to expand or reduce border patrol crossing.

Procurement

The Subcommittee will work collaboratively with the full Committee on all procurement topics identified in the full Committee oversight plan. This oversight will include reviews of waste, fraud, and abuse in federal contracting, and determination of topics for new legislation and amendments to the Federal Acquisition Regulation. The Subcommittee will focus especially on the misuse of emergency authority to issue long-term, no-bid contracts. Another topic for review is whether the government relies too heavily on large prime contractors, who subcontract the majority of work and do little more than add a layer of expense and bureaucracy. The Subcommittee will also examine whether penalties for overcharges are sufficient to deter contractors from overbilling, and

whether auditors and agency inspectors general have sufficient authority and resources to detect and take action against waste and fraud.

The Subcommittee will supplement the work of the full Committee by conducting oversight of the General Services Administration (GSA), reviewing the performance of GSA's procurement management responsibilities, and monitoring GSA management to identify and prevent improper political or partisan influence in the procurement process. The Subcommittee will also conduct oversight of the Office of Federal Procurement Policy in the Office of Management and Budget.

In addition, the Subcommittee will continue its oversight of large information technology procurement programs, particularly the projects on the Office of Management and Budget "Management Watch List" and "High Risk IT Project List."

Federal law and policy requires that contracting opportunities be made available to small businesses, minority-owned businesses, and businesses located in disadvantaged communities. The Subcommittee will conduct oversight to ensure that agencies are complying with laws and policies and meeting goals for diversity in contracting.

The Subcommittee will provide oversight for federal contracts that focus on public education and public awareness, including contracting opportunities awarded to firms under Section 8(a) programs for small and disadvantaged business.

SUBCOMMITTEE ON INFORMATION POLICY, CENSUS, AND NATIONAL ARCHIVES

This oversight plan provides an overview of the Subcommittee's oversight plan but does not preclude additional oversight on subjects under the Subcommittee's jurisdiction as the need arises.

Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA), first passed in 1966, codified the presumption that the public has a right to information about the activities of its government. FOIA requires executive branch agencies to publish or make available descriptions of agency organization and addresses; statements of agency operations and rules of procedure; substantive rules and general policy statements; final opinions on the adjudication of cases; and administrative staff manuals that affect the public. All other "records" – usually defined as any item containing information that is in the possession and control of an agency – must be provided to a member of the public who requests them under the FOIA.

Subcommittee oversight will address agency compliance with meeting FOIA requests, including recent trends in the number of backlogged cases and request denials. The hearings will also evaluate the activities of the Department of Justice to assure the

agency community is complying with statutes and regulations. Specific examples include the impact of the Card and Ashcroft memos that reverse the presumption of disclosure and limit disclosures in many cases. The Subcommittee plans to explore legislative proposals in order to remedy agency backlogs, such as providing additional resources, reducing FOIA costs and litigation for requestors, and enhancing the E-FOIA process for the dissemination of information.

National Archives and Records Administration (NARA)

According to GAO, the mission of the National Archives and Records Administration (NARA) is to ensure "ready access to essential evidence" for the public, the President, Congress, and the courts. NARA is responsible for oversight of records management and archiving, which increasingly involves dealing with documents that are electronically created and stored. NARA has responsibility over the Presidential Library system, and, through its Information Security Oversight Office, develops guidelines and assesses agencies' classification management programs for classified or sensitive information. The budget for NARA for FY 2006 was $329 million.

The Subcommittee intends to take a holistic approach to reviewing NARA's activities and strategic plans. Oversight topics will likely include NARA's operations, budget needs, general management challenges, activities related to the declassification of public records, and stewardship of the Presidential Library system. Specific topics may include activities of the Information Security Oversight Office, its role in aiding agencies that are archiving electronically stored information, and changes in the classification of government information. Issues related to privacy and the declassification of information also may be examined by the Subcommittee when conducting oversight on general privacy issues or the Privacy Act.

Another area of interest to the Subcommittee will be presidential records, as defined under the Presidential Records Act of 1978 (PRA). The PRA was borne out of the establishment of our presidential library system in 1955 and the need to preserve presidential documents related to the official duties of the office. It established a legal definition of what constitutes "presidential records" and made all such records federal property to be held in the custody of the Archivist of the United States once the President has left office. The law became effective January 20, 1981, making President Carter the last president to have ownership of his presidential papers. The Subcommittee plans to review recent activities and applicable Executive Orders from the Bush Administration to determine if all appropriate records are being released and catalogued for public access in a timely fashion as required by law. In addition, proposed legislative solutions to improve access and resources available from the 109th Congress will be examined.

Census Bureau

Before the operations of the 2000 census were evaluated or all of the data from the 2000 census released, the Census Bureau announced its strategy and budgetary estimates for the 2010 census. The Bureau estimates that all costs related to the

development and implementation of the 2010 census will range between $11 and $12 billion. According to GAO, the 2010 census will cost $72 per household in real dollars compared to $56 per household in 2000 and $13 per household in 1970 when the Census Bureau first began relying on the Postal Service to deliver the census form.

Through 2005, Congress has appropriated approximately $710 million for 2010 planning and system modernization, out of approximately $1.8 billion in estimated costs for all 2010 census related technology procurements. In addition, Congress appropriated approximately $580 million for the American Community Survey (ACS), which is used to collect various data from smaller samples of the population on an annual basis. For FY 2006, Congress appropriated $812.2 million, of which $198 million was dedicated to salaries and expenses, and $614 million was dedicated to periodic programs such as the ACS and 2010 census planning activities.

Key topics to be reviewed by the Subcommittee include: (1) the implementation and success of the ACS; (2) planning activities related to the development of the 2010 census; (3) integration of the Bureau's information technology systems and software to be utilized during the 2010 census, including the Decennial Response and Integration System (DRIS), the Field Data Collection Automation (FDCA) program, and the Topologically Integrated Geographic Encoding and Referencing (TIGER) system; and (4) a review of Census leadership following the expected departure of Director Louis Kincannon.

Privacy

The Subcommittee plans to review the federal government's methods and policies for protecting personally identifiable information held by agencies and utilized by government programs in accordance with the Privacy Act of 1974. The Act allows for citizens or permanent resident aliens to have presumptive access to all personally identifiable information held by government agencies on the individual seeking access, with the exception of information held by intelligence or law enforcement agencies. Further, the Act provides a process for an individual to correct information held by a government agency on that individual that is incorrect or inaccurate, and permits individuals to seek relief in federal court in cases where access to information is denied. The Subcommittee will review both privacy and security practices used by agencies to ensure the privacy of such information, and evaluate areas where the Privacy Act may need amending.

In addition, there are numerous federal statutes addressing the security, integrity, and privacy of personal or consumer information held by private industry that may be reviewed by the Subcommittee. Key statutes include the Gramm-Leach-Bliley Act (Title V), the Health Insurance Portability and Accountability Act of 1996, and the Sarbanes-Oxley Act of 2002 (§ 404).

Information Security

The Subcommittee may conduct oversight of federal agency information security practices that are required under the Federal Information Security Management Act, as well as regulations developed by the National Institute of Standards and Technology and the Office of Management and Budget in this area. Specific focus may be given to cyber security efforts to prevent attacks on federal information systems, planning, and training activities among Chief Information Officers to prevent or mitigate cyber security threats, and government vendor requirements to secure IT systems adequately. Other areas of concern are public and private sector coordinating activities to prevent widespread cyber security breaches that pose a significant threat to public works and the economy.

Federal Advisory Committee Act of 1972 (FACA)

According to GAO, approximately 950 federal advisory committees (FACs) with 62,000 members shape policy by advising the federal government on many issues. Some topic areas include the economy, the environment, public health, and national security. For example, FACs may be used in the peer review process relating to an agency's scientific work or research that is conducted for regulatory purposes or to develop programmatic decisions. FACs also have been established recently to provide guidance to the government on specific issues like stem cell research or genetic engineering.

FACA established requirements for balance, independence, and transparency in FAC activities. It also contains provisions to ensure committee activities are safeguarded from special interests and committee proceedings are conducted publicly and noticed for public access. Lastly, FACA created guidelines for the establishment of committees by presidential directive and through legislation, including guidelines regarding establishing the committee's stated scope and objectives, charter, time constraints, and budget. Subcommittee oversight will examine to what extent FACA is fulfilling its mandate to ensure that FACs operate with appropriate oversight and transparency, and that their appointed members lack potential or existing conflicts of interest.

SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS

In preparing this plan, consultation with other committees having jurisdiction over the same or related laws, programs, or agencies within this Committee's jurisdiction has been undertaken directly and indirectly to ensure maximum coordination and cooperation among committees.

This Subcommittee shall conduct oversight over the operations of Government activities in the areas of National Security, Foreign Policy and Homeland Security with a view to determining their economy and efficiency. The Subcommittee will conduct investigations into waste, fraud, and abuse of government operations in those areas. In doing so, the Subcommittee aims to publicize such misconduct, either as a direct or indirect result of Administration policies, in order to rectify and hold accountable those

responsible for such actions. As it deems necessary, the Subcommittee will use appropriate investigative authorities in order to gather information it seeks to conduct such oversight. Such activities will be done in coordination with the full Committee and other standing Committees with similar jurisdictions.

The Subcommittee intends to request, receive, and examine relevant reports of the Comptroller General of the United States as well as reports of Inspectors General, the Congressional Budget Office, and Congressional Research Service, among others, in order to submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of such reports. It will study intergovernmental relationships between the United States, and the states and municipalities with respect to matters of Homeland Security and National Security, and between the United States and international organizations, of which the United States is a member. Where appropriate, the Subcommittee will conduct business meetings to markup and introduce legislation over matters in its jurisdiction.

Matters which the Subcommittee intends to review include, but are not limited to:

- Diplomatic and military policy and related expenditures concerning U.S. relations with Iran, Iraq, and Afghanistan as well as Somalia, Sudan, Venezuela, China, and North Korea. Where appropriate, investigations of expenditures for reconstruction of infrastructure, training of personnel and other related issues will be examined;

- Non-proliferation policy and related expenditures together with the potential effects of actions or non-actions on certain treaties, agreements or military objectives related to the subject;

- U.S. policy for addressing the issue of global terrorism both in the short-term and long-term;

- Homeland security policy, laws and initiatives particularly as they relate to aviation, rail and transit, chemical, nuclear, port, border and other facilities or critical infrastructure at risk, local responder capabilities and funding levels, and public health matters;

- Visas, passports, and other border control and security identification issues, as well as in general, the operations and efficiency of U.S. consulates, border, and immigration policies;

- Subcontracting or private contracting role in military intelligence, diplomatic and related endeavors;

- Millennium Challenge Account goals and progress, and programs addressing poverty – especially as they may relate to long-term terrorism initiatives;

- International standing of the United States, humanitarian assistance and development programs, and public diplomacy efforts -- including oversight of the U.S. Foreign Service, International Broadcasting Bureau, Peace Corps, and U.S. Agency for International Development;

- Security and effectiveness of U.S. diplomatic personnel and embassies and facilities abroad, and the rightsizing and cost efficiency of U.S. presence overseas;

- Veterans Affairs matters as they pertain to troop morale, incentives for service, fulfillment of obligations to military service personnel – including consolidations and closures of facilities (only in coordination with the Veterans Affairs Committee);

- Protection against exposure of military personnel and civilians to biological, chemical, radiological, or nuclear weapons, such as depleted uranium; health effects of such exposure both in the short-term and long-term; as well as post traumatic stress disorder and other battlefield-related health issues which may develop in exposed populations in the long-term;

- Investigation of weapons systems procurement, development, operations, and compliance with statutory and other regulations, testing regimes, and their efficiency – including the Department of Defense Operational Testing and Evaluation (OT&E) directorate and other statutory compliance with respect to national missile defense and other programs;

- Weaponization of space and potential for protection of assets through treaty or other diplomatic means;

- "Modernization" of nuclear weaponry;

- Intelligence reorganization, intelligence gathering, intelligence use and misuse, treatment of detainees and prisoners, and the use of human intelligence – including cross-agency coordination, communication, and protection of civil liberties; and

- Conduct and effect of international trade agreements and obligations.

The foregoing will entail oversight of the Department of Defense, Department of State, Central Intelligence Agency, international organizations and Homeland Security entities within the Subcommittee's jurisdiction.

The Subcommittee looks forward to working cooperatively with the full Committee, Ranking Minority Member, and other standing committees in order to help fulfill Congress' mandate on oversight.

RECOMMENDATIONS OF SUBCOMMITTEE RANKING MEMBERS

Subcommittee on Domestic Policy

Gangs Intervention, Prevention, and Enforcement: The Committee conducted extensive oversight over the interaction between federal, state, and local law enforcement and public and private organizations in combating transnational street gangs in the 109th Congress. The Subcommittee should continue this oversight by looking at how federal law enforcement agencies are coordinating with their counterparts in foreign countries (with a specific focus on Central America) to increase technological and enforcement capacity in those countries. Further, the Subcommittee will conduct oversight into how specific agency initiatives aimed at increasing intelligence sharing are progressing and what additional capacities are required by law enforcement agencies both within the U.S. and in the foreign countries.

Assessing the Overall Impact of Government Rulemaking: Congress passed the Paperwork Reduction Act, a product of the Committee on Government Operations in 1980 in order to prevent businesses from being buried in stacks of paperwork needed to comply with Federal Regulations. However, it soon became apparent that the paperwork was just one manifestation of the underlying problem. The real problem was the bourgeoning government bureaucracy, which issued thousands of regulations, without ever assessing the scope or unintended impact of Federal Regulations. The Subcommittee should continue the legacy initiated in 1980 and continue to conduct oversight over the regulatory process and specific regulations to ensure that Federal Agencies only issue essential regulations that bring a net positive benefit to the citizens of the United States.

Reviewing Government Regulations on Small and Start-up Businesses: The Subcommittee should also recognize that the burden of Federal Regulations falls disproportionately on small businesses. The importance of small business to our economy cannot be overstated. They account for 50 percent of the country's private non-farm gross national product, create between 60 and 80 percent of the net new jobs and are 13 to 14 times more innovative per employee as large firms are. Accordingly, the Subcommittee should conduct oversight into specific regulatory requirements, the overall regulatory structure, trade policy, and tax policy- all with an eye towards empowering American entrepreneurs and maintaining our global leadership role in innovation and opportunity.

Advocating for World Class Patent and Trademark Review: The Subcommittee should recognize that a stable business infrastructure in finance, logistics, and intellectual property protection is one of the main assets influencing global innovators to locate within the United States. The Subcommittee should continue it's oversight into the U.S. Patent and Trademark Office to insure that the Office is adopting the best methods and business model to achieve rapid review of applications and high quality decisions at every level.

Studying Plans for Making the American Worker as Competitive as Possible: In 2005, more than 55 million Americans, or four out of every 10 workers, left their jobs in 2005. And during the same time there were over 57 million new hires. This new reality, that Americans will increasingly migrate through many jobs over their entire career, requires that the Federal Government seek out improved vehicles to meet family needs in the areas of health care and retirement.

Department of Housing and Urban Affairs CDBG Program: The Subcommittee should continue the Committee's review into the 30-year old Community Development Block Grant Program (CDBG) with a particular interest in how Congress can retool this worthwhile program to better meet the needs of States and localities. The CDBG program was created in the mid 1970's and was put in place to meet the needs of the late 20th Century America. As we proceed into the new century the CDBG program needs to be updated to meet State and community needs that have changed since the inception of the program.

Department of Housing and Urban Affairs Public Housing Programs: The Subcommittee should continue the Committee's review into public housing with particular interest in the various federal programs such as vouchers and direct aid to states and localities. Cities such as Chicago and New York are meeting their public housing needs through new innovative programs and the federal government can play a major role by ensuring federal dollars and programs are used in such a way that maximizes benefits and ensures housing needs are met.

Brownfield Redevelopment: The Subcommittee should continue the work of the 109th Congress by overseeing efforts to make states and localities more economically viable through brownfield redevelopment. The 2002 Brownfields Act was successful in addressing many problem areas throughout the United States but even with the success of this act their still remains 450,000 to 1 million brownfield sites that will go untouched. Further ideas and legislation are needed to address this nationwide problem and the Subcommittee will continue to look into innovative ways to address the problems of brownfield redevelopment.

Historic Preservation: The Subcommittee should review federal assistance to states and localities in the area historic preservation as a way to revitalize area economies. Our nation's heritage needs to be preserved so that future generations will better understand their past. In many instances localities can benefit economically if they work to preserve their history. Federal incentives exist for some preservation efforts but further exploration of the federal role is needed.

Minerals Management Service: The Subcommittee should continue its oversight investigation of the Interior Department's Minerals Management Service, including whether all measures are being taken to recover lost revenues as a result of flawed deepwater leases issued in 1998 and 1999. The Subcommittee should also continue to examine MMS compliance and audit functions, the agency's structure, organization and personnel policies. This is particularly important in light of the Government

Accountability Office (GAO) study requested by Ranking Member Davis, Mr. Issa, Mrs. Maloney and Sen. Bingaman, which is an overall examination of the effectiveness and accuracy of the royalty collection system managed by MMS.

Industry Carbon Reduction: Various U.S. and multinational corporations have taken substantial, historic, and proactive steps in instituting programs to reduce carbon emissions. The Subcommittee should consider reviewing these various voluntary programs (e.g., the Climate Action Partnership, etc.) and their overall impact on atmospheric carbon dioxide.

Alternate Energy:

- **Nuclear.** Nuclear energy is thought to be the cleanest source of energy available. Further, recently the Speaker of the House stated she was keeping an open mind about nuclear energy as an option. The Subcommittee should review the benefits of increasing nuclear generation capacity in the United States and to ensuring its safe and efficient operation.
- **Other**. The President announced in his State of the Union speech renewed push towards alternative fuels, and a number of these alternative fuel sources, including ethanol, will be coming on-line within the next couple of years. What challenges will be faced by energy companies and other companies involved in the production of distribution of fuel, and what lessons can the U.S. learn from countries such as a Brazil who claim they will be energy self-sufficient within the next few years? The Subcommittee should review how the alternative fuels market operates to ensure a smooth transition to these fuels.

Subcommittee on Federal Workforce, Postal Service, and The District of Columbia

District of Columbia Oversight:

College Access Act: The District of Columbia College Access Act, sponsored by Ranking Member Tom Davis, was passed by Congress on November 1, 1999 and signed by President Clinton on November 12, 1999. It funds a District of Columbia Tuition Assistance Grant Program. As amended in 2002 it covers the difference between in-state and out-of-state tuition for D.C. high school graduates at public colleges and universities throughout the United States. It also provides some financial assistance to such graduates attending private colleges in the Washington Region along with students attending historically Black Colleges and Universities in other states. The original Act has previously been reauthorized through September 30, 2007. President Bush, in his FY 2008 Budget Submission, has included $35.1 million for this program. Reauthorization is a suitable subject for oversight.

Procurement: The Government Accountability Office reports that the District of Columbia procurement system is fatally flawed both in its structure and execution. The GAO found that the current procurement system "undermine(s) transparency, accountability and competition...increases the risk of preferential treatment for certain

vendors and ultimately drives up costs." In a scathing report to Ranking Member Tom Davis, the GAO also found that "The District's Procurement System Does Not Reflect Sound Management and Oversight Practices." Procurement is also very much at issue in the crisis involving the District's public schools. The GAO's recommendations include a reform plan to be submitted by the city's mayor to Congress. Mayor Fenty has indicated concurrence with the thrust of the GAO's recommendations. What is called for by the GAO goes beyond management reform and would involve new law.

METRO: Ranking Member Tom Davis, joined by the entire National Capital Region delegation, introduced legislation to provide funding for the Washington Region's Metro system. The House passed the measure last year. Federal investment in the Washington Metropolitan Area Transit Administration dates back to the Eisenhower Administration in 1960, with periodic funding infusions in recognition of the federal government's unique reliance on Metro. Issues regarding security, service interruptions, and accidents, require oversight.

Water and Sewer: The District of Columbia Water and Sewer Authority (DCWASA) is an independent Authority under legislation approved by Congress in 1996, serving Washington, D.C., Montgomery and Prince Georges Counties in Maryland and Fairfax and Loudon counties in Northern Virginia. It provides, inter alia, wholesale wastewater treatment for over 2 million people in the Washington region, establishes rates, and operates the Blue Plains Advanced Wastewater Treatment Plant, largest of its kind in the world. The Committee held hearings concerning DCWASA, including its lead contamination experience. Recent issues include the condition of the Anacostia River, privatization efforts, and the possibility of moving to a true Regional Authority.

Education: Education in the District of Columbia could be at a major turning point. Legislation proposed by Mayor Fenty may be adopted by the City Council as early as this spring and forwarded to Congress. In its present form, the legislation would require congressional amendment of the Home Rule Act to be effective. With a new mayor, a new City Council chair, and a new president of the D.C. School Board, an excellent opportunity exists to exercise oversight of a critical issue affecting overall education and its impact on quality of life, economic development, and the city's bond rating. The city's Chief Financial Officer has listed D.C. public schools as a leading "concern", and the Department of Education has designated DCPS as "High Risk" in terms of federal grants management.

Courts: Under the D.C. Revitalization Act of 1997, sponsored by Ranking Member Tom Davis, Lorton prison in Northern Virginia was closed and sentenced felons incarcerated elsewhere in the federal system. The Court Services and Offender Supervision Agency was created by Revitalization to transition offenders leaving the system back within the city. Operation of the D.C. courts is a federal responsibility. Rehabilitation and re-entry issues are suitable subjects for oversight of the Agency, which Congress created.

Postal Service Oversight:

Implementation of Postal Reform: On December 20, 2006 the President signed the Postal Accountability and Enhancement Act (P.L. 109-435), the most comprehensive postal reform legislation enacted since the early 1970s. The Act requires significant organizational as well as cultural changes at both the Postal Service and the new Postal Regulatory Commission. In addition, the Postal Service is undergoing broad internal changes even as it implements the Act -- the long-planned automation of flat shaped mail, the Evolutionary Network Design initiative, a currently pending rate request that is the most complex since the late 1990's as well as a rumored additional rate request to be based on the Postal Service Shape Based Pricing Initiative. The Subcommittee should continue to monitor the progress the Postal Service makes in transforming itself to ensure that the goals of the Act are met.

The Postal Service's Office of Inspector General: Last month marked the 10-year anniversary of the establishment of the United States Postal Service Office of Inspector General. The Subcommittee should examine the evolving role of the OIG, especially in light of recent changes to their and the Postal Inspection Service's jurisdiction over internal crimes.

Federal Workforce Oversight:

Revitalizing the Federal Workforce: The Subcommittee should continue to focus on improving the federal workforce to recruit and retain the best and the brightest employees. A January 2007 report released by the Office of Personnel Management indicated that almost half of the federal workforce believes that an employee's pay is based more on one's longevity than on one's performance. This demonstrates that we still have a long way to go before the federal workplace is able to recruit and retain hard-working employees that are motivated to excel. In addition, GAO continues to include "Strategic Human Capital Management" as one of it the top problems facing the federal government on GAO's biannual High-Risk List.

In addition, the Subcommittee will continue to focus on improving the investment options for federal employees by, for example, expanding the array of Thrift Savings Plan investment options to include a Real Estate Stock Investment Fund. Based on a recent survey conducted by the Federal Retirement Thrift Investment Board (FRTIB), employees support more investment options that would enable them to diversify their retirement portfolio. Any consideration of statutory changes to the Thrift Savings Plan or the FRTIB this Congress should include consideration additional investment options for federal employees.

Finally, the Subcommittee should work with the Office of Personnel Management (OPM) to advance the good government initiatives that the President proposed in his FY08 budget including promoting the use of retirees in federal employment as a way to alleviate pressures from the pending wave of retirements facing government. Along

similar lines, the Committee will continue its support of OPM's efforts to modernize the federal government's retirement systems.

Subcommittee on Government Management, Organization, and Procurement

Overview: The Subcommittee should continue to oversee the increasing challenges facing our federal acquisition system. Each year our government spends well over $300 billion buying goods and services ranging from paper clips to advanced weapon systems; from sophisticated information technology and management services to grass cutting and window washing. Recent reforms culminating in the Services Acquisition Reform Act of 2004 (SARA) have revolutionized the way the government does business with the private sector. While these reforms have vastly improved the system, we still have a way to go to create a truly effective system that will leverage the best and most innovative services and products our vigorous private-sector economy has to offer. It is critical that the government have the tools and the skilled acquisition professionals it needs to manage its increasingly complex contract workload – and that it have a flexible, responsive, and impartial competitive acquisition system that will enable it to leverage the best services and technology the private sector has to offer at fair and reasonable prices with the necessary accountability.

Improving General Services Administration (GSA) Operations: The Subcommittee should be focused on the continued improvement of GSA's operations through the Administrator's implementation of the reorganization plans. The Subcommittee should also follow closely the Office of Federal Procurement Policy's (OFPP) inventory of Government-wide contracts and how that relates to GSA's role as the government's centralized acquisition infrastructure for commercial goods and services. The bottom line here is that in most instances, government-wide contracts ought to be managed out of GSA unless there is a good management reason for them to be managed by another agency.

Oversight of Critical Acquisitions: The Subcommittee should continue its oversight of the GSA's government-wide voice and data telecommunications program, Networx, as it progresses through the award of the two contracts and the complex transition process. Given the difficulties that plagued past telecom program transitions, the Subcommittee should be concerned that the transition be successful. Ranking Member Davis has asked the Government Accountability Office (GAO) to monitor GSA's transition plans and their implementation. It is critical that Networx be a success. In addition, the Subcommittee should plan to monitor the GSA's Alliant program, which will provide IT support services to customer agencies through large, broad, indefinite delivery, indefinite quantity contract vehicles. GSA plans to make awards under the Alliant program this summer.

Acquisition Workforce/SARA Acquisition Law Review Panel: In the 109th Congress, the Committee conducted a preliminary review of the results of the acquisition law review panel established under the Services Acquisition Reform Act (SARA) and found

that the merits of recommendations are rather mixed. However, Ranking Member Davis is encouraged by the panel's recommendations on the acquisition workforce. Ranking Member Davis hopes that the recommendations will foster a good discussion on the improvement of the operations of our acquisition workforce. In this connection, Ranking Member Davis has requested that GAO review the panel's recommendations for the improvement of acquisition laws and policies.

Federal Property Management: The federal government is one of the world's largest property owners with a portfolio valued at over $328 billion. Many of these properties are vacant, underutilized, or in disrepair; lack modern technological infrastructure; or pose health and safety threats. Billions of dollars are spent annually to maintain these excess or underutilized properties. Agencies are often forced to vacate properties and lease costly space from the private sector. As a result, federal real property management has been on GAO's High Risk Series since 2003. GAO finds that the on-going crisis in federal property management puts the government at significant risk for lost revenues and opportunities. Specifically, GAO points to the fact that underutilized or excess property is costly to maintain, and excess government buildings and land could be put to more cost effective uses, exchanged for more useful property, or sold. The Subcommittee should continue its oversight work in this area and seek comprehensive real property management reform legislation that could provide solutions to this government-wide problem.

GPRA Performance Goals: The Subcommittee should continue to monitor federal agencies efforts to establish measurable performance goals as required by Government Performance and Results Act (GPRA). The Subcommittee should continue to examine agencies GPRA reports, consult with OMB concerning agencies' efforts to improve performance, and focus more closely on both specific agencies that have been successful at developing and meeting performance goals and those that have not.

Improving internal controls at DHS: Congressman Davis, Platts, Towns, and Waxman sponsored the DHS Financial Accountability Act of 2004, which requires an audit opinion on internal controls at DHS. DHS inherited 12 material weaknesses from its legacy agencies- the most of any department other than DOD, and the intent of the legislation was to correct those problems sooner rather than later. The audit opinion was rendered for the first time in FY06 and it was adverse. In order to make progress on each weakness, the OIG is engaged in targeted performance audits on a quarterly basis. Those reports will be monitored closely to ensure that DHS is making progress.

Financial Management Line of Business: The FMLoB is one of several initiatives by OMB to consolidate "back office" functions at Shared Service Providers. Congressman Platts held several hearings on this topic in the 109th Congress to address concerns of software providers and agency managers. Among the issues are lack of clear guidance, confusion of the use of A-76, and resistance from appropriators. The FLMoB was dealt a serious setback when OPM canceled its move to the Bureau of the Public Debt. A staff level dialogue should continue to both monitor and guide process.

Subcommittee on Information Policy, Census, and National Archives

National Archives: The Subcommittee should continue its investigation of former National Security Advisor Sandy Berger's classified document theft from the National Archives. As Mr. Berger was provided extraordinary access to univentoried original documents, questions remain with regard to the integrity of the terrorism-related Presidential Records of the Clinton Administration housed at the National Archives. Following up on the staff's investigation, the Committee will seek the testimony of Mr. Berger and senior Justice Department officials responsible for Mr. Berger's prosecution to obtain a complete account of all four of Mr. Berger's visits to the National Archives. The Committee and subcommittee should also work with the Executive Branch to declassify the materials Mr. Berger admitted to taking.

Protecting Citizens Personal Information and Privacy: The Subcommittee should continue to pursue House passed data breach legislation (H.R. 6163) requiring that timely notice be provided to individuals whose sensitive personal information could be compromised by a breach of data security at a federal agency, and ensuring that costly equipment containing potentially sensitive information is accounted for and secure.

Securing Government Computers and Systems from Intrusion: In light of ongoing data breaches at federal agencies, the Subcommittee should continue to evaluate agency information security posture under FISMA (the Federal Information Security Management Act), grade agency performance, and highlight weaknesses. The Subcommittee should continue to evaluate barriers to FISMA compliance, and will continue to work to strengthen and improve FISMA to ensure it keeps pace with rapidly evolving technologies and agency initiatives.

Bringing Best Practices to Government: The Subcommittee should continue to bring a performance-based approach to government, and work to move government to a functionally focused approach, and away from an agency-centric approach where appropriate. The Subcommittee should also continue to evaluate management reforms and push for E-Government and other government-wide initiatives that can bring efficiency and cost-savings.

Ensuring Agencies Can Share Information: The Subcommittee should continue to highlight agencies' need to share information across departments and among all levels of government. Ensuring equipment interoperability, and removal of artificial barriers caused by redundant information classifications and security clearances will remain priorities. At the same time, the Subcommittee should work to ensure agencies balance demands to share information with safeguarding individual privacy.

Enabling a Flexible and Efficient Workplace: The Subcommittee should continue to push for policies enabling federal employees to work remotely under telework policies, thereby reducing congestion, improving employee morale and retention, and enabling the federal government to operate during crisis. In addition, the Subcommittee should pursue

reauthorization of the Digital Tech Corps program, established by the E-Gov Act, and oversee its implementation.

Protecting Taxpayers Investments in Technology: Ensuring that the Government's annual $65+ billion investment in IT is sound and secure remains a top priority. The Subcommittee will continue to highlight and review projects on OMB's Management Watch List and GAO's High Risk List.

Subcommittee on National Security and Foreign Affairs

REAL ID Implementation: Following up on Congress's efforts in 2004 in response to the 9/11 Commission recommendations to standardize driver's license issued by all 50 States (establishing minimum standards for acceptance by the federal government), DHS is expected to issue regulations implementing the program within the coming months. The regulations are expected to be a balancing act between States' rights and national security and we intend to carefully monitor the rollout of the new policy in order to ensure that States are given the guidance they need to ensure that the Nation's security is protected without unduly tying the hands of the State motor vehicle administrators.

Interior Enforcement: The Subcommittee should continue to oversee the nation's immigration process, and build upon efforts in the 109th Congress to strengthen this task, which is an essential duty of every sovereign state. This will include efforts to facilitate legal migration, as well as to stop unauthorized entry into the United States and to prevent those who enter lawfully from remaining beyond the permissible period. Special attention will also be paid to "interior enforcement," especially in connection with employers who knowingly hire undocumented workers, or who do so because failures in the administrative process precludes an accurate understanding of employee immigration status. In addition, consideration will be given to how the Immigration and Customs Enforcement bureau allocates its limited resources in order to determine if the situations which pose the most danger to homeland security (such as access by illegal immigrants to certain sensitive locations) are properly addressed. All this will be done amidst evaluations to ensure that the Department of Homeland Security has the appropriate and necessary organization, management, personnel, processes, procedures, and funding to carry out its responsibilities.

United States Visitor and Immigrant Status Indicator Technology (US-VISIT): The federal government has initiated a program which will attempt to record and retain information on foreign visitors as they enter and exit our borders. This program, United States Visitor and Immigrant Status Indicator Technology (US-VISIT) was established in accordance with several Congressional mandates requiring that the Department of Homeland Security (DHS) create an integrated, automated entry-exit system that: (1) records the arrival and departure of aliens; (2) deploys equipment at all ports of entry to allow for the verification of aliens' identities and the authentication of their travel documents through the comparison of biometric identifiers; and (3) utilizes an entry-exit system that records alien arrival and departure information from these biometrically

authenticated documents. The US-VISIT program is an endeavor that will take years to mature, and DHS is using a phased approach in the implementation of the program. In the 109th Congress, the Committee worked closely with the stakeholder community to make sure this phased approach is workable for all involved. The Subcommittee should oversee the land border application of US-VISIT and the exit system as it is applied to airports and seaports. The Subcommittee should work with DHS and other stakeholders to make sure this carefully crafted program is implemented as quickly and efficiently as possible.

Afghanistan and Drugs: The Subcommittee should review actions that can be taken by U.S. and coalition forces to stop heroin cultivation in Afghanistan. The United Nations Office on Drugs and Crime estimates Afghanistan produces three quarters of the world's illicit opium. Additionally, the Subcommittee should investigate the connection between heroin and terrorist/insurgency financing. A robust drug trade helps finance terrorist organizations, contributes to destabilization, threatens peace, and hobbles reconstruction efforts and a sustained economic recovery. Without an extensive and organized security force and effective rule of law throughout Afghanistan, law enforcement efforts to significantly reduce drug production and narcotics trafficking will progress very slowly.

Plan Colombia and Andean Counterdrug Initiative: The Subcommittee should continue to conduct oversight over Plan Colombia and the Andean Counterdrug Initiative. The Subcommittee should consider how U.S. efforts and assistance has given the Colombians the tools they need to fight narcotraffickers. The drug trade in Colombia is a major factor in the instability in Latin America, it is killing Americans every day, and most frightening, it is a source of funding for terrorism in this hemisphere. Colombia is a stronger democracy today than it was 6 years ago at the start of Plan Colombia. It is no longer a narco-terrorist state and has made strong progress in terms of eradication and interdiction, security and defense, and economic and social issues. The Subcommittee should also consider demobilization efforts and colombianization of programs.

Additional Oversight:

1. **Homeland Security/Defense**

   A. Review of security procedures at civilian and military nuclear facilities.

   B. A review of National Nuclear Security Administration (NNSA) policy and procedures for the use of private security contractors.

   C. Review of port security measures and coordination between federal, state, county, local and private authorities in securing shipping.

   D. Review of homeland security strategies and implementation of the Homeland Security Act of 2002.

E. Review of doctrine and role of NORTHCOM and DOD role in homeland security.

F. Review of 9/11 Commission recommendations on matters within the Subcommittee's jurisdiction.

G. Inquiry into medical screening, testing and treatment of first responders and others who responded to the terrorist attack on New York on September 11, 2001, particularly regarding the expenditure of $75 million dollars appropriated for those purposes.

H. Review of efforts to improve homeland security information sharing between federal, state, local and private stakeholders.

I. Review of management of pharmaceutical stockpile programs.

J. Review plans and procedures in place between United States and adjacent countries of North America to enhance US security.

K. Continue to monitor the role of the National Guard in homeland defense, homeland security and military assistance to civilian authorities.

L. Examine the interaction between DOD and DHS in defining their common roles and responsibilities in homeland security and homeland defense.

2. Emerging Threats

A. Review of the status of U.S. participation in the Biological and Toxic Weapons Convention negotiations of an enforcement protocol by the Ad Hoc Working Group and other biological weapons counter proliferation strategies.

B. Review of Department of Justice regulations and procedures for protecting explosives storage facility sites.

C. Review of anti- and counterterrorism planning and preparedness best practices used by cities and regions in Europe, Asia and the Middle East.

D. Review of national security strategies to combat terrorism.

E. Oversight of interagency processes used to develop medical countermeasures to Chemical, Biological, Radiological and Nuclear (CBRN) and how that process is linked to validated threats.

F. Oversight of efforts by agencies to detect anthrax contamination (particularly in federal facilities), analyze test results, validate detection protocols and improve detection methodology.

G. Evaluate DoD and Department of State plans, programs, and initiatives meant to ensure continued freedom of space commerce and space operations in light of provocative developments by the People's Republic of China to test an anti-satellite system.

3. International Terrorism

A. Review of anti- and counterterrorism planning and preparedness best practices used by cities and regions in Europe, Asia and the Middle East.

B. Review of national and international disease surveillance programs as counterterrorism sentinels.

C. Review of the follow-up procedures employed by managers of the inter-agency Broad Area Announcement soliciting technology solutions for counterterrorism.

4. Department of Defense (DOD) Programs and Spending

A. Review of research, development and acquisition activities for chemical and biological defense equipment: masks, suits, detectors, decontamination equipment.

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

C. Review of operations and management at the Defense Reutilization Marketing Service.

D. Review of DOD efforts to resolve Army National Guard pay and benefit calculations for deployed forces.

E. Inquiry into the extent of use, standards for, and management of armed contractors by DOD and other federal agencies.

F. Review of the effectiveness of DOD readiness measures particularly in view of force transformation efforts.

G. Review of DOD communication satellite contracting practices.

H. Review of biodefense vaccine programs at DOD including the Anthrax Vaccine Immunization Program, smallpox vaccine development and adenovirus vaccine shortages.

I. Review of DOD monitoring program for occupational and environmental health hazards for troops deployed in Operation Iraqi Freedom

J. Review status of host nation security support for US military installations.

K. Review US Army transformation plans for forces required in post-conflict situations, including efforts to properly train and equip US military forces.

L. General oversight will continue on the resourcing and readiness of all National Guard and Reserve Component units.

M. Investigate with GAO of the last Base Realignment and Closure round.

N. Review of the Base Realignment and Closure efforts, specially focusing on the effects of the Air Force/ Air National Guard.

O. Review of international maritime security, including jurisdictional conflicts and coordination of assistance in the event of an attack, specifically responding to issues of the security and safety of passengers aboard foreign flagged vessels.

P. Review the effectiveness of the Quadrennial Defense Review.

Q. Review the Reliable Replacement Warhead program for the US nuclear weapon stockpile, including an examination of the design selection, infrastructure base, and related nuclear posture

R. Evaluate proposals for a conventional Prompt Global Strike system, including cost and design challenges inherent in modifying an existing nuclear weapon or developing and deploying a new conventional alternative.

S. Investigate the adequacy of Defense intelligence collection and interpretation efforts, especially in connection with terrorism and emerging threats.

T. Review of the new US command in Africa and the role it will play in containing terrorist and threats to the US and US interests in Africa (e.g., humanitarian, other)

5. **Department of Veterans Affairs (VA) and Spending**

   A. Review of VA implementation of Gulf War veterans' service-connection determinations and research coordination.

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

   C. Review of VA Benefits Administration data showing anomalous death rates among a certain cohort of Gulf War veterans.

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

6. **Department of State and USAID Programs and Spending**

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

   B. Review State Department rightsizing initiatives.

   C. Review of humanitarian assistance and reconstruction plans in post-war Iraq.

   D. Review of management and implementation of the biometric visa program.

   E. Review of the United Nations Oil for Food Program (OFFP) and the Development Fund for Iraq (DFI).

   F. Security of the Departments of Homeland Security- and State-run visa process, including the visa revocation process.

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

   H. Review of US public diplomacy efforts, particularly in the Arab and Muslim world.

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

   J. Review of visa processing delays and extended waits.

K. Review of visa issuance policies and procedures, including interagency coordination.

L. Review of gaps and vulnerabilities in the non-immigrant visa application and screening process with a particular focus on creating a first defense for terrorists.

M. Review of humanitarian and post-conflict reconstruction capabilities, including the rapid mobilization of resources

7. Post-Conflict Iraq

A. Reconstruction: What factors, including coordination between agencies to identify and send civilian personnel to Iraq, have affected the US relief and reconstruction program and how have these factors been addressed?

B. Elections: How are US Agency for International Development and Department of Defense ensuring funds expended in support of Iraqi national elections are spent for the intended purpose?

C. Security: What progress has been made in training and equipping Iraqi forces?

D. Review of the scope and reach of democracy-building efforts in Iraq, particularly those activities undertaken by non-governmental organizations (NGO).

E. Review of the extent of use, standards for, and management of armed contractors by DOD and other federal agencies.

SILVESTRE REYES, TEXAS, CHAIRMAN

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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
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MICHAEL DELANEY
STAFF DIRECTOR

MICHAEL MEERMANS
MINORITY STAFF DIRECTOR

February 8, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn HOB
Washington, DC 20515

The Honorable Juanita Millender-MacDonald
Chairwoman
Committee on House Administration
U.S. House of Representatives
1309 Longworth HOB
Washington, DC 20515

Dear Chairman Waxman and Chairwoman Millender MacDonald:

Rule X, Clause 2, Paragraph (d) requires that each standing committee adopt an oversight plan for that Congress, and such plan be submitted simultaneously to the Committee on Oversight and Government Reform and to the Committee on House Administration.

To further the principles of open government and accountability within the legislative branch, I submit to you the Oversight Plan for the 110th Congress for the Permanent Select Committee on Intelligence.

This plan was adopted unanimously by the committee in open session on February 7, 2007.

Sincerely,

Silvestre Reyes
Chairman

February 7, 2007

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE ON INTELLIGENCE

* * *

OVERSIGHT PLAN FOR THE 110TH CONGRESS

The following is the oversight plan for the House Permanent Select Committee on Intelligence (HPSCI) for the 110th Congress.

History and Jurisdiction

The HPSCI authorizes funding for all intelligence activities of the United States government and ensures that those activities are effective, legal, and an appropriate use of taxpayer money.

House Rule X(11) outlines the HPSCI's jurisdiction and sets forth specific rules pertaining to its legislative and oversight functions and the handling of classified material.

The HPSCI was established in the 95th Congress through H. Res 658. The stated purpose of H. Res 658 was to establish a committee "to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States government, to submit to the House appropriate proposals for legislation, and to report to the House concerning such intelligence and intelligence-related activities and programs."

H.Res 658 also indicated that the Committee:

> Shall make every effort to assure that appropriate departments and agencies of the Untied States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interest of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and the laws of the United States.

The HPSCI shares responsibilities in discrete areas with the Committees on Appropriations, Armed Services, Foreign Affairs, Judiciary, and Homeland Security. The resolution establishing the HPSCI recognized this and provided that some HPSCI members be drawn from those Committees. This is a vital means of coordination, as are the daily activities of Committee staff with their counterparts, in keeping with the framework of Committee rules.

The HPSCI will work in conjunction with the Select Intelligence Oversight Panel (SIOP) of the Committee on Appropriations. At the start of the 110th Congress, Speaker Pelosi announced her intention to create the Panel to strengthen oversight of intelligence activities. On January 9, 2007, the House passed H. Res. 35 which established the SIOP and charged it with the following duties: "review and study on a continuing basis budget requests for and execution of intelligence activities; make recommendations to relevant subcommittees of the Committee on Appropriations; and, on an annual basis, prepare a report to the Defense Subcommittee of the Committee on Appropriations containing budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense." The HPSCI will continue to carry out its jurisdictional responsibilities, including authorizing funding for intelligence activities.

The HPSCI maintains jurisdiction over the National Intelligence Program, and all legislative activity affecting or relating to sources and methods of intelligence and intelligence-related activities of the United States. The HPSCI shares jurisdiction over the Military Intelligence Program with the Armed Services Committee.

The National Intelligence Program consists of intelligence activities in the following departments, agencies, or other elements of the government:

1) The Office of the Director of National Intelligence;
2) The Central Intelligence Agency;
3) The Defense Intelligence Agency;
4) The National Security Agency;
5) The National Reconnaissance Office;
6) The National Geospatial-Intelligence Agency;
7) The Office of the Secretary of Defense;
8) The Department of the Army;
9) The Department of the Navy;
10) The Department of the Air Force;
11) The Department of State;
12) The Department of the Treasury;
13) The Department of Energy;
14) The Department of Homeland Security;
15) The Coast Guard;
16) The Federal Bureau of Investigation; and
17) The Drug Enforcement Administration.

The Military Intelligence Program was established in 2005 and was designed to integrate the elements of the former Joint Military Intelligence Program (JMIP) and the Tactical Intelligence and Reconnaissance Activities (TIARA). The MIP provides integrated program management of Defense intelligence elements that support Defense-wide and theater- or component-level consumers. The MIP includes those military intelligence activities that respond to the requirements of military commanders for operational support, but may also satisfy national intelligence requirements.

The work of the Committee will encompass oversight of all aspects of the "intelligence cycle" – including requirements, collection, analysis, dissemination, and use of intelligence by policymakers. Intelligence is the "tip of the spear" in the effort to defend America's vital national security interests. In its effort to sharpen the "tip of the spear," the Committee will also work to protect the Constitution, laws, and liberties that the American people cherish.

America is a nation at war, and continuing the post-9/11 reforms is an urgent priority. Above all, the Committee will insist on the "sense of urgency" that the current threat environment requires.

Much of the work done by the Committee is highly classified and extremely sensitive. We intend, however, to seek opportunities to hold hearings in open session and conduct our work in a transparent and accountable manner.

Ability to Obtain Information from the Executive Branch

Congress has long recognized that the Committee cannot conduct effective oversight unless it is informed of intelligence activities carried out or planned by the Executive Branch. To that end, the National Security Act, 50 U.S.C. § 413 (as amended), provides that the President "shall ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity as required by this title."

In previous Congresses, the Executive Branch has been hesitant – and in some cases, has refused – to fulfill this statutory obligation. It is the intention of this Committee in the 110th Congress to enforce this provision of law and help ensure that the Committee is kept "fully and currently" informed of all intelligence activities.

FULL COMMITTEE

1. *The Intelligence Authorization Act.* The Committee is responsible for annually producing an authorization bill, including a classified schedule of authorizations, for all elements of the Intelligence Community. The Committee will scrutinize whether the nation is making appropriate investments in intelligence and whether the American people are getting an adequate return on those investments. The National Security Act of 1947 requires, because of the sensitivity of the programs and operations involved, that intelligence and intelligence-related activities must have both an appropriation and a specific authorization. This vests the Committee with the responsibility for reviewing current activities and future plans of the Intelligence Community. We expect to have the Fiscal Year 2008 Intelligence Authorization Bill reported to the House by May 2007, and to follow the same timeline for the Fiscal Year 2009 Authorization Bill. Pursuant to clause 2(d)(1)(E) of House Rule X, this review will include steps to minimize duplication of federal programs.

2. *Iraq, Afghanistan, and Intelligence Support to the Policymaker and Warfighter.* With U.S. personnel engaged in combat in Iraq and Afghanistan, a major priority of the Committee will be to review the intelligence requirements, capabilities, and assessments related to those two theaters of operation. We will focus on both national-level intelligence for the policymaker, as well as tactical-level intelligence for the warfighter.

3. *Changing Nature of the Terrorist Threat.* Five and a half years after the tragic attacks of 9/11, the threat from Al Qaeda and other terror networks has become more diffuse and harder to track. The Committee will seek to understand the changing nature of the terrorist threat, particularly as it relates to attacks against the homeland, and will work to align Intelligence Community capabilities to defend against this threat. The Committee will focus particularly on the activities of the National Counterterrorism Center (NCTC), home of the Community's "mission manager" for counterterrorism.

4. *WMD proliferation, Iran, North Korea, and Other Hard Targets.* The key intelligence challenge in denied areas (or "hard targets" as the community often refers to them) is to collect and analyze information about the intentions and capabilities of often-secretive regimes with aggressive counterintelligence and denial/deception capabilities. These regimes include the major proliferating states of Iran and North Korea. In that vein, the Committee will continue to examine the Intelligence Community's efforts to track the proliferation of weapons of mass destruction and the threat posed from unsecured nuclear material that could fall into the hands of terrorists.

5. *Africa, Latin America, and Other Regions Requiring Sustained Focus.* The Intelligence Community, and by extension the Committee, has focused much of its attention on the Near East over the past five years. It is, however, clear that the Committee must now help direct resources and attention to other areas of the world that impact U.S. national security interests. These areas include Africa (particularly the Horn of Africa and Sub-Saharan Africa) and Latin America (Colombia, Venezuela, and Mexico, etc.) The Committee will work to correct this imbalance and maintain sustained focus on these important regions.

6. *Developing a Diverse Intelligence Workforce.* One of the Committee's highest priorities is to assist the Executive Branch in creating a diverse intelligence community workforce with the requisite language skills and cultural and ethnic diversity to penetrate and understand the most challenging intelligence targets across the globe.

7. *Review of Covert Action Programs.* The Committee has a special role in reviewing Presidential Findings and activities carried out to advance national security objectives where the role of the United States Government is unacknowledged. The Committee will conduct a review of existing covert action programs and assess the effectiveness and appropriateness of activities conducted pursuant to covert action authorities.

8. *NSA Surveillance Program.* The Committee will conduct an in-depth review of the President's NSA Surveillance Program, including the applications, court orders, and legal briefs related to the decision by the Executive Branch to seek court orders for surveillance under the program.

9. *Detention and Interrogation Programs.* The Committee will conduct an in-depth review of the CIA detention program disclosed by the President in September 2006. In addition, the Committee will review the intelligence-related aspects of the detention policies of the United States military -- in particular, the activities conducted at the U.S. detention facility at Guantanamo Bay, Cuba -- and the intelligence-related aspects of trying terror suspects under the Military Commissions Act of 2006.

10. *Border Intelligence and other Homeland Security Intelligence Capabilities.* The Committee will examine the intelligence capabilities on America's borders, particularly the Southern border with Mexico. The Committee will also review the efforts to collect, analyze, and disseminate Homeland Security-related intelligence and the intelligence activities of homeland security officials.

11. *Quality and Reliability of Sources.* The Committee will require that intelligence assessments be based on reliable sources and that analysts will continue to have access to information about sources. In addition, the Committee will insist that all assessments contain a discussion of the quality and reliability of sources.

SUBCOMMITTEE ON TERRORISM, HUMINT, ANALYSIS, AND COUNTER INTELLIGENCE

The Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence ("T-HACI") will monitor the intelligence discipline of overt and clandestine human intelligence (HUMINT), all-source analysis, counterintelligence, and – in some cases – scientific and technical analysis. In general, this Subcommittee is responsible for the Central Intelligence Agency Program (the CIAP) and the General Defense Intelligence Program (GDIP), as well as counterintelligence programs.

Areas of specific interest include:

1. *Current International Developments Affecting National Security.* The Subcommittee will monitor the intelligence available to policymakers and the military covering developments in key areas. These include, but are not limited to: global terror networks; the whereabouts, capabilities, and intentions of Osama Bin Ladin and his key deputies and facilitators; the proliferation of WMD; homeland security threats; Iraq; Afghanistan-Pakistan; the Middle East; North Korea; Iran; Colombia; Venezuela; the Horn of Africa; Russia and the Central Eurasian States; China and the Pacific Rim.

2. *National Clandestine Service.* The Subcommittee will work to improve the Intelligence Community's human intelligence activities across various agencies. In the past, clandestine human intelligence operations have not been adequately coordinated across agencies. In particular, the Committee will monitor the stand-up of the National Clandestine Service and community-wide efforts to recruit, train, develop, and deploy HUMINT officers.

3. *Defense HUMINT.* The Committee will monitor the activities of the Department of Defense as it seeks to strengthen and expand its clandestine human intelligence operations.

4. *Counterintelligence (CI) Resources and Coordination.* The Subcommittee will look at the CI vulnerabilities of key national security and intelligence assets and examine the issue of CI reform procedures, resources, and coordination.

5. *Quality of All-Source Intelligence.* The Subcommittee will examine the quality of intelligence analysis, particularly the finished analytical products produced by the National Intelligence Council and various community components. The Subcommittee will pay particular attention to the use of Open Source intelligence (OSINT); the degree to which dissenting views and alternative analysis are utilized; and the need for constantly-refreshed estimates on areas of high interest, such as Iraq.

6. *National Security Branch at FBI.* The Subcommittee will review the current effort by the FBI to build an integrated capability to defend the nation against terrorism, espionage and other national security threats under the new National Security Branch.

7. *Counternarcotics.* The Subcommittee will continue its efforts to focus attention on the transnational issues of narcotics trafficking, money laundering, and their links to official government corruption and terrorism.

SUBCOMMITTEE ON TECHNICAL AND TACTICAL INTELLIGENCE

The Subcommittee on Technical and Tactical Intelligence (T&T) addresses the operations and activities of those agencies and offices charged with providing imagery intelligence (IMINT), signals intelligence (SIGINT), measurement and signatures intelligence (MASINT), space-based collection, airborne collection, and intelligence from tactical military assets. In general, this Subcommittee is responsible for the Consolidated Cyrptological Program (the CCP), the National Reconnaissance Program (NRP), the National Geospatial-Intelligence Program (NGP), and the Military Intelligence Program (MIP).

Areas of specific interest include:

1. *The Integrated Collection Architecture (ICA) Process – Next Steps.* The Intelligence Community has been in the process of integrating the collection efforts of the various intelligence agencies to ensure sufficiency, depth and an appropriate balance in the use of IMINT, SIGINT, and MASINT. This effort will be expanded to include Open Source intelligence (OSINT) and HUMINT. The Subcommittee will assess whether the U.S. Government is fully and effectively using all of its capabilities to operate existing systems while developing new capabilities and whether the ICA is adding value to these activities.

2. *Major Program Reviews.* Over the past several years, a number of major intelligence initiatives have been plagued with problems, and some have ended in failure. The Subcommittee will review the quality of internal agency assessments of problems/failures and the implementation of recommendations to ensure that past mistakes are not repeated and that technology needs are being met.

3. *Consideration of Space Radar.* The Department of Defense and the Intelligence Community are moving towards adoption of a joint program for space radar. The Subcommittee will assess whether space-based radar meets the strategic intelligence needs of the United States.

4. *Future of Electro-Optical Issues.* The world of imagery intelligence collection has been undergoing a transition for the past several years, based on the changing nature of the imagery target and the technical capabilities of the systems being fielded. The Subcommittee will seek to determine what capabilities are needed and assess the means for acquiring those capabilities.

5. *Tactical Intelligence Needs of the Warfighter.* With so many U.S. military personnel working in the line of fire, providing timely, accurate, and actionable intelligence to the front lines has become one of our highest priorities. The Subcommittee will review the intelligence needs of the warfighter and ensure that the Intelligence Community is devoting appropriate resources to meet those needs.

6. *Information Operations.* As the world becomes more dependent upon computers, it becomes increasingly important for the Intelligence Community to understand the capabilities and vulnerabilities of information systems. The Subcommittee will review vulnerabilities and other issues to ensure that the Intelligence Community is fielding and developing the necessary capabilities.

7. *SIGINT Modernization.* The NSA faces significant challenges to monitor and transform the SIGINT system while effectively contributing to daily operations in Iraq, Afghanistan, and in the Global War on Terror. The Subcommittee will examine NSA's extensive efforts to implement a new strategy to keep pace with evolving technology.

8. *NSA Infrastructure.* Modernization of NSA's world-wide infrastructure is a top priority to ensure SIGINT products are affordable and provide national decision makers and military leaders timely and accurate intelligence. The Subcommittee will examine multiple technical initiatives and funding necessary to facilitate signals intelligence and information assurance needs.

SUBCOMMITTEE ON INTELLIGENCE COMMUNITY MANAGEMENT

The Subcommittee on Intelligence Community Management (ICM) will be a new subcommittee in the 110th Congress. It will focus on community-wide policies and management challenges, particularly as they relate to integration of the 16 components of intelligence community. The aim of the Subcommittee will be to help the Community achieve what the 9/11 Commission termed "unity of effort" to collect, analyze, and disseminate policy-relevant intelligence.

Areas of specific interest include:

1. *Progress of the Office of the Director of National Intelligence and Implementation of Intelligence Reform and Terrorism Prevention Act of 2004.* At the end of the 108th Congress, the Committee was responsible for drafting legislation to reform the Intelligence Community and its management, including the creation of the Director of National Intelligence (DNI), the National Counterterrorism Center (NCTC), and other Intelligence Community-wide "mission managers." The Subcommittee will carefully monitor and, as necessary, adjust the authorities of these new entities to ensure that they are responsive to the intelligence needs of both civilian and military customers.

2. *Coordination and Collaboration Across the Intelligence Community.* The Subcommittee will help ensure greater coordination and collaboration across various Intelligence Community elements in the areas of tasking, collection, and analysis. Also, the Subcommittee review efforts to create a trusted information-sharing environment where intelligence can be disseminated across various agencies and with state and local governments and first responders without compromising information security. Particular attention will be given to unnecessary restrictions that limit information flow.

3. *Classification, Over-Classification, and Selective Declassification.* The Subcommittee will monitor trends in classification of executive branch material, the costs of over-classification, the practice of selective declassification, and the exclusive reliance on a variety of "sensitive but unclassified" designations by U.S. government agencies and departments. The Subcommittee will also examine the issue of unauthorized disclosure of classified information.

4. *Security Clearance Reform.* The process of granting clearances to qualified professionals remains a slow, cumbersome, and overly bureaucratic process that hinders efforts to create a unified Intelligence Community workforce. The Subcommittee will review the policies and practices that make this system inefficient.

5. *Acquisition Management and Reform.* The Subcommittee will examine the acquisition practices of the Intelligence Community and suggest needed reforms.

6. *Workforce Development.* The Subcommittee will focus on the development of a professional, trusted, highly-motivated, and diverse workforce that is dedicated to the national security mission.

7. *Physical Infrastructure.* The Subcommittee will review important aspects of the Intelligence Community's physical infrastructure needs, including major expenditures.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

The Subcommittee on Oversight and Investigations (O & I) will expand the work of the Oversight Subcommittee, which was created in the 109th Congress. The Subcommittee will undertake targeted and in-depth investigations of discrete topics within the jurisdiction of the Committee. It is anticipated that the scope of these investigations will range from reviews of highly sensitive intelligence operations to current practices within the Intelligence Community that implicate legal, policy, or fiscal concerns. One area that will necessitate sustained oversight is the nature and scope of intelligence collection activities in the domestic arena and their impact on the privacy and civil liberties of the American people. More information about the scope of these investigations will be shared as they are developed by the Subcommittee.

~ end ~

Committee on Rules
U.S. House of Representatives
H-312 The Capitol
Washington, DC 20515–6269

LETTER OF TRANSMITTAL

February 9, 2007

Hon. Henry A. Waxman,
Chairman, Committee on Oversight and Government Reform
House of Representatives,
Washington, DC.

Hon. Juanita Millender-McDonald,
Chairwoman, Committee on House Administration
House of Representatives,
Washington, DC.

Dear Chairman Waxman and Chairwoman Millender-McDonald:

On behalf of the Committee on Rules, I hereby transmit the Committee's plan for Oversight activities for the 110th Congress. Pursuant to clause 2(d)(1) of House rule X, the Committee on Rules met in public session on February 7, 2007. A quorum being present, the Committee adopted by a non-record vote the following oversight plan for the 110th Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the rule.

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

Sincerely,

Louise M. Slaughter

Louise M. Slaughter, Chairwoman

110th Congress 1st Session

HOUSE OF REPRESENTATIVES

COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES

R E P O R T

of

OVERSIGHT PLANS

ONE HUNDRED TENTH CONGRESS

Pursuant to Clause 2(d)(1) of Rule X

WITH MINORITY VIEWS

Approved February 7, 2007

COMMITTEE ON RULES

LOUISE McINTOSH SLAUGHTER, New York, *Chairwoman*

JAMES P. McGOVERN, Massachusetts
ALCEE L. HASTINGS, Florida
DORIS O. MATSUI, California
DENNIS A. CARDOZA, California
PETER WELCH,Vermont
KATHY CASTOR, Florida
MICHAEL A. ARCURI, New York
BETTY SUTTON, Ohio

DAVID DREIER, California
LINCOLN DIAZ-BALART, Florida
DOC HASTINGS, Washington
PETE SESSIONS, Texas

DAN TURTON, *Staff Director*
HUGH NATHANIAL HALPERN, *Minority Staff Director*

SUBCOMMITTEE ON LEGISLATIVE AND BUDGET PROCESS

ALCEE L. HASTINGS, Florida, *Chairman*

DENNIS A. CARDOZA, California
PETER WELCH, Vermont
BETTY SUTTON, Ohio
LOUISE McINTOSH SLAUGHTER, New York

LINCOLN DIAZ-BALART, Florida
DAVID DREIER, California

SUBCOMMITTEE ON RULES AND ORGANIZATION OF THE HOUSE

JAMES P. McGOVERN, Massachusetts, *Chairman*

DORIS O. MATSUI, California
KATHY CASTOR, Florida
MICHAEL A. ARCURI, New York
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Sincerely,

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Louise M. Slaughter, Chairwoman

110th Congress
1st Session

HOUSE OF REPRESENTATIVES

REPORT OF OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON RULES

Approved February 7, 2007

Mrs. Slaughter of New York, from the Committee on Rules, submitted to the Committee on Government Reform and the Committee on House Administration the following

REPORT

OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON RULES

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

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

*****

JURISDICTION OF THE COMMITTEE ON RULES

Rule X of the Rules of the House vests in the Committee on Rules broad responsibility over the House rules in general and the congressional budget process. Specifically the Rule defines the Committee's jurisdiction, as follows:

Clause 1(n), Rule X- Committee on Rules.

(1) Rules and joint rules (other than those relating to the Code of Official Conduct) and the order of business of the House.
(2) Recesses and final adjournments of Congress.

* * * * * * *

Clause 2, Rule X - General Oversight Responsibilities

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

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

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

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

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

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

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

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

* * * * * * *

Clause 3, Rule X - Special Oversight Functions

3. (j) The Committee on Rules shall review and study on a continuing basis the congressional budget process, and the committee shall report its findings and recommendations to the House from time to time.

* * * * * * *

OVERSIGHT PLAN

The Committee on Rules has been a vital part of the committee system of the House of Representatives since its establishment in 1789. It began as a select committee in the First Congress and was elevated to permanent committee status in 1880.

The fundamental portion of the present jurisdiction of the Committee is contained in clause 1(n) of rule X, which gives the Committee jurisdiction over the following:

> (1) Rules and joint rules (other than those relating to the Code of Conduct) and the order of business of the House.
>
> (2) Recesses and final adjournments of Congress.

The Committee intends to monitor compliance with House rules in all these areas as part of its oversight duties. Its oversight will include strict observance of the actual rules as well as the intent and spirit of the rules.

The House rules also grant special oversight responsibility to the Rules Committee in clause 3(j) of rule X over the congressional budget process. The Committee looks forward to working with the Budget Committee on any oversight activities that may be undertaken with regard to the Congressional budget process.

In addition to the jurisdictional areas contained in the Rules of the House of Representatives, the Rules Committee has always played a major role in the changes to the House rules in the beginning of each new Congress pursuant to House Resolution 5. In the beginning of the 110th Congress the following major reforms to the House Rules were made in the opening day rules package contained in House Resolution 5 and House Resolution 6 (all changes that are within the jurisdiction and oversight responsibilities of the Rules Committee). These changes, which were supported by both sides of the aisle, will substantially enhance and improve accountability in the House of Representatives. All these reforms were adopted with substantial bipartisan support as was demonstrated by a series of rollcall votes taken during the two-day opening day agenda of the 110th Congress.

Major Reforms in House Rules pursuant to H.Res. 5 & 6

Banning Gifts from Lobbyists - Prohibiting Members and employees of the House from accepting gifts from a registered lobbyist, from an agent of a foreign principal, or an entity that employs or retains these lobbyists and agents. **(Rule XXV, clause 5(a))**

Lobbyist Travel Restrictions - Prohibiting Members and employees of the House from accepting travel reimbursements from a registered lobbyist, from an agent of a foreign country, or from an entity that employs or retains these lobbyists or agents. **(Rule XXV, clause 5(b))**

Earmark Reform -Requiring committees of jurisdiction and conference committees to publish lists of the earmarks, limited tax benefits, and limited tariff benefits contained in all reported bills, unreported bills, manager's amendments, and conference reports that come to the House floor. These lists will be electronically available to the public either through committee reports or printing in the Congressional Record. A Member may make a point of order against the consideration of any special rule that waives this requirement. **(Rule XXI, new clause 9)**

Fiscal Responsibility Reform:

Prohibiting the consideration of any legislation proposing direct spending or revenue changes that would increase the budget deficit within a five-year or a ten-year time frame ("Pay-as-You-Go" point of order). **(Rule XXI, new clause 10)**

Prohibiting the House from considering budget resolutions or amendments to budget resolutions that contain reconciliation instructions increasing the budget deficit. **(Rule XXI, new clause 7)**

Applying Budget Act rules against bills that have not been reported by committees. **(Rule XXI, new clause 8)**

New Travel Authorization and Public Disclosure Requirements:

Adding language stating that prior to accepting reimbursed travel, Members and employees will be required to obtain a certification from the entity paying for the trip declaring that, except as permitted for universities and one-day travel, lobbyists did not plan, organize, request, arrange, or finance the travel. Members and employees will be required to submit this certification to the Committee on Standards of Official Conduct and receive approval from the Standards Committee before taking the trip. **(Rule XXV, new clause 5(d))**

Requiring Members and employees to submit their certifications, advance authorizations, and other travel disclosure materials to the Clerk of the House within 15 days after the travel is completed. The Clerk of the House must make this information available to the public as soon as possible.

Requiring the Committee on Standards of Official Conduct to develop new standards determining what constitutes a reasonable expense by a private group for Member travel. The Standards Committee must also develop a new standard for determining that the travel has a valid connection to Members' official duties. In addition, it requires the Standards Committee to develop a process for the submission and approval of the prior authorization requirements created in new clause 5(d). **(Rule XXV, new clause 5(i))**

Mandatory Ethics Training - Requiring the Committee on Standards of Official Conduct to offer annual ethics training to Members and appropriate employees. New employees must receive this training within 60 days of beginning work in the House and other employees must certify they take the course each year. **(Rule XI, clause 3)**

Restriction on Holding Open Record Votes - Prohibiting the Speaker from holding votes open for longer than the scheduled time for the sole purpose of changing the outcome of the vote. **(Rule XX, clause 2)**

Conference Procedures reform:

Requiring House conferees to insist that conference committees operate in an open and fair manner and that House conferees sign the final conference papers at one time and in one place. **(Rule XXII, new clause 12)**

Prohibiting the consideration of a conference report that has been altered after the time it was signed by conferees. **(Rule XXII, new clause 13)**

Miscellaneous changes in House Rules pursuant to H.Res. 5 & 6

Providing authority to the Committee on Oversight and Government Reform to adopt a rule allowing Committee Members and staff to conduct depositions in the course of Committee investigations. **(clause 4, Rule X)**

Allowing the Speaker to suspend the business of the House and declare an emergency recess when notified of an imminent threat to its safety. **(clause 12(b), Rule I)**

Removing a point of order against Rules Committee reports for clerical or administrative errors with regard to the listing of record votes taken during the consideration of a special rule. **(clause 3 , Rule XIII)**

Clarifying the practice that during the consideration of a rule the Speaker may entertain only one motion to adjourn **(clause 6(b), Rule XIII)**

Renewing the standing order approved during the 109th Congress that prohibits registered lobbyists from using the Members' exercise facilities.

Provided for the renaming of the following five House Committees:

Education & Labor (formerly Education & the Workforce)
Foreign Affairs (formerly International Relations)
Natural Resources (formerly Resources)
Oversight & Government Reform (formerly Government Reform)
Science & Technology (formerly Science) (**Rule X)**

****

The Committee intends to exercise its oversight responsibilities to ensure full compliance with these new rules. Additionally, the Committee will seek to determine the effectiveness of these changes with regard to mitigation of the problems that led to their enactment.

Throughout the 110th Congress, the Rules Committee intends to take its oversight responsibility seriously and will vigorously monitor those areas within its jurisdiction as well as those for which the Committee maintains oversight responsibility. The Committee plans to utilize the Committee's two subcommittees (the Subcommittee on Legislative and Budget Process and the Subcommittee on Rules and Organization of the House) to conduct a portion of its oversight activities on those areas which fall into their specific jurisdiction. While the oversight plan describes the foreseeable areas in

which the Committee expects to conduct oversight during the 110th Congress, the Committee and its subcommittees are fully prepared to undertake additional oversight activities whenever the need arises.

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MINORITY VIEWS

The beginning of each new Congress always brings with it the opportunity to grow, to change, and to improve. Never is this opportunity greater then when there is a shift in control of the House of Representatives. Unfortunately, the 110th Congress has begun with missed opportunities to fulfill the commitments made by the new Majority during the 109th.

The Majority's oversight plan emphasizes the rules changes made during the opening days of the 110th Congress as parts of H.Res. 6. We concur that these provisions need to be the subject of vigorous oversight in no small measure because they were crafted without the benefit of public scrutiny or any input from the Minority Members, and were drafted to provide sound bites rather than clear directives to Members and employees of the House. Further, those provisions which purport to provide Minority Members with additional rights lack any tangible mechanism for enforcement, meaning that without vigorous oversight, there is nothing to prevent the Majority from ignoring these provisions when they believe that it suits their needs.

The following addresses specific concerns with the rules adopted during the 110th Congress, as well as the actions of the Committee on Rules Majority thus far.

CHANGES TO ETHICS, GIFTS AND TRAVEL

The Majority plans to conduct vigorous oversight over the implementation of the changes to the gift and travel rules; however, it is important to note that the Committee on Rules, as a matter of the black letter Rules of the House, has no authority regarding the interpretation or enforcement of those rules. As provided by clause 5(h) of Rule XXV, "All the provisions of this clause shall be interpreted and enforced solely by the Committee on Standards of Official Conduct." The Minority believes that the non-partisan Committee on Standards of Official Conduct is in the best position to oversee these rules, not the highly partisan Committee on Rules.

That said, we are concerned that the rules put in place are so complicated that the Committee on Standards cannot issue guidance quickly enough to prevent Members, staff, and employees from unwittingly violating the rules. For instance, the Committee on Standards issued a "pink sheet" memorandum on February 6, 2007 to provide Members, officers, and employees with guidance on the amendments to the gift rule. While the memorandum ad-

dressed some of the more obvious implications of the new rules, they failed to address any of the more subtle, but equally problematic elements of the new rule.

By way of example, the new rule prohibits the acceptance of gifts from "a private entity that retains or employs registered lobbyists." Suppose an attorney had 10 clients, only 1 of which retains the attorney for work which requires her to register as a lobbyist. The other 9 clients retain the attorney for routine legal work. Does the attorney count as a "registered lobbyist" in the application of the test to the other 9 clients? Clearly they retain her, although not in her capacity as a registered lobbyist. How is the Member, officer, or employee to know who they may accept gifts from and who they may not? How are the other 9 clients supposed to know that the attorney performs lobbying work for a different client?

Similarly, other questions arise:

- If an employee of a firm which employs lobbyists—but who is not himself a registered lobbyist (whether Bill Gates or John Q. Public)—wishes to invite a Member or staffer to dinner using personal funds, may the meal be accepted?
- Why are Members and staff prohibited from aiding worthy charitable causes by accepting invitations to events hosted by charities that employ or retain lobbying firms, but permitted to accept invitations from charities that do not?
- Why are Members and staff permitted to sit between two lobbyists all evening at an expensive dinner which qualifies as a widely attended event – at a table paid for, in whole or in part, by the lobbyists -- but prohibited to accept the same lobbyists' invitation to lunch the following day at a fast food restaurant of their choice?

We would argue that this is the natural result of a rule which singles out a particular class of citizens for unequal treatment. It is precisely why Republicans believed that the Committee on Standards was the best judge of improvements to the gift rule, and not the Committee on Rules.

NEW RIGHTS FOR THE MINORITY

The new Democratic Majority campaigned in large part on a more open process in the House, and introduced numerous proposals to ensure that the Minority had specific, enforceable rights. For instance, in the 109th Congress, the current Chairwoman of the Committee introduced H.Res. 686, which—

- Required that a rule for the consideration of a conference report contain an itemized list of any provisions in violation of the scope rule;
- Made it out of order to consider a rule: (1) waiving the three-day layover availability requirement before consideration of a conference report; or (2) containing a serious violation of the scope rule, or additions or deletions made after final agreement. It also required that Minority party managers of the House be allowed to fully participate in a conference;
- Permitted consideration of a conference report only if a roll call vote, in open meeting, was held on its final version and the result included in the accompanying joint explanatory statement of managers;
- Prohibited the House from considering a report by the Committee on Rules within 24 hours of presentation to the House (currently, on the same day);
- Required the Speaker of the House to publish in the Congressional Record a log of all voting activity occurring after the first 30 minutes of any recorded vote whose maximum time for voting exceeds 30 minutes;
- Prohibited a Member from negotiating for future employment with any person who has a direct interest in legislation referred to any committee during this or the preceding Congress while that Member serves on that committee;
- Prohibited consideration under suspension of any bill or joint resolution authorizing or appropriating more than $100 million;
- Required the Speaker of the House to endeavor to allow an equal number of bills and resolutions sponsored by Majority and Minority party members under suspension during any session of Congress;
- Repealed rule XXVII (Statutory Limit on Public Debt);
- Prohibited the Committee on Rules from reporting a rule or order of business unless at least one Minority party member of the committee is allowed to offer an amendment to it; and,
- Provided that, following adoption of an order of business, the Speaker of the House may not entertain a unanimous consent request to modify such order unless its text has been available to Members for at least 24 hours.

None of Mrs. Slaughter's proposed rules changes were contained in the rules package for the 110th Congress.

Title III of H.Res. 6 made minor changes to the conduct of votes requiring that, "A record vote by electronic device shall not be held

open for the sole purpose of reversing the outcome of such vote." While we understand the intention of the Democratic Majority, this rule pales in comparison to Speaker Pelosi's previous proposal contained in H.R. 4682 of the 109th Congress, the Honest Leadership and Open Government Act of 2006, which provided that, "The maximum time for a record vote by electronic device shall be 20 minutes, except that the time may be extended with the consent of both the Majority and Minority floor managers of the legislation involved or both the Majority Leader and the Minority Leader."

It is interesting to note that when in the Minority Democrats thought it imperative to attain bipartisan consensus to extend the time for voting, but now that Democrats are in the Majority, they are less compelled to offer the same bipartisan approach.

The worst part of these so-called "civility" provisions is that they are largely unenforceable. How is a Member supposed to be able to determine why the Speaker has held a vote open longer than the allotted time? Even if a member believes that the vote was held open for the purpose of reversing the outcome, how is a member able to assert that it was the sole purpose? In the end this rule change allowed for very colorful rhetoric, but in practice the rule change is ineffective and does nothing to impart civility in the House.

Title III of H.Res. 6 also provided for "full and open debate in conference", by establishing a rule instructing managers on the part of the House to "endeavor to ensure" that conference meetings only occur when every manager has "a reasonable opportunity to attend." Again, this rules change is hortatory and unenforceable.

The only enforceable portion of title III is a point of order against any conference report which has been modified (other than technically) between the time that conferees sign the conference report and the time the conference report is filed; however the point of order may be waived by the Rules Committee, unlike the previous proposal by Speaker Pelosi contained in H.R. 4682 of the 109th Congress.

We are enthusiastic about the Majority's vigorous commitment "to ensure full compliance with these new rules" as Members have no other recourse to ensure their fair application.

BUDGET PROCESS CHANGES

Title IV of the rules package contained modifications to the House rules pertaining to "earmark" reform and "Pay-as-you-Go". Earmark reform was one of the major topics of the previous Con-

gress and the provisions contained in H.Res. 6 pertaining to earmark reform were a natural progression of the reforms instituted by Republicans during the 109th Congress. We understand the challenges involved in taking on such reform and look forward to the Committee holding extensive hearings as to the progress of the new rules implementation and effects.

There are obvious and well documented philosophical disagreements between the Majority and the Minority concerning "Pay-as-You-Go" and its application to tax cuts. Obviously, those need not be rehashed here, however the Republican members of the Committee would hope that the Democratic Majority would endeavor to ensure that "Pay-as-You-Go" be made applicable in both House and Senate as the original drafters of "Pay-as-You-Go" intended. In order for the rule to have any effect, our colleagues in the Senate must adhere to the same fiscally responsible restraints. The only way to ensure bicameral equity is through concurrent resolution or through statute and we would hope that whatever the Majority's concept of "Pay-as-You-Go" is, they at minimum ensure that they are not disadvantaging the House as an institution.

SO-CALLED "MISCELLANEOUS" ITEMS

While title V of H.Res. 6 was entitled "Miscellaneous," its title belies the nefarious changes contained therein. Along with technical and conforming changes, this title included a host of changes which undermine the sunshine and disclosure rules implemented by the 104th Congress.

In order to ensure the disclosure and the proper and accurate record of committee votes, all standing committees had been required to include in their report an accurate record of votes taken in committee on a measure or matter since the 104th Congress. The Democratic Majority in the opening day rules package saw fit to relieve the Rules Committee from this obligation. The reason given for the change was that the new Majority didn't want a clerical error to derail consideration of a rule. During the 12 years of the Republican Majority, the Rules Committee conducted more than 1300 votes. To the best of anyone's recollection this was a problem in a single case early in the 104th Congress. The change to the rule ignored the fact that there is a ready remedy already contained in the Rules of the House to correct errors in votes through the filing of a supplemental report. While we appreciate the commitment of the Majority to include accurate record votes in committee reports as was required in previous congresses, this is yet another example of

the Majority removing the enforceability of the rules to avoid responsibility for violations.

Title V of the rules package also included an unprecedented five closed rules for consideration of separate measures. In one case, section 506 provided for an unintroduced and unnumbered resolution establishing a select panel of the Appropriations Committee. This was historically tragic and has set an absolutely deplorable precedent not seen in the previous 218 years of this institution. The House voted on an order of the House providing for a phantom resolution. Not one Member of the House was able to see the resolution before voting on the special order and there was no way for the body to distinguish which resolution the special order provided for, other than by vague reference.

In order to emphasize the egregiousness of this action, Mr. Dreier of California introduced a resolution (H.Res. 38) with the exact title as Mr. Obey of Wisconsin (H.Res. 35). The House agreed to consider any resolution with that exact title without any cognizance of the contents. The Republican Members of the Committee would also like to point out that H.Res. 35 received no consideration in the Rules Committee, which has sole jurisdiction over the resolution.

Part and parcel of the Majority's commitment to "take its oversight responsibility seriously", is to consider additional changes to the Rules of the House via regular order. Despite the consideration of several matters that fall within the original jurisdiction of the Committee on Rules (H.Res. 35, A resolution to enhance intelligence oversight authority, and H.Res. 78, A resolution amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the State of the Union), the Committee has held no original jurisdiction hearings, nor reported out the measures on their own.

There are numerous press reports that the Majority is considering establishing certain select committees. We would like to remind the Majority that the establishment of select committees falls solely within the jurisdiction of the Rules Committee pursuant to rule X and we hope that the majority will seriously and vigorously assert its oversight jurisdiction over such matters.

Finally, we feel compelled to point out that one of the matters contained in the Majority's oversight plan, regarding the prohibition against former Members who are registered lobbyists from using the Member exercise facility, is a matter within the rule X jurisdiction of the Committee on House Administration, rather than

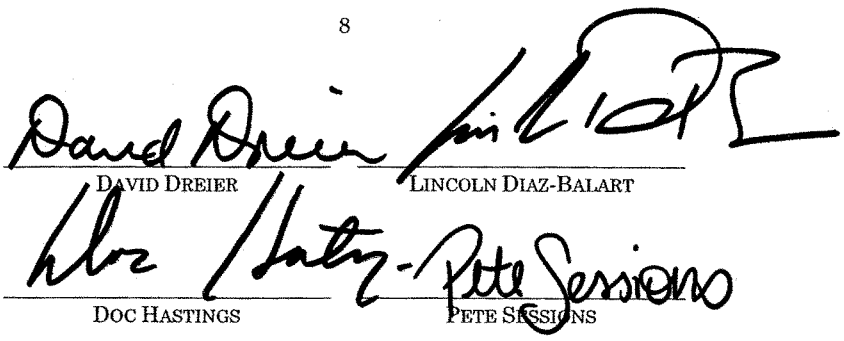
the Committee on Rules, as evidenced by the exchange of letters on this provision contained on page 3 of H.Rept. 109-369. We hope that the Majority will leave the oversight of this provision to the Committee on House Administration where it rightly belongs.

CONCLUSION

We look forward to the Committee's plan to vigorously oversee the changes made in the Rules of the House and can only hope that this commitment manifests itself more tangibly than it has thus far. The rules changes of the 110th Congress have created what could only be unintentional pitfalls for Members, officers, and employees. Further, those provisions billed as "rights of the Minority" lack any method of concrete enforcement as proposed by Democrats during the 109th Congress, leaving Members' only recourse the vagaries of the Rules Committee schedule.

We sincerely hope that the actions we have seen thus far, both in the consideration of special orders of business and the administration of the Committee, represent the learning curve of a new Majority and not a signal of things to come.

8



DAVID DREIER LINCOLN DIAZ-BALART

DOC HASTINGS PETE SESSIONS

BART GORDON, TENNESSEE
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February 14, 2007

The Hon. Henry Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman,

Enclosed with this letter is the oversight plan of the Committee on Science and Technology, adopted February 14, 2007, pursuant to House Rule X (2)(d).

Sincerely,

Bart Gordon

BART GORDON
Chairman

Enclosure

cc: The Hon. Ralph Hall

HOUSE SCIENCE AND TECHNOLOGY COMMITTEE OVERSIGHT AGENDA – 110TH CONGRESS

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

This is the oversight plan of the Committee on Science and Technology for the 110th Congress. It includes the areas in which the Committee expects to conduct oversight during the 110th Congress, but does not preclude oversight or investigation of additional matters as the need arises and as provided for under House Rule XI, clause (b)(1). The Committee is listing items by Subcommittee, but many of the issues and matters will cross Subcommittee jurisdictions and may be reviewed by the Full Committee.

Oversight: Investigations and Oversight Subcommittee

Science Integrity Issues: The Committee will continue to collect and examine allegations of intimidation of science specialists in federal agencies or suppression or revisions of scientific findings because of political or other pressures.

OIRA Guidance of Agency Science The Committee will study the role of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget as it reviews proposed rules, guidance documents or other actions by federal agencies.

Weather satellite modernization The Committee will continue oversight on the troubled National Polar-Orbiting Operational Environmental Satellite System and the Geostationary Operational Environmental Satellite replacement program at the National Oceanic and Atmospheric Administration (NOAA).

Voting system design and integrity Because of problems in the 2006 election cycle, many states are mandating changes in their voting systems. The Committee will examine issues in its jurisdiction under the Help America Vote Act of 2002, including the role of the National Institute of Technology (NIST) as technical specialists for the Election Assistance Commission.

Contracting Management Many of the problems the Committee encounters in operations at the agencies under its jurisdiction trace back to poor handling of the contracts by which the private sector assists the Government in achieving national goals. The Government Accountability Office (GAO) has continually cited the National Aeronautics and Space Administration (NASA) and the

Department of Energy (DOE) as deficient in protecting the public's interests in their activities. The Committee will continue its oversight of contracting at these and other agencies.

Asset Management In concert with the above, the Committee will also examine how well the agencies control and use the physical assets – equipment and facilities -- paid for with taxpayer support. GAO has also reported regularly on agency weaknesses in these areas, putting billions of tax dollars at potential risk.

Oversight: Space and Aeronautics Subcommittee

The Committee has oversight responsibility for the National Aeronautics and Space Administration (NASA), the Federal Aviation Administration's (FAA) research and development programs, FAA's Office of Commercial Space Transportation, and the Department of Commerce's Office of Space Commercialization. NASA is the largest agency under the Committee's jurisdiction, measured by budget. It also has the highest public profile. The agency continues its recovery from the tragic loss of the crew of Space Shuttle *Columbia* in February 2003, having flown three shuttle flights in support of International Space Station (ISS) construction since returning the Shuttle to flight status.

Program and Funding Balance Between Space Science and Human Space Flight: With the announcement of the Vision for Space Exploration in January 2004, the President defined new goals for the Nation's human spaceflight program: use the Space Shuttle to complete construction of the ISS before the Shuttle's retirement in 2010 and initiate development of replacement launch and crew transport capabilities to support human missions to the Moon and Mars. While Congress endorsed those goals in the National Aeronautics and Space Authorization Act of 2005, it also made clear in the Act that it expected NASA to carry out a balanced set of activities in human space flight, aeronautics, and science. That is, achievement of NASA's exploration initiative goals should not be funded by sacrificing equally important goals in science and aeronautics. Despite that congressional direction, however, NASA's budget plans have been inadequate to accomplish all of these goals, and the NASA Administrator has assigned a higher priority to the agency's human space flight programs. The Committee will devote significant time to an examination of the implications of NASA's plans and priorities and the resource requirements of a balanced, robust, and beneficial space and aeronautics program at NASA.

Lunar Program Risk: As the first steps in its human exploration initiative, NASA has initiated the *Orion* crew exploration vehicle (CEV) and *Ares* crew launch vehicle (CLV) development programs. The schedule for these programs assumes operational flights by 2014. The agency has also announced its plan to develop a lunar base after the initial lunar landings. Lunar missions will require the development of a heavy-lift cargo-carrying launch vehicle, a lunar lander vehicle, and lunar surface infrastructure, as well as supporting communications and navigation capabilities. The Committee intends to examine the rationale and objectives of the lunar program as well as the key programmatic risks facing the initiative.

Workforce Transition Issues: As the Space Shuttle is retired, and the new CEV program scales up, there is the potential for major workforce transition issues. With the current schedule of Shuttle retirement in 2010 and CEV/CLV

deployment in 2014, there will be a four year gap between those programs that will have implications for the workforce. In addition, it will be important to ensure that the skilled workforce needed to safely and successfully fly out the remaining Shuttle missions will be retained until the Shuttle's retirement.

Contract, Financial and Program Management Challenges: The scope of the lunar initiative, coupled with the likely funding constraints, will put a premium on effective program management, as will also be the case for NASA's science programs. The Government Accountability Office (GAO) has identified NASA contract management as a "high-risk" concern since it began issuing such designations in 1990. In addition, the infrastructure for managing NASA's financial activities has been undergoing a long and painful upgrade. GAO has regularly stated it has seen little evidence that the new system allows NASA managers to control cost and schedule issues more effectively than in the past. The Committee intends to maintain a close and continuing watch on these management issues to ensure that NASA's programs are carried out as effectively as possible.

Earth Science Continuity: NASA's science programs will also be an important oversight area for the Committee. Approximately $4 billion has been removed from the five-year funding plan for NASA's science programs over the last two years, resulting in a predictable disruption to planned science missions and activities. The Committee will examine the impact of those programmatic changes on the outlook for realizing NASA's current and future scientific objectives. In addition, with the release of the National Academies' Decadal Survey of Earth Science and Applications, the Committee intends to examine the recommendations of the Survey and the consistency of NASA's Earth Science and Applications plans and budgets with those recommendations.

International Space Station: The plans for utilization of the ISS by the United States following its completion will be another oversight topic. Given the significant national investment to date in the facility, Congress has directed that NASA maintain a strong research and technology program to take advantage of ISS's unique capabilities. In addition, NASA has stated its intention to utilize the ISS to support its exploration initiative. However, NASA has made significant cuts to the programs for utilizing the ISS, virtually eliminating entire areas of life and microgravity research for the foreseeable future. In addition, the impending retirement of the Space Shuttle raises questions about how NASA will support the utilization and operation of the ISS post-2010, even as NASA seeks commercial operators to undertake some portion of ISS logistical support.

Aeronautics R&D: Another important area for oversight will be NASA's aeronautics program. The aeronautics program has been restructured over the past year, and the Administration's FY 07 budget request would result in a 32 percent decline in NASA's aeronautics budget over the years FY 04-07. The Committee plans to examine the impact of that restructuring and funding

approach on NASA's ability to support the interagency effort to modernize the nation's air traffic management system, as well as on its ability to undertake important R&D on aircraft safety, emissions, noise, and energy consumption—R&D that will have a big impact on the quality of life and U.S. competitiveness in aviation.

FAA R&D: Committee jurisdiction also extends to the FAA's research and development programs. FAA's authorization expires in 2007, and the Committee will work to reauthorize FAA's R&D programs. The Committee has a particular interest in the performance of the interagency Joint Planning and Development Office (JPDO), which is responsible for planning and coordinating the initiative to develop the nation's next generation air transportation system (NGATS). The NGATS initiative has a host of issues associated with it, and the Committee plans a number of oversight activities to examine its status.

FAA Commercial Space Transportation: FAA's Office of Commercial Space Transportation (OCST) licenses commercial launch vehicles. An area of increasing interest is the emergence of a number of fledgling commercial human space flight ventures. In addition to its oversight of the FAA's OCST, the Committee will examine the progress of the emerging personal space flight industry as well as the challenges facing it.

Oversight: Technology and Innovation Subcommittee

Commerce Department technology programs The Committee will conduct program oversight for the National Institute of Standards and Technology (NIST) and other programs assigned to the Technology Administration of the Department of Commerce.

American economic competitiveness The nation faces a challenge for economic and technological preeminence. The Committee will evaluate appropriate responses based on the recent National Academies' report, *Rising Above the Gathering Storm*, and other advice.

Technology transfer The Committee will seek recommendations for continued improvements in the technology transfer incentives built into law by the Bayh-Dole and Stevenson-Wydler acts and the Small Business Innovation Research program.

Cybersecurity During debate on the creation of the Department of Homeland Security, the Committee stressed the protection of the cyber-infrastructure now underpinning economic and public services. NIST's authorization for work on cyber-system security runs out at the end of FY 2007. The Committee will return to study this topic.

Transportation research and development The Committee will study research and development programs at the Department of Transportation and efforts to improve safety and efficiency in surface and water transportation.

Natural hazards monitoring and impact reduction The Committee has supported interagency research programs to identify improvements in building and infrastructure designs to protect people when earthquakes occur. Evaluating further needs for these and other hazard types is ongoing.

U.S. Fire Administration The Committee has another particular interest in the operations of the Department of Homeland Security. The U.S. Fire Administration is responsible for the Assistance to Firefighters grant program, and the Committee has closely monitored the direction of this program as the organizational structure of the Department has coalesced. Continued attention is important to assure first responders have necessary support and training.

Oversight: Research and Science Education Subcommittee

National Science Foundation oversight The authorization for the National Science Foundation (NSF) expires at the end of Fiscal Year 2007. The National Academies' *Gathering Storm* report highlighted the budget straits of physical sciences, of which NSF is a major source for support, in the United States. Accordingly, the Committee will devote significant time to reviewing the agency's physical sciences program in preparation for reauthorization.

Science and Mathematics Education Education, particularly in science and mathematics, is a vital component in the evolving economy. Members of the Committee have intense interests in efforts to improve the teaching of these subjects and develop better curricula for schools, and in determining the appropriate forms of Federal support to achieve these outcomes.

Cooperative Relationships with Universities and Industry Agencies and universities are again debating the level of scrutiny and control that should be applied to research in light of the possible use of new findings by terrorists. At the same time, industry questions the value of controls on technology sales and argues that such controls disproportionately limit American firms in competition for global sales. How to balance these competing interests remains a perennial subject for Committee oversight.

Computer Sciences and Technologies The Committee will continue its studies of the contribution research can make to hardening computer networks, promoting U.S. leadership in technologies likely to make significant economic contributions in the future and continuing the long-term trend toward higher-performance, lower-cost technologies fueling the Internet revolution.

U.S. Antarctic Program Since 1959, the U.S. has conducted operations on the Antarctic continent under the terms of the Antarctic Treaty System. Research there has been central to actions on protecting the Earth's stratospheric ozone layer, and is likely to be as critical to pending Congressional consideration of climate change issues. Of immediate interest is the future of the icebreaker fleet that provides vital logistical support for NSF's activities in the harsh polar environment.

Oversight: Energy and Environment Subcommittee

Alternative Energy Supplies Volatility in oil prices is increasing interest in new fuel types for meeting the country's energy needs. Special attention is being given to biomass substitutes such as ethanol. The Department of Energy (DOE) helps to develop technologies for this purpose. Questions have been raised about the net energy efficiency gains and economic impacts of using food products as fuel.

Reviving Nuclear Power Proponents argue that nuclear power offers an attractive solution to the problem of finding low-carbon power sources to mitigate greenhouse gas impacts. Public skepticism about the safety and economic value of such plants, however, remains high. DOE, the Nuclear Regulatory Commission and the power industry hope to restart reactor construction in the near future. The Committee will examine their readiness to do so and the status of proposed technologies.

Clean Coal Technology The United States still has a massive reserve in coal to use for energy. Finding ways to remove impurities that contribute to air pollution, and then to reduce or sequester the resulting carbon dioxide emissions that contribute to global warming, may allow coal to continue its contribution as a relatively inexpensive fuel source.

Fusion and the ITER Demonstration Technical challenges have for decades hampered our ability to harness nuclear fusion as an energy source. The United States has recently rejoined an international consortium preparing to construct the International Thermonuclear Experimental Reactor to demonstrate whether fusion could be produced in an economically viable manner. Committee Members supported the decision to participate and will follow the project's progress.

DOE Science programs DOE, like NSF, plays a leading role in supporting U.S. physical science research. Budget limits are severely restricting these programs and limiting use of major facilities such as the Relativistic Heavy Ion Collider, the new Spallation Neutron Source and the Fermi National Accelerator Laboratory. Such cases raise questions about the decision to invest in such capabilities if the resources are not available to exploit them to the fullest.

Global Climate Change Climate change sits at the nexus between energy and environmental policy. The Committee will support the broader discussion the Speaker intends to foster during the Congress through oversight of climate science programs at our agencies.

Oceans Agenda: The President's Ocean Action Plan is a major initiative aimed at addressing the future of our oceans. The Committee will monitor

implementation of this plan, as well as Federal oceans research and development policy generally.

DOE Laboratory Complex The management and upkeep of the Department's aging facilities, particularly the clean-up of radioactive and hazardous material sites, remains a continuing concern of the Committee. Efforts will continue to assure that the Department meets its responsibilities to control risks in and around these facilities.

OVERSIGHT PLAN OF THE COMMITTEE ON SMALL BUSINESS FOR THE ONE HUNDRED TENTH CONGRESS

JANUARY 31, 2007. Approved by the Committee on Small Business.

Ms. VELAZQUEZ, from the Committee on Small Business, submitted to the Committee on Oversight and Government Reform and the Committee on House Administration the following

REPORT

Clause 2(d)(1) of rule X of the Rules of the House of Representatives for the 110th Congress requires each standing committee, no later than February 15 of the first session to adopt an oversight plan for the 110th Congress. The oversight plan must be submitted simultaneously to the Committee on Oversight and Government Reform and the Committee on House Administration.

The following agenda constitutes the oversight plan of the Committee on Small Business for the 110th Congress. It includes areas in which the Committee and its subcommittees expect to conduct oversight during this Congress, but does not preclude oversight or investigation of additional matters or programs as they arise. The Committee will consult, as appropriate, with other committees of the House that may share jurisdiction on any of the subjects listed below.

I. Oversight of the Small Business Administration

A. Agency Management. The Committee will review the management of the Agency's programs, personnel, and financial resources. The Committee will examine methods the SBA uses to manage risk in its loan portfolio and review the agency's policies and practices regarding its lending partners. The Committee will review the agency's outreach and public/private funding initiatives through cooperative agreements, partnerships and co-sponsorships. Further, the Committee will evaluate the status of the SBA's transformation plan, personnel training initiatives, and incentive programs. The Committee also will review the working relationship between the agency and its Inspector General to ensure that management recommendations and objectives are being actively considered. Finally, the Committee will continue to assess the agency's financial management and reporting goals.

B. Lending Programs. The Committee will examine the SBA's lending programs to ensure that they meet the needs of small businesses. The Committee will examine ways to reduce the cost of the 7(a) loan program to both small businesses and lenders. In addition, the Committee will review proposals that would expand and broaden the program's reach, including those focused on low-income and rural areas. The Committee

will conduct oversight hearings regarding the 504 Certified Development Company program to ensure that it is properly carrying out its mission of economic development and job creation. The Committee will also review the Microloan program with the intent of reducing barriers to its growth and expansion.

C. Investment Programs. The Committee will study the impact of the recent termination of the Small Business Investment Company (SBIC) Participating Securities program on entrepreneurs. In particular, the Committee will seek to understand the effect of its termination on early stage firms as well as on investment companies. The Committee will examine proposals that would reopen the SBIC Participating Securities program, as well as alternative venture capital investment initiatives. Finally, the Committee will consider policy changes that would increase individual angel investment and foster small business growth.

D. Disaster Programs. The Committee will evaluate the SBA's disaster programs to ensure that they can meet the needs of small businesses affected by disasters. This includes reviewing policy proposals that would make more effective use of private sector lenders, improve the agency's response times, better coordinate the agency's program with other federal efforts, and provide for improved system resiliency. The Committee will oversee any actions the agency has taken to modify the disaster program. Finally, the Committee will consider policy and organizational alternatives for providing disaster assistance to homeowners.

E. Entrepreneurial Development Programs. The Committee will evaluate the SBA's Entrepreneurial Development programs and whether existing initiatives have the capacity to meet the needs of their growing and diverse constituencies. The Committee will ascertain whether the Small Business Development Centers network has the capacity and infrastructure to provide assistance to address the unique challenges facing small business, particularly with respect to energy, regulatory fairness, healthcare, and under-served entrepreneurs. The Committee will examine the Women Business Centers program to look for ways to meet the mutual goal of creating new Centers versus the sustainability of existing Centers. In carrying out this review, the Committee will study whether the sustainability funding formula needs modification to ensure that the original intent of the program's creators is met.

F. Government Contracting and Business Development Programs. The Committee will oversee the SBA's efforts to maximize small business participation in the federal marketplace. In particular, SBA's role in mitigating bundled contracts will be assessed. Further, the Committee will review SBA's role in the miscoding of the size of businesses awarded federal government contracts. The Committee will examine the SBA's

8(a) program to ensure that its rules and regulations do not impede minority business growth and development. The Committee will review the HUBZone program to ensure that the program is being utilized properly by contracting officers and the program is meeting its objective of promoting economic development in poor regions of the United States. The Committee will assess the Service-Disabled Veteran-Owned Procurement Program to ensure that it is being properly carried out. Finally, the Committee will make certain that the Women's Procurement Program is implemented by the SBA.

G. Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. As part of its efforts to reauthorize the SBIR program during the 110th Congress, the Committee will evaluate the effectiveness of the program and will endeavor to gather first-hand testimony from SBIR program administrators, SBIR program participants, and relevant experts. The Committee will investigate potential changes to the SBIR program that would advance critical national priorities including energy independence and economic development in urban and rural empowerment zones and enterprise communities. The Committee will also examine the STTR program's effectiveness as a means to help small businesses gain access to technologies developed at federal laboratories.

H. Office of Advocacy. The Committee will assess the Office of Advocacy's Economic Research programs to determine if they meet the underlying mission of the Office.

I. Veterans Corporation. The Committee will review the on-going activities of the National Veterans Business Development Corporation to determine whether the Corporation is serving as an effective advocate for veteran-owned businesses. In particular, the Committee will evaluate the relationship between the SBA and the Corporation to identify whether the SBA is working cooperatively with the Corporation or whether work is being unnecessarily replicated. The Committee will identify whether the Corporation's efforts at expanding and enhancing private funding options have been successful. The Committee also will investigate whether additional federal investment is warranted and, if so, for what duration.

II. Agriculture.

A. Federal Agricultural Policy. The Committee will examine the impact of federal policies on family farms, ranchers, and rural small businesses. The Committee will conduct oversight hearings on Farm Bill reauthorization legislation to investigate the policies' effects on the income, production costs, and prices received by small producers.

B. Financial Assistance. The Committee will examine federal resources, including loans and fee subsidies, which spur private enterprises in rural areas. The Committee will evaluate federal programs that provide training, information, and networking resources to enhance entrepreneurial activity in these regions.

C. Biofuels. The Committee will examine the role that farmers and rural businesses can play in the development of biofuels. The Committee will examine the operational needs of small farmers working to shift production from food to energy crops and to build facilities to refine alternative resources.

D. Value Added Products. The Committee will increase oversight of financing and technical assistance programs that assist small farmers' expansion into emerging niche agricultural markets, including organic products. The Committee will examine the operational needs of small farmers working to add value to outputs and maintain competitiveness in the changing marketplace.

E. Rural Economic Development. The Committee will oversee federal activities to spur economic development in rural communities. The Committee will conduct hearings on the physical and financial infrastructure needed to maintain and grow small rural businesses.

III. Energy.

A. Energy Prices. The Committee will conduct hearings on the impacts of rising energy and petroleum prices on small businesses, particularly fuel intensive sectors, such as farming, transportation, and those that use petroleum products as feedstock.

B. Relief Measures. The Committee will examine price relief measures in existing and upcoming energy legislation and their application to small businesses struggling under burdensome fuel costs.

C. Energy Efficiency. The Committee will investigate methods to increase energy efficiency and resource conservation practices for small businesses. The Committee will increase oversight of federal initiatives to streamline business operations and reduce operational costs for small firms.

IV. Financial Services.

A. Trends in Small Business Financing. To better understand the mechanisms that small firms are using to fund their business, the

Committee will examine recent research, including the Federal Reserve's Survey of Small Business Finances.

B. Access to Financial Services. The Committee will review federal laws that impede small businesses fair access to financial services such as their ability to receive interest on checking accounts or to have a variety of potential lending options.

C. Role of Small Lenders. The Committee will endeavor to assess the impact of consolidation in the financial services industry on small lenders and small business borrowers. In addition, the Committee will review industry trends and regulatory developments that may reduce the availability of financing to small firms.

D. Insurance. The Committee will evaluate the use of insurance products by small businesses, including property/casualty lines. The Committee will assess the impact of federal insurance reforms on small insurance firms and small business insureds. Finally, the Committee will examine the tort liability system and its impact on the cost of insurance, particularly for small businesses.

E. Capital Formation. The Committee will examine challenges that small businesses face in raising capital. This will include a review of federal securities laws and regulations that affect small firms, such as Securities and Exchange regulation S-B.

V. Health Care.

A. Access to Affordable Health Coverage and State Market Reforms. The Committee will evaluate a number of health care policies designed to expand access to affordable health insurance through small employers. The Committee will look at proposed federal changes to give small employers greater options for coverage. The Committee will examine current and proposed state initiatives to promote coverage and the impact of these reforms on small employers in those markets. The Committee will examine the impact of these changes on the small group health insurance market.

B. Expanding Available Options for Small Employers to Purchase Health Insurance. The Committee will examine options for removing barriers to affordable small employer coverage. The Committee will conduct hearings to review new and emerging policies to increase access to affordable health care coverage. These possible changes include, but are not limited to, increasing pooling mechanisms for small businesses, reinsurance models, and ERISA reforms.

C. Tax Credits. The Committee will examine the possibility of tax credits to promote coverage and their impact on small employers. In particular, the Committee seeks to understand whether tax credits are a viable vehicle for health care market reform and the budgetary effect of such changes. The Committee will hold hearings to explore tax credits and other approaches to encourage small employer purchase of coverage for their employees.

D. Health IT Adoption. The Committee will conduct hearings to evaluate the economic benefits derived through the adoption of a uniform, secure, interoperable health information technology infrastructure (Health IT) by small health care groups – i.e., physicians, vendors and other providers. In particular, the Committee will consider the degree to which Health IT creates market efficiencies and whether those advantages will exist for small groups. The Committee will evaluate the challenges of Health IT adoption.

E. Health Care Cost and Quality. The Committee will examine efforts to increase access to information on the cost and quality of health care. The Committee will conduct hearings to explore how access to cost and quality information can affect the purchase of insurance by small employers.

F. Health Care Provider Compensation and Regulatory Structure. The Committee will examine federal reimbursement of health care providers and the effect that such reimbursement decisions have on non-Medicare/Medicaid insurer reimbursement to physicians and other healthcare providers. The Committee will evaluate state regulation, such as insurance laws that affect provider compensation and business organization. The Committee will hold hearings to consider how current practices within the health care market affect small health care providers.

VI. Immigration. The Committee will review proposals to reform the nation's immigration system to ensure that small businesses will be able to readily access a high-quality workforce. The Committee will examine reform proposals to ensure that enforcement, security and economic needs are appropriately balanced.

VII. International Trade

A. International Agreements. The Committee will hold hearings on the impact of new and existing international commitments on the small business sector. The Committee will increase oversight of ongoing international negotiations to ensure trade regulations, standards, and facilitation measures serve the needs of small businesses.

B. Trade Enforcement. The Committee will evaluate trade enforcement activities, particularly affecting intellectual property rights, and methods to protect small businesses from unfair trade practices. The Committee will

investigate trade remedies for firms adjusting to pressures from low-cost overseas and corporate producers.

C. Export Assistance. The Committee will examine efforts to increase small businesses' access to global markets, including initiatives to reduce excessively burdensome administrative and legal requirements. The Committee will conduct oversight of federal export assistance programs, including those conducted by the Export-Import Bank, the SBA, and the United States Departments of Commerce and Agriculture, which seek to reduce small firms' costs of expanding into international markets.

VIII. Pensions and Retirement.

A. The Committee will examine the current state of pension coverage for small employers. The Committee will look at reforms to improve the plan options for small businesses and possible ways to defray administrative costs of operating the plan. The Committee will hold hearings to look at innovative ways to promote coverage for small businesses and their employees. This will include looking at modifications to defined benefit and defined contribution plans to encourage coverage.

B. The Committee will assess the impact of recently passed pension legislation on small employer's ability to offer pension plans. This will include an examination of the impacts on promoting coverage and addressing any concerns over increased liabilities of offering a pension plan.

IX. Procurement.

A. Federal Procurement Practices. The Committee recognizes the increase in use of contracting methods such as interagency contracting and electronic procurement and will work to ensure that these procedures allow the full participation by small businesses. The Committee will work to make sure that the regulations are being followed in a manner that enables competition, increases small business procurement opportunities, and provides the government with the best value.

B. Transparency. The Committee will work to increase transparency in federal procurement activities. Greater transparency will allow agencies to be evaluated fairly on their commitment to competition, integrity, and best value, as well as their support of small business and entrepreneurship.

C. 2005 Gulf Coast Hurricanes. The Committee will continue to monitor the recovery efforts related to the 2005 Gulf Coast Hurricanes as well as investigate past contracting actions related to those events. The Committee will specifically look at emergency procurement practices,

such as the use of no-bid contracts and increasing the micropurchase threshold, to enhance small business participation as prime contractors while ensuring maximum competition to the extent permitted by the necessities of the emergency.

D. Iraqi Reconstruction. The Committee will monitor the contracts awarded for the reconstruction of Iraq, with an emphasis on ensuring that small businesses have received fair prime contracting and subcontracting opportunities. The Committee will hold accountable those agencies and contractors who fail to provide competition as required by law.

E. Contract Bundling. The practice of contract bundling displaces small businesses from the federal marketplace. The Committee will continue to monitor the use of "bundled" contracts and ensure that regulations are being followed. The Committee will continue to work to "unbundle" contracts when appropriate.

F. Federal Contracting Goal. The Committee will review federal agencies performance in meeting annual contracting goals. In order to foster greater small business participation in the federal marketplace, the Committee will seek to work with agencies that have historically underperformed in meeting their contracting goals.

G. Sole Source Contracting. The Committee will continue to monitor the use of sole-source contracts, particularly with regard to Alaska Native Corporations. The Committee will work to ensure that all socio-economic contracting programs are operating as intended.

H. Agency Miscounting of Contracts. As a follow-up to a hearing in which GAO found that agencies were counting contracts awarded to large corporations towards their small business procurement goals, the Committee will investigate the sufficiency of agencies' efforts to rectify the problem. The Committee also will investigate the adequacy of the Federal Procurement Data System and its capabilities to record accurate data on federal procurement by government agencies, especially as it relates to the size of the business awarded a contract.

I. Inaccurate Reporting of Federal Contracting Awards. The Committee will evaluate the accuracy of procurement data used to determine the small business goal and whether agencies knowingly relied on inaccurate data to achieve these goals. The Committee will examine the causes for such inaccuracies, including, but not limited to, management oversight, appropriateness of procurement policies, and adequacy of funds.

J. Contracting Certifications by Business. The Committee will investigate if any large businesses improperly certified themselves as small in order to

receive contracts. Furthermore, the Committee will assess whether federal procurement officials took any actions to uncover these problems and implemented steps to prevent them. Should the Committee uncover questionable practices, it will report them to the appropriate enforcement authorities.

X. Regulations. The Committee will examine federal agency rules and regulations, as well as legislation that proposes such rules and regulations, to ensure that small businesses are not subject to undue regulatory burdens. In doing so the Committee will focus on:

A. Whether the regulation imposes unnecessary barriers to competitive market entry by small businesses and places small businesses at a competitive disadvantage with respect to larger competitors, including the impact that Section 404 of the Sarbanes Oxley Act is having on the competitiveness of small companies.;

B. Whether the regulation minimizes recordkeeping and reporting requirements including the elimination of any duplicative requirements as required by the Paperwork Reduction Act;

C. Whether the rules and regulations are in plain English;

D. Whether the rules and regulations are indistinguishable of existing state and local regulations; and,

E. Whether small businesses are provided sufficient compliance assistance including small entity compliance guides issued by agencies as mandated by the Small Business Regulatory Enforcement Fairness Act.

In addition, the Committee will examine the agency process for promulgating rules and regulations to include:

A. The adequacy of an agency's compliance with the Regulatory Flexibility Act;

B. Whether the agency minimized burdens and maximized benefits for small businesses while achieving its statutory and regulatory objectives; and,

C. Whether small businesses been provided sufficient opportunity to comment and provide input into the development of regulations.

XI. Tax.

A. Tax Simplification and Relief. The Committee will hold hearings on the concerns over the growing complexity of the tax code for small

employers. The Committee will work to identify ways to simplify the tax code and reduce the tax burden on small business owners. The Committee will focus on changes to the tax code that provide targeted tax relief and equity for small business owners. In addition, the Committee will examine any specific tax relief including, but not limited to, expensing and depreciation that will spur investment by small businesses.

B. Alternative Minimum Tax. The Committee will examine ways to reform the alternative minimum tax to provide tax relief for small businesses. The Committee will review proposed changes and the budgetary costs of making such modifications.

C. Tax Gap Efforts by the IRS. The Committee will examine recent efforts by the IRS to close the so-called "Tax Gap" and the impact of these measures on small businesses. The Committee shall review efforts by the agency that have a negative impact on small businesses. The Committee will examine measures to close the tax gap through legislative changes and the impact of these changes on small businesses.

D. Investment in Small Business and New Markets Tax Credit. The Committee will review what is being done to encourage economic growth and investment in small businesses through the tax code. The Committee will look at ways to encourage equity investment in small businesses. The Committee will look at the current state of the New Markets Tax Credit (NMTC) program.

E. Estate Tax. The Committee will examine the impact of the sunset of the estate tax repeal on business planning and the ability of small businesses to continue as going enterprises after the deaths of the founders.

XII. Technology and Innovation.

A. Technology Workforce. The Committee will further investigate the regulations governing the annual cap on H-1B visas and the process by which such visas are issued, in light of the challenge small technology companies have in hiring and retaining scientists, researchers and engineers.

B. Financing for Startups. The Committee will review the eligibility requirements of the Small Business Innovation Research (SBIR) program with respect to venture capital investment to ensure that small companies are afforded a wide array of financing options. In addition, the Committee will examine the eligibility requirements for the SBIR program to determine the extent that venture capital investment should be permitted in the program.

C. Broadband. The Committee will assess the role that small companies can play in the development and expansion of wireless and wire line broadband technologies. The Committee also will review the impact on the planned spectrum auctions will have on small business. This review will examine the process by which the Federal Communications Commission complies with § 3(a)(2) of the Small Business Act while meeting its obligations under § 332 of the Federal Communications Act of 1934 to provide opportunities for designated entities including small businesses.

D. Development of Energy Efficient Technologies. The efforts of technology companies to create and promote energy efficient devices will be examined, as well as ways that the federal government could encourage more of America's small businesses to adopt "green" technologies. The Committee will look at the potential modifications to the Small Business Innovation Research (SBIR) program that could advance national energy independence. The Committee also will examine whether changes made by the Energy Policy Act of 2005 affect the viability of renewable energy generators.

E. eWaste. The Committee will review the efforts that the technology industry, particularly small companies, is making to address the growing challenge of recycling computer equipment and peripherals.

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, DC 20515

March 20, 2007

The Honorable Henry Waxman
Chairman
Government Reform and Oversight Committee
2157 Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

Pursuant to House Rule X, Clause (2)(d)(1), we are enclosing the Committee's Oversight Plan for the 110th Congress.

Sincerely,

Stephanie Tubbs Jones
Chairwoman

Doc Hastings
Ranking Republican Member

Enclosure

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515

OVERSIGHT PLAN

110th Congress

February 16, 2007

The oversight plan of the Committee on Standards of Official Congress for the 110th Congress, adopted pursuant to clause 2(d)(1) of House Rule X, is as follows.

The Standards Committee is in the unusual circumstance that while its legislative jurisdiction is confined to the House Code of Official Conduct (House Rule XXIII),[1] the Committee itself administers a range of ethics laws, rules and standards for House Members, officers and employees, as well as, in some instances, certain other legislative branch officials. A brief summary of the various provisions of law and rules that confer such responsibility and authority upon the Committee is provided below. In addition, among the functions assigned to the Committee in the House Rules are –

- To recommend to the House "such administrative actions as it may consider appropriate to establish or enforce standards of official conduct" for Members and staff, and

- To investigate alleged violations by Members or staff of the House Code of Official Conduct or other law, rule or standard of conduct applicable to official conduct.[2]

Furthermore, under the Ethics Reform Act of 1989, the Committee is charged with providing to House Members and staff, through its Office of Advice and Education, information and guidance on the applicable ethics laws and rules, and responding to their questions on the application of the laws and rules in particular circumstances.[3]

In fulfilling its responsibilities as summarized above, the Committee, on a daily basis, deals directly with the various laws and rules in its jurisdiction. These include rules on acceptance of gifts, the limitations on outside earned income and employment, the prohibition against private subsidy of official House activities, and the rules on proper use of official House resources and proper use of campaign resources.

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[1] House Rule X, cl. 1(q).
[2] House Rule XI, cl. 3(a)(1), (2).
[3] 2 U.S.C. §29(d)(i).

Accordingly, in the fulfillment of its regular duties, there may be instances in which a change in a law, rule or Committee interpretation may be in order related to a matter within the Committee's jurisdiction. When such instances arise, the Committee's practice is to propose appropriate amendments to statutory law or the House Rules, or, where the change is one that can be made by the Committee on its own authority, to effect an appropriate change.

In performing its duties under law and House Rules, the Committee will continue to be alert for instances in which a change in a law, rule or standard of conduct may be in order. When such instances arise, the Committee will seek information on, study and discuss the matter and develop appropriate changes. The Committee will itself effect those changes that are within its authority, but where a change would require amendment of statutory law or House Rules, the Committee will bring the matter to the attention of the House leadership and other committees as appropriate.

Provisions of the House Rules and Statutory Law that Confer Specific Authorities on the Committee

- The House gift rule (House Rule XXV, cl. 5) provides, in paragraph (h), that its provisions are to be interpreted and enforced solely by the Committee.

- House Rule XI, cl. 3(b)(7) provides that the Committee is to have the functions designated in titles I and V of the Ethics in Government Act of 1978 (relating to financial disclosure and the outside earned income and employment limitations), 5 U.S.C. §§7342 (the Foreign Gifts and Decorations Act), 7351 (on gifts to superiors), and 7353 (on gifts to Federal employees), and House Rule X, cl. 11(g)(4) (on unauthorized disclosure of intelligence).

- Provisions of the financial disclosure statute designate the Committee as the "supervising ethics office" for House Members, officers and employees and certain other Legislative Branch officers and employees (5 U.S.C. app. 4 §109(18)(B)) and state that the statute is to be administered by the Committee with regard to those Members, officers and employees (*id.* §111(2)). The Committee also reviews the financial disclosure statements filed by candidates for the House.

- A provision of the statute establishing the outside earned income and employment limitations states that those limitations are to be administered by the Committee with respect to House Members and staff, as well as certain Legislative Branch officers and employees (5 U.S.C. app. 4 §503(1)).

- For certain purposes under the Foreign Gifts and Decorations Act, the Committee is designated as the "employing agency" of House Members and staff (5 U.S.C. §7342(a)(6)).

- Both the Committee and the House of Representatives are designated as the "supervising ethics office" of House Members, officers and employees in the statute that governs gifts to Federal employees (5 U.S.C. §7353(d)(1)(A)), as well as the statute on gifts to superiors (*id.* §7351(c)). Those statutes also designate the Committee as the supervising ethics office for certain other Legislative Branch officers and employees (*id.* §7353(d)(1)(E)).

Stephanie Tubbs Jones
Chairwoman

Doc Hastings
Ranking Republican Member

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

Washington, DC 20515

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

February 13, 2007

The Honorable Henry A. Waxman, Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

Pursuant to clause (2)(d)(1) of Rule X of the Rules of the House of Representatives, I hereby submit the Oversight Plan for the Committee on Transportation and Infrastructure for the 110th Congress. This plan was adopted by voice vote by the Full Committee on Wednesday, February 7, 2007.

The Oversight Plan reflects the Committee's intent to ensure that government agencies implement the laws, programs, and policies under the Committee's jurisdiction in a manner that is consistent with statutory intent. While the plan will serve as a guide to the Committee's oversight activities, it does not preclude the investigation of other matters as needed.

Please do not hesitate to contact me if I can provide you with additional information.

Sincerely,

James L. Oberstar
Chairman

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
OVERSIGHT PLAN FOR THE 110TH CONGRESS
February 7, 2007

In the 110th Congress, the Committee on Transportation and Infrastructure will actively review the activities of government entities under its jurisdiction. The Committee will provide oversight to ensure that these agencies implement the laws, programs, and policies within the Committee's jurisdiction in a manner that is consistent with statutory intent. As appropriate, the Committee will also investigate ways to improve the overall operation of such agencies and eliminate waste or fraud. During the course of conducting oversight and investigation activities, the Committee will continue to utilize the Government Accountability Office (GAO) and the various Inspectors General within the agencies and departments under its jurisdiction.

The oversight and investigation functions of the Committee are conducted by the Full Committee, in coordination with the subcommittees, and by the individual subcommittees. Full Committee oversight allows the Committee to address cross-cutting issues and emerging trends that are not under the clear jurisdiction of any one subcommittee. It also ensures a consistent level of investigation activity over all agencies and programs under the Committee's authority.

For example, increasing congestion is a problem that spans all modes and affects our railroads, waterways, highways, and air traffic system. A coordinated oversight agenda will facilitate defining the problems and developing multi-modal solutions and reforms to relieve congestion problems. The Committee will continue to oversee issues that relate to the vitality of the transportation industry, as these issues are of concern to each of the subcommittees. In addition, protecting the safety and security of the traveling public is critically important to every mode of transportation and requires significant attention and review.

As usage of our transportation network continues to grow, so does the amount of fuel required to move of people and goods. Each year, the transportation sector consumes a larger share of the total petroleum used in this country. On February 2, 2007, the United Nations Intergovernmental Panel on Climate Change released a report that concludes that there is a more than 90 percent certainty that the startling changes to our climate, which scientists have observed, are caused by human activity, or more specifically, the burning of fossil fuels. Faced with this reality, for mobility and transportation options to continue to expand, we must seek alternative sources of energy to power transportation. The Committee will examine the close connection between transportation policy and energy policy and look at solutions under the Committee's jurisdiction to increase the energy efficiency of the transportation industry while reducing our nation's dependence on foreign oil. In addition, the Committee will look at ways the Federal Government can lead by example on energy efficiency by expanding the use of alternative or renewable resources to provide electricity in public buildings.

The Committee will also continue to monitor the emerging role of satellites as a fundamental part of the transportation infrastructure, affecting all modes of travel. In the 108th Congress the Committee initiated an assessment of existing satellite infrastructure and utilization, including an inventory of both government-owned and commercial U.S. satellites. That evaluation disclosed a number of critical relationships between satellites and transportation policies, including the fact that the Department of Transportation is the lead federal agency in guiding civilian policy on Global

Positioning Satellites (GPS). Areas of responsibility within the Committee on Transportation and Infrastructure uniquely affected by satellite utilization include: navigation, positioning, and timing services used by the public and the transportation industry; tracking cargo on an intermodal basis for security and safety; providing communications for the traveling public on common carriers and real-time links for the transportation industry; managing the national airspace; and developing the navigation infrastructure.

SUBCOMMITTEE ON AVIATION

1. **Funding of the Federal Aviation Administration (FAA).** The FAA's aviation programs, as well as the authorization of the existing aviation tax structure that provides revenue for the Aviation Trust Fund, will expire in FY 2007. During this reauthorization, the Subcommittee will focus on the financial condition of the Aviation Trust Fund, and possible alternative mechanisms for financing the future needs of the aviation system. For the last few years, revenue into the Trust Fund has been less than FAA-forecasted amounts, and thus the Trust Fund's uncommitted cash balance has been depleted. Whether Trust Fund revenues will be adequate to meet the FAA's needs in the next few years will depend largely on the near-term funding requirements of the Next Generation Air Transport System (NGATS). NGATS is envisioned as a major redesign of the air transportation system that will involve precision satellite navigation; digital, networked communications; an integrated weather system and other features. The FAA is expected to propose the fundamental restructuring of the aviation tax system in the form of a "cost-based" user-fee system. The FAA will submit its proposal to Congress early in the 110th Congress.

2. **Evaluation of FAA's Facilities and Equipment Program.** The FAA's Facilities and Equipment (F&E) program includes development, installation, and transitional maintenance of navigational and communication equipment to aid aircraft travel. This program supplies equipment for more than 3,500 facilities, including air traffic control (ATC) towers, flight service stations in Alaska, and radar facilities. The F&E program is also the FAA's primary vehicle for modernizing the National Airspace System (NAS). Broadly defined, the term "NAS modernization" refers to the FAA's ongoing effort to obtain new surveillance, automation, and communications systems. The FAA's original plan to modernize the ATC system began in the early 1980s and was supposed to be completed by the early 1990s at a projected cost of $12 billion. Unfortunately, NAS modernization has been fraught with significant cost overruns, delays, and high-profile failures – most notably the FAA's original program, the Advanced Automation System (AAS). In 1994, the FAA cancelled portions of the AAS program and split the remaining systems into several phases, and in some cases, re-bid the contracts. More recently, the Standard Terminal Automation Replacement System, the Wide Area Augmentation System, and the Airport Surveillance Radar-Model 11 programs have experienced overruns and schedule slips. The Government Accountability Office estimates that, to date, the FAA has spent $43.5 billion on NAS modernization. The FAA has been working to address the problems with several of these programs. In fact, both the Government Accountability Office (GAO) and the Department of Transportation Inspector General (DOT IG) have noted improvements in how major acquisitions have been managed since the establishment of the ATO. The DOT IG noted last year that they are not seeing the massive cost growth or schedule slips of the past. The Subcommittee will continue to oversee FAA's major legacy acquisitions and the FAA's attempts to develop and implement the NGATS.

3. **Safety Programs.** In this post September 11th era, many of the airline industry's legacy carriers have resorted to closing their own maintenance bases and have increased their use of outside maintenance providers to perform critical long-term maintenance, including: airframe repairs, aging aircraft modifications, engine overhauls, and advanced avionics

maintenance. At the end of calendar year 2005, nine of the major airlines were spending 62 percent of their approximately $5.5 billion maintenance dollars on outsourced maintenance providers. This increased use of outside maintenance vendors creates several challenges for the FAA, not the least of which is ensuring that it has adequate resources to oversee the organizations actually conducting the maintenance work. The Subcommittee will continue to monitor the FAA's ability to oversee air carrier safety programs, including domestic and foreign repair station work. In addition to FAA oversight of aircraft maintenance, the Subcommittee will focus on runway safety, FAA safety rulemakings, fatigue, and other important safety issues.

4. **Controller Workforce Staffing.** FAA controllers staff some 316 federally operated facilities. The FAA states that to address expected air traffic controller retirements, more than 11,800 controllers will need to be hired through FY 2015. In 2006, the FAA hired 1,116 controllers. Because the total loss of controllers (including retirements) was slightly higher than estimated, the FAA adjusted its hiring in September 2006 to bring in more new hires in that fiscal year. In FY 2007, the FAA plans to hire approximately 1,386 controllers. Currently, the FAA has approximately 2,000 eligible controller candidates on a hiring waitlist. In addition, the FAA has about 2,000 candidates that have been selected by the Central Selection Panels in the last three to six months and are going through the approval process. There are also approximately 500 – 800 CTI graduates each year that are added to the hiring pool. However, hiring new controllers is a complex process. Controllers are highly skilled professionals and it takes several years to complete on-the-job training. According to the FAA, the failure rate for controller trainees in both the FAA Academy and in air traffic control (ATC) facilities is approximately five and eight percent, respectively. Replacing a controller who retires must begin several years in advance. The Subcommittee will continue to monitor FAA's implementation of its Controller Workforce Plan.

5. **Airline Industry.** U.S. commercial aviation helps contribute to $1.2 trillion in output and approximately 11.4 million U.S. jobs. Between 2001 and 2005, the aviation industry posted $35 billion in cumulative net losses, including a $5.7 billion net loss in 2005. Contributing to these losses are the economic slowdown, a decline in business travel, the aftermath of the September 11th terrorist attacks, the SARS epidemic, increased competition within the industry and, record fuel prices. Several airlines declared bankruptcy and some continue to restructure through that process. Recently, U.S. Airways withdrew their bid to take over Delta Airlines, which is still in bankruptcy. Such a merger could have had an adverse impact on fares, competition, and service to small communities, and also might have sparked other mergers between large network carriers. As to the airlines' future financial condition, an airline association is forecasting earnings of $2-3 billion for 2006 and $4 billion for 2007 for U.S. passenger and cargo airlines. However, because airline debt level remains high, this industry is still vulnerable to fuel spikes, recession or other external issues (e.g., terrorism). The Subcommittee will continue to monitor the health of the airline industry and the potential impacts of any industry consolidation.

6. **International Aviation.** On November 18, 2005, the United States and the European Union (EU) reached agreement on the text of a first-stage comprehensive air transport agreement and related Memorandum of Consultations. If approved by the EU Transport Council, the agreement would replace existing bilateral agreements with the Member States, thus establishing Open Skies between the U.S. and the entire EU. Although not formally a

part of the Open Skies agreement, the issue of foreign investment in U.S. air carriers became a pivotal issue to the discussions between the U.S. and the EU. There was strong, bipartisan opposition to a Department of Transportation (DOT) proposal to define evaluation criteria for determining "actual control" of foreign interests on U.S. airlines. In the face of this bipartisan, bicameral opposition, DOT withdrew the proposal on December 5, 2006. The EU has not yet decided whether to endorse the proposed Open Skies agreement without the change in foreign investment policy. The U.S. and EU are set to resume formal negotiations in February. In addition, the European Commission has developed a legislative proposal to extend its Emissions Trading Scheme to cover civil aviation. The Commission's intent is to cover all flights departing to or from EU airports, including those of non-EU airlines. The U.S. has serious questions about such an initiative, including the underlying science, the potential for discriminatory impacts, and the legal practicability of a mandatory international system. The Subcommittee will be monitoring these important international aviation issues this session.

7. **Security Programs.** Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004 to implement the recommendations of the 9/11 Commission. This legislation also included aviation security provisions, such as pilot licensing, biometrics technology for airport access control, screening technology at airport passenger check points and checked baggage systems, and missile defense systems for civil aircraft. The Subcommittee will continue its oversight responsibility of programs administered by the Department of Homeland Security and the Transportation Security Administration on matters that directly affect the civil aviation system.

8. **National Transportation Safety Board.** The NTSB investigates many transportation accidents, including aviation accidents and major highway, railroad, pipeline, maritime, and public transit accidents. After investigating an accident, the NTSB determines the probable cause(s) of the accident and issues a formal report. This process typically takes from nine to eighteen months. The NTSB is statutorily required to make a probable cause determination on all aviation accidents. In general, the NTSB relies upon the FAA to conduct the on-scene investigation on its behalf for most non-fatal aviation accidents and for some fatal aviation accidents in which the cause is obvious and there is little chance of deriving a safety benefit from the investigation. The Aviation Subcommittee traditionally takes the lead on reauthorization of the NTSB, even though the NTSB investigates many transportation accidents, including aviation, highway, marine, rail, and pipeline. The NTSB reauthorization will expire at the end of FY 2008. The Subcommittee will continue its oversight of the NTSB and of any recommendations made to the FAA on aviation safety.

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

1. **Maritime Transportation Security.** The Maritime Transportation Security Act of 2002 (P.L. 107-295) and the Coast Guard and Maritime Transportation Act of 2004 (P.L. 108-293) established numerous measures to enhance the security of the U.S. Maritime Transportation System. The Subcommittee plans to continue oversight of the Coast Guard's efforts to improve security in U.S. ports and waterways and on vessels transiting in U.S. waters. The Subcommittee will oversee the implementation of measures to enhance port security and will continue to examine the current port security and vessel security programs to determine if there are areas that remain to be addressed. The Subcommittee also plans to investigate international efforts to implement a comprehensive maritime security framework through the International Maritime Organization.

2. **Maritime Domain Awareness.** The Coast Guard has spearheaded an interagency effort to enhance awareness of activities that occur within the maritime domain. Maritime domain awareness has been defined as the effective knowledge of all activities associated with the global maritime environment that could impact the security, safety, economy, or environment of the United States. The Maritime Transportation Security Act of 2002 and the Coast Guard and Maritime Transportation Act of 2004 require the Coast Guard to develop vessel tracking systems to enhance vessel identification and tracking capabilities in coastal waters and on the high seas. The Subcommittee plans to oversee the development and expansion of these systems as well as other measures to improve overall maritime domain awareness.

3. **Cargo Security.** The Subcommittee will oversee and investigate the Coast Guard's and the Department of Homeland Security's efforts to secure maritime cargo containers both at U.S. ports and abroad. The Subcommittee will also investigate the efforts being made in major international and domestic ports to scan maritime cargo containers for biological, chemical, nuclear, radiological, and explosive materials. Additional legislation to improve cargo scanning may be considered.

4. **Effects of Security Regulations and the Growth in Trade on the Flow of Maritime Commerce.** The Subcommittee will investigate the effects that growth in U.S. international waterborne trade and regulations to enhance vessel, waterway, and port security have had on the flow of maritime commerce in and out of U.S. ports.

5. **Programmatic Changes to the Integrated Deepwater System Program.** The Coast Guard is continuing their multi-year asset recapitalization program, the Integrated Deepwater System (Deepwater) program. The Subcommittee will continue its oversight of this program and investigate problems with this acquisition that have led to eight of the 123-foot patrol boats that were altered to be taken out of service because they are unsafe to operate. The Subcommittee will also examine the issues regarding the design and construction of the National Security Cutters and whether they will be able to provide service to the Coast Guard for their full 30 year projected life without structural problems. The Subcommittee will also examine the impacts of Deepwater spending on the Coast Guard's other capital asset needs.

6. **Status of Coast Guard Legacy Assets.** The Deepwater program is designed to replace or refit existing Coast Guard vessels and aircraft over a 24-year schedule. However, the Coast Guard will continue to rely on its legacy fleet of vessels and aircraft until these new assets are procured under the Deepwater program. The Subcommittee is extremely concerned about the safety of Coast Guard personnel who serve aboard these vessels and aircraft as well as the Coast Guard's ability to successfully carry out its many missions aboard these assets. The Subcommittee will continue to hold hearings to investigate the status of the Coast Guard's legacy assets and the possibility of accelerating the procurement of replacement assets under the Deepwater program.

7. **Coast Guard Research, Development, Test, and Evaluation.** Funding for the Coast Guard's Research, Development, Test, and Evaluation (RDT&E) program supports the development of techniques, methods, equipment, and systems that enhance the Service's operational capabilities. The Coast Guard has identified several key areas of concentration including research programs that will enhance maritime safety, maritime mobility, marine environmental protection, and maritime domain awareness. Many of these research programs support the development of strategies and resources aimed to improve the Service's ability to perform its traditional missions of search and rescue, drug and migrant interdiction, marine environmental protection, icebreaking operations, and aids to navigation. The Subcommittee will continue to closely oversee the RDT&E program to ensure that the program remains under the Coast Guard's control and will closely monitor the scope of the research program to make certain that the program continues to include traditional missions.

8. **The Coast Guard's Traditional Missions.** The Coast Guard is a unique government entity that is both a uniformed military service and a federal agency with regulatory and enforcement responsibilities. The Subcommittee will continue to oversee the Coast Guard's traditional missions that include search and rescue, the protection of marine safety, the maintenance and establishment of aids to navigation, icebreaking operations, fisheries law enforcement, marine environmental protection, and drug and migrant interdiction to ensure that the Service maintains its capabilities to carry out its many and varied missions in addition to its increasing homeland security responsibilities. The Subcommittee will give particular attention to whether the Coast Guard has sufficient assets to respond to any mass migration event from Cuba that may occur.

9. **Mission Balance.** After the events of September 11th, the Coast Guard was identified as the lead federal agency with responsibilities over maritime homeland security. The Coast Guard has incorporated these increased responsibilities with the many traditional missions that the Service continues to carry out each day. The Subcommittee remains concerned, however, about the balance between the Coast Guard's homeland security and traditional missions. The Subcommittee will continue to oversee the Coast Guard's mission performance to determine if the Service has the resources necessary to both protect homeland security and carry out its important traditional missions in U.S. waters.

10. **Introduction of Aquatic Invasive Species via Ballast Water.** The Subcommittee, in coordination with the Subcommittee on Water Resources and Environment, will monitor the Coast Guard's implementation and enforcement of regulations that require all vessels

carrying ballast water to undergo ballast water exchange on the high seas before entering U.S. waters from points beyond the Exclusive Economic Zone. The Subcommittee will also investigate the Coast Guard's Shipboard Technology Evaluation Program (STEP) to demonstrate and evaluate emerging ballast water treatment technologies aboard vessels. The Subcommittee will monitor international attempts to require ballast water management under the International Convention for the Control and Management of Ships' Ballast Water and Sediments. The Subcommittee will examine existing statutes related to the introduction of invasive species via ballast water and may consider legislation to require improved ballast water management over the next decade.

11. **National Distress and Response System Modernization Project (Rescue 21).** The Coast Guard is in the process of modernizing the National Distress and Response System which provides two-way voice communication coverage in coastal areas and along navigable waterways. The modernized system, Rescue 21, will cover a greater area and will increase the Coast Guard's capabilities to monitor distress calls and communicate with recreational and commercial vessels in distress. The modernization project was scheduled to be completed in fiscal year 2006; however, progress has been slow and funding for the system has been withheld in recent appropriations bills. The Subcommittee will hold oversight hearings to investigate the status of two-way communications equipment development and installation and the implementation schedule for the program.

12. **Short Sea Shipping.** Transportation experts have identified the benefits for developing short sea shipping as part of the national transportation system. Development of short sea shipping may increase our national freight capacity, decrease congestion, improve air quality, and reduce the need to build other infrastructure. The Subcommittee will conduct oversight hearings on the challenges to developing a short sea shipping system in the coastwise trade of the United States and what the role of the Federal Government may be in the development of this freight and passenger transportation system.

13. **Status of the U.S.-flag Merchant Marine.** The U.S.-flag fleet engaged in the U.S. foreign trade has been on a continuous decline since the end of World War II. The Subcommittee will conduct oversight hearings on the decline of the U.S.-flag merchant marine and options to promote this industry.

14. **Marine Safety.** The Subcommittee will conduct oversight hearings on safety issues in the U.S. maritime industry, including on commercial fishing vessels. The Subcommittee will also oversee the marine casualty investigation program of the Coast Guard to ensure that this program gathers and provides the information needed to continue to make U.S. marine transportation safer.

15. **Maritime Education, Training, and Recruitment.** Segments of the U.S. maritime industry are having difficulty recruiting and retaining personnel. Many mariners are retiring. In addition, it may be difficult for individuals employed in the maritime industry to meet increased licensing and certification standards due to the cost of the programs. The Subcommittee will hold a hearing on the training, recruitment, and retention requirements in the U.S. maritime industry.

16. **Marine Law Enforcement.** The Subcommittee will conduct a hearing on the Coast Guard's marine law enforcement missions including drug and migrant interdiction and fisheries law enforcement.

17. **Recreational Boating Safety.** The Subcommittee will continue to monitor the state of recreational boating safety in the United States.

18. **Oil Pollution Act of 1990.** The Subcommittee will continue to oversee the Coast Guard's efforts to prevent and respond to oil spills under the Oil Pollution Act of 1990, in coordination with the Subcommittee on Water Resources and Environment.

19. **Ship Disposal.** The Maritime Administration (MARAD) is responsible for maintaining the National Defense Reserve Fleet (NDRF). The fleet consists of both the Ready Reserve Force (RRF) vessels, which can be activated within four to 30 days in case of a national need, and the non-retention vessels which are no longer operational due to severe deterioration. MARAD currently maintains more than 140 non-retention vessels at three locations (the James River Reserve Fleet in Virginia; the Beaumont Reserve Fleet in Texas; and the Suisun Bay Reserve Fleet in California) that are in need of disposal. These vessels contain hazardous substances such as lead paint, asbestos, and solid and liquid polychlorinated biphenyls (PCBs). MARAD has experienced a severe inability to arrange for and fund the disposal of these ships in recent years. The Administration has not met the September 30, 2006 statutory deadline for the disposal of all NDRF vessels not assigned to the RRF. The Subcommittee will conduct oversight to find ways for MARAD to meet its statutory obligations to dispose of these vessels.

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

1. **Emergency Management and Federal Emergency Management Agency (FEMA) Reform.** The Subcommittee will continue to review and assess the nation's ability to prevent, prepare for, mitigate, respond to, and recover from disasters and emergencies of all types. In the 109th Congress, Congress passed the "Post-Katrina Emergency Management Reform Act of 2006" as part of the FY 2007 Homeland Security Appropriations Act (Title VI of P.L. 109-295). The Subcommittee intends to take an aggressive role in the oversight of the newly reorganized FEMA within the Department of Homeland Security (DHS).

2. **Recovery from Hurricanes Katrina and Rita.** The Subcommittee will hold hearings on post- Hurricanes Katrina and Rita response and recovery issues. There are still issues involving the long-term recovery of the Gulf Coast including housing and redevelopment. The Subcommittee intends to continue its review of the Federal Government's response to disasters. Included in this review may be an examination of how assistance is provided and to whom and how federal, state, and local governments are preparing and coordinating their all-hazards efforts in advance of any type of emergency.

3. **Economic Development Administration (EDA).** In 2004, Congress authorized EDA for an additional four years. As part of its ongoing oversight of EDA's programs, the Subcommittee will carefully review how EDA is using its new authorities, including how funding decisions are made, and how recent budgetary changes are impacting the efficiency of the agency. The Subcommittee remains concerned about the depleted personnel levels and the ability of the agency to deliver services to its users.

4. **Appalachian Regional Commission (ARC).** In preparation for reauthorization of the ARC in the 110th Congress, the Subcommittee will continue to examine the activities of the ARC, including how the Commission is meeting the needs of distressed counties, how it uses new and innovative ways to promote economic development, and its track record of success since the last reauthorization.

5. **Other Regional Economic Development Authorities.** The Subcommittee will continue to closely examine the activities of the other established regional economic development authorities – the Delta Regional Authority, the Denali Commission, and the Northern Great Plains Regional Authority.

6. **GSA Broker Contracts.** On October 4, 2004, the General Services Administration (GSA) awarded four contracts as a part of its national brokerage program. Under this program, the four contractors provide at least 50 percent of GSA's lease acquisition activities nationwide and on a regional basis. The Subcommittee will examine the program's implementation, including how GSA will address some of the systemic weaknesses in the program identified by the Subcommittee, the GSA Inspector General, and GAO. The Subcommittee will make recommendations to the agency regarding further implementation of the program.

7. **GSA Lease Authority Delegation.** Under Title 40 of the United States Code, the Administrator of General Services may delegate to other federal agencies the authority to

lease space. In recent years, the Committee has limited the Administrator's exercise of that delegation when authorizing lease prospectuses. The Subcommittee will review the Administrator's lease delegation practices and, if necessary, consider further steps regarding its use.

8. **Real Property Management.** Over the past several years, GSA has become increasingly interested in improving the management of its real property assets across the country through the use of enhanced property management tools. These tools include outleasing, public-private partnerships, and the sale or disposal of under-performing properties. The Subcommittee held hearings on this issue in 1999 and in 2002. The Subcommittee will continue to closely monitor GSA's property management as well as consider the passage of specific legislation granting the authority for GSA to use enhanced tools on a limited basis.

9. **National Capital Region.** The Subcommittee staff will continue to meet regularly with representatives of the GSA National Capital Region to discuss a variety of ongoing projects and issues. Among these are: the use of the Old Post Office Pavilion, the continued development of the Southeast Federal Center, the development of the St. Elizabeth's Hospital Campus, the development of the NOMA corridor (North of Massachusetts Avenue), and several other smaller development and construction projects.

10. **Capital Investment and Leasing Program.** As part of the Committee's annual work to review and authorize GSA's requests for authority to repair, alter, construct and lease property for use by federal agencies, the Subcommittee will review each prospectus presented to the Committee and recommend approval only after the Subcommittee is satisfied that the requests are cost-effective and in the best interest of the Federal Government.

11. **Federal Protective Service.** As a part of the Homeland Security Act of 2002, the Federal Protective Service (FPS) was transferred from the Public Buildings Service of GSA to the Department of Homeland Security (DHS); however, responsibility for the protection of federal buildings generally remains with GSA. The Subcommittee is concerned that FPS's placement in the Immigration and Customs Enforcement (ICE) division within DHS will not utilize FPS's strengths and capabilities to the fullest. Further, the Committee is concerned that placing FPS, a fee for service account, within ICE's appropriated account has contributed to financial confusion and potential mismanagement. The Subcommittee will monitor this management issue and continue to review the policies, procedures, and requirements for security at public buildings, including a review of the implementation of these policies, procedures, and requirements by FPS.

12. **Administrative Office of the Courts (AOC).** The Subcommittee will conduct oversight of the Courts' budget as well as the Courts' ongoing efforts to find efficiencies and reduce its projected capital and operating costs. The Subcommittee has requested a court utilization study and will continue its review of courthouse construction. In addition, it will review the AOC's Design Guide and the five-year courthouse construction plan proposed by the AOC.

13. **DHS Headquarters.** During the 108th Congress, Congress passed legislation that transferred the Department of the Navy's Nebraska Avenue Complex (NAC) to the General Services Administration for use as a headquarters for the Department of Homeland Security.

To make this space suitable for use, GSA will have to undertake a significant modernization program of the existing facilities. The Subcommittee intends to closely monitor GSA's activities to ensure appropriate use of funds. The Subcommittee also supports efforts by the Administration to house the Coast Guard in a new headquarters building on the St. Elizabeth's Campus.

14. **Architect of the Capitol.** The Subcommittee will continue ongoing oversight of projects being undertaken by the Architect of the Capitol, including redevelopment of the O'Neill House Office Building site, construction of the Capitol Visitors Center, acquisition and construction of a command and control center for the Capitol Police, as well as the development of a Master Plan for the Capitol Complex.

15. **Smithsonian Institution Facilities Assessment.** The Subcommittee will continue to review the acquisition, construction, and use of local and remote museums as well as the research and storage facilities of the Smithsonian Institution.

16. **John F. Kennedy Center for the Performing Arts.** The John F. Kennedy Center for the Performing Arts was reauthorized during the 108th Congress for an additional four years. As a part of its ongoing oversight of the Kennedy Center's programs and in preparation for reauthorization of the Kennedy Center in the 110th Congress, the Subcommittee will review the construction, alteration, and modernization activities of the Kennedy Center that are conducted using federal funds.

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

1. **Role of Highways and Transit.** The Subcommittee will explore the role of highway and public transportation programs within the nation's intermodal transportation network. The Subcommittee will examine the critical role these systems play in the national and global economy, through the improved mobility of passengers and freight, as well as the way these systems can improve the quality of life of citizens through increased mobility and promote economic development.

2. **SAFETEA-LU Implementation.** The Subcommittee will continue to closely monitor the Department of Transportation's implementation of policy changes and new programs including the promulgation of new and amended rules and guidance enacted as part of the "Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users". The Subcommittee will also work to ensure full funding of SAFETEA-LU, as well as to maintain and strengthen budgetary firewall protection.

3. **Needs of the Surface Transportation Network.** A "National Surface Transportation Policy and Revenue Study Commission" was established as part of SAFETEA-LU to examine the short- and long-term investment and programmatic needs of the nation's highway and public transportation programs, and to ensure the development and operation of a comprehensive national intermodal transportation network. The Subcommittee's oversight activities will parallel the Commission's work. The Subcommittee will also explore ways to enhance the mobility of people and freight through the development and implementation of strategies to address congestion, as well as to fully develop needed regional connections. Further, the Subcommittee will closely monitor the DOT as it implements its Congestion Relief Initiative that is part of DOT's National Strategy to Reduce Congestion on America's Transportation Network.

4. **Financing Investments in Highways and Public Transportation.** The Subcommittee will undertake an assessment of methods available to finance needed investments in our surface transportation system. These efforts will include a comprehensive review of the adequacy of the current dedicated revenue structure to maintain the long-term viability of the Highway Trust Fund (HTF). The Subcommittee will further explore opportunities to enhance HTF revenues. The Subcommittee will also continue to monitor the short-term viability of the HTF to ensure that the funding levels provided in SAFETEA-LU are executed in each year of the authorization.

5. **Alternative Sources to Generate Additional Resources for Investment.** As part of its review of the potential means of financing investments in the nation's highway and public transit networks, the Subcommittee will investigate options to supplement the current financing structure. The Subcommittee will undertake a comprehensive review the advantages and disadvantages of these options including how the public interest will be best protected through the implementation of various alternative financing tools.

6. **Innovative Contracting and Procurement Methods.** The Subcommittee will undertake an assessment of the various techniques utilized by transportation agencies designed to

enhance and streamline contracting and procurement processes. The assessment will examine contractual arrangements to deliver services in a more efficient and economic manner, to ensure that the public is best served through the use of these practices.

7. **Transportation Security.** The Subcommittee will continue to work to improve the overall security of the nation's surface transportation network. The Subcommittee will also examine the challenges associated with an integrated national driver's license system, as well as efforts to change commercial driver's license requirements to improve security. Further, the Subcommittee will oversee the implementation of the mode-specific annexes to the Memorandum of Understanding (MOU) between the DOT and the Department of Homeland Security (DHS) (annexes for Transit and Pipelines have been executed). Joint regulations are also pending from DOT and DHS on the characteristics of and requirements for public transportation security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses.

8. **Surface Transportation and the Environment.** The Subcommittee will examine the environmental impacts of surface transportation, and will review ways to control or mitigate such impacts. Further, the Subcommittee will ensure that project permit reviews are conducted in a thorough and timely manner, and that appropriate environmental mitigation efforts are taken throughout project development, construction, and operation. The Subcommittee will closely monitor the implementation of SAFETEA-LU environmental review process changes for transportation projects. The Subcommittee will also examine the environmental and health benefits of the development and expansion of alternative transportation options, such as public transportation, bicycling, and pedestrian alternatives.

9. **Coordination of Human Services Transportation.** The Subcommittee will provide oversight and will work with relevant Education and Labor subcommittees to improve the coordination of public transportation services provided by agencies receiving grants from the Federal Transit Administration (FTA) with human services transportation provided by agencies receiving grants from the Departments of Health and Human Services, Labor, and Education. SAFETEA–LU included new coordinated planning requirements and several incentives for FTA grant recipients to coordinate with other human services transportation providers. The challenge is to inspire other Congressional committees to include similar requirements and incentives in upcoming human service legislation, such as the Workforce Investment Act, and Medicare and Head Start reauthorizations.

10. **Research and Innovative Technologies.** The Subcommittee will undertake oversight efforts to ensure the effectiveness of transportation research activities. The Subcommittee will also review the development, demonstration, and deployment of new or improved transportation technologies, construction materials, and techniques to enhance the overall condition and performance of the network. The Subcommittee will work to ensure that research activities, including research activities of University Transportation Centers, are designed to provide information useful to policymakers and the transportation community. Further, the Subcommittee will continue to oversee the implementation of the Norman Y. Mineta Special Programs Reorganization Act. The Subcommittee will continue to provide advice and oversight to the DOT as the new agencies develop to ensure adherence to Congressional intent.

11. **Highway Safety.** The Subcommittee will conduct a comprehensive assessment of the National Highway Traffic Safety Administration's (NHTSA) efforts to reduce the rate and number of traffic fatalities and injuries, including efforts to increase seat belt usage and curb alcohol-impaired driving. The Subcommittee will also monitor efforts to improve the safety of motorists and workers in highway work zones.

12. **Motor Carrier Safety.** The Subcommittee will review the Federal Motor Carrier Safety Administration's (FMCSA) progress in improving safety on our nation's roads through the inspection of motor carriers and the enforcement of motor carrier regulations, including hours-of-service regulations. The Subcommittee will also work to ensure the safety compliance of foreign motor carriers operating on U.S. roadways.

13. **Household Goods.** The "Households Goods Mover Oversight Enforcement and Reform Act of 2005" gave FMCSA and state Attorneys General more authority to enforce federal and state consumer protection laws against fraudulent movers. The Subcommittee will continue to monitor the implementation of these authorities, as well the ability of the states to use their new enforcement power, granted by Congress.

SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

1. **DOT FY 2008 Budget.** The Subcommittee will review and evaluate the fiscal year 2008 budget proposals for the Federal Railroad Administration, Amtrak, the Surface Transportation Board, the Railroad Retirement Board, the National Mediation Board, and the Pipeline and Hazardous Materials Safety Administration.

2. **Reauthorization of the Federal Rail Safety Program.** The authorization for the Federal rail safety program expired at the end of fiscal year 1998. In preparation for reauthorizing the program, the Subcommittee will conduct oversight of the Federal Railroad Administration's enforcement and rulemaking activities, as well as the various safety laws that govern railroad operations. The Subcommittee will also conduct oversight hearings on long-standing rail safety concerns, including fatigue.

3. **Rail Security.** This year, the Federal Government will invest $4.7 billion in aviation security improvements, while investing only $175 million in rail and transit security, even though five times as many people take trains as planes every day. The American Public Transit Association, which represents transit agencies and commuter railroads, has well-documented transit security needs that exceed $6 billion (including more than $5.2 billion of capital investment security needs). The Subcommittee will conduct oversight of rail security in the United States, as well as the needs of railroads to ensure an appropriate level of security.

4. **Reauthorization of Amtrak.** The authorization for Amtrak expired at the end of fiscal year 2002. In preparation for reauthorizing Amtrak, the Subcommittee will conduct oversight of Amtrak's performance and operations. The Subcommittee will also conduct oversight focused on reforming Amtrak's Board of Directors, which is responsible for ensuring the efficient and effective operation of Amtrak.

5. **Reauthorization of the Surface Transportation Board.** The authorization for the Surface Transportation Board (STB) expired at the end of fiscal year 1998. In preparation for reauthorization of the STB, the Subcommittee will conduct oversight of the Board's functions, as well as implementation of the Staggers Rail Act of 1980 and the Interstate Commerce Commission Termination Act of 1995. The Subcommittee will also conduct oversight of railroad-shipper issues before the Board.

6. **Passenger and Freight Rail Infrastructure Investment.** According to the U.S. Department of Transportation's Freight Analysis Framework, rail traffic is expected to rise more than 50 percent, from 1.8 billion tons to 2.9 billion tons by 2020. Rail passenger service has also grown. During FY 2005, Amtrak served more than 25.4 million passengers, representing the third straight fiscal year of record ridership. This record ridership, because 70 percent of the miles traveled by Amtrak trains are on tracks owned by the freight railroads, combined with record freight rail traffic levels, means that there is a tremendous amount of pressure bearing down on our nation's rail system. As rail traffic continues to grow, the railroads will have to concentrate increasingly on replacing and building new capacity, such as multi-tracking key corridor routes, adding new sidings or extending existing ones at key locations, constructing new intermodal or transloading facilities, and investing in new technologies. The Federal Government will also have to take responsibility for ensuring

that all facets of our transportation system are in working order. The Subcommittee will conduct oversight of passenger and freight rail infrastructure investment needs.

7. **Implementation of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006.** The Department of Transportation's pipeline safety program was reauthorized at the end of the 109th Congress. The Subcommittee will hold hearings on implementation of the reauthorization act.

8. **Reauthorization of the Hazardous Materials Transportation Program.** The Departtment of Transportation's hazardous materials safety program was reauthorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The authorization for the program will expire in 2008. In preparation for reauthorization, the Subcommittee will hold hearings on implementation of the programs contained in SAFETEA-LU.

SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

1. **Environmental Protection Agency (EPA) - Clean Water Act and Water Infrastructure Programs.** The Subcommittee will review wastewater treatment and water pollution control funding issues, including levels and sources of funding, and management of grant and loan programs. This review will include a review of wastewater infrastructure and security needs. The Subcommittee will conduct oversight of regulatory and non-regulatory approaches to water pollution control, including watershed, market, and performance-based approaches to regulation; issues involving water quality standards; total maximum daily loads; effluent limitations; and compliance with the National Pollutant Discharge Elimination System. The Subcommittee will also continue its oversight of monitoring and data, as well as efforts to improve the management of combined and sanitary sewer overflows, stormwater, and nonpoint source pollution. The Subcommittee will review the progress of the Clean Water Act in restoring and maintaining the chemical, physical, and biological integrity of the nation's waters, including the impact of recent United States Supreme Court decisions on efforts to achieve these goals.

2. **EPA Grants.** Although great strides have been made pursuant to oversight of the grants management activities at the EPA, the subcommittee will continue oversight to make sure the proposed reforms are implemented and the initiatives that are underway are developed into fixed policy.

3. **Army Corps of Engineers (Corps) Water Resources Program.** The Subcommittee will review efforts to improve the efficiency and effectiveness of the organization and the management and mission of the civil works program of the Army Corps of Engineers. This review will include the selection, planning, and implementation of water resources projects as well as the financing of harbor and inland waterways infrastructure. The Subcommittee will also review the agency's regulatory programs, including those pertaining to the regulation of activities affecting the waters of the U.S., including wetlands, and dredging activities.

4. **CERCLA/Superfund and Brownfields.** The Subcommittee will review efforts to improve the efficiency and effectiveness of the contaminated site cleanup process and the process of assessing natural resources damages. Oversight may include a review of the liability, financing, funding levels, settlement mechanisms, and procedures of the current Superfund program, including implementation of the Small Business Liability Protection Act. The Subcommittee will also review the role of the States in conducting and financing cleanups; review the relationships among the States, EPA, and other Federal entities in implementing the Superfund program; and review ongoing Federal, State, and local efforts to revitalize "brownfields", including implementation of the Brownfields Revitalization and Environmental Restoration Act.

5. **Corps, EPA, and Other Regional Water and Ecosystem Restoration Issues.** The Subcommittee will review regional and local projects, issues, and controversies involving: water quality; water supply; water resources conservation, development, management, and policy; environmental protection; and flood control.

6. **National Invasive Species Act.** In coordination with the Subcommittee on Coast Guard and Maritime Transportation, the Subcommittee will review efforts by various agencies to implement the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996. Oversight activities will explore the effectiveness of these bills and evaluate the need for further action, including legislation, to control invasions of nonindigenous aquatic species through ballast water and protect water quality.

7. **Tennessee Valley Authority (TVA).** The Subcommittee will review of TVA programs, including its energy program and operations in the current and in a less regulated marketplace, TVA's management structure, and the impact of TVA debt.

8. **Saint Lawrence Seaway Development Corporation (SLSDC).** The Subcommittee will review the efficiency and effectiveness of the SLSDC's current operations and structure; any necessary improvements in the operation of the Seaway; issues related to national security and the economy; and the relation of the SLSDC to the St. Lawrence Seaway Management Corporation, its Canadian counterpart.

9. **EPA and Coast Guard Oil Pollution Act (OPA).** In coordination with the Subcommittee on Coast Guard and Maritime Transportation, the Subcommittee will review oil spill response, planning, and liability provisions under OPA and the Clean Water Act, and enforcement activities under the oil spill prevention and response laws.

10. **Ocean and Coastal Programs and Policies.** The Subcommittee will review dredged material management and disposal under the Ocean Dumping Act, Water Resources Development Acts, and the Clean Water Act. Oversight efforts also may include various ocean and coastal water quality and shoreline protection issues under the Clean Water Act, the Coastal Zone Management Act, Coastal Zone Act Reauthorization amendments, and the Water Resources Development Acts.

11. **Natural Resources Conservation Service (NRCS) Small Watershed Program.** The Subcommittee will review the Small Watershed Program, authorized under P.L. 83-566, and conducted by the U.S. Department of Agriculture's NRCS, including the relation between these programs and other conservation, environmental restoration, and flood control efforts.

DEMOCRATS
BOB FILNER, CALIFORNIA, CHAIRMAN

REPUBLICANS
STEVE BUYER, INDIANA, RANKING

U.S. House of Representatives
COMMITTEE ON VETERANS' AFFAIRS
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February 1, 2007

Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Room 2157, Rayburn Building
Washington, DC 20515

Dear Chairman Waxman:

The Committee on Veterans' Affairs approved its Oversight Plan for the 110th Congress on January 30, 2007. Pursuant to clause 2(d)(1) of Rule X of the Rules of the House of Representatives, we herewith transmit a copy of the plan to the Committee on Oversight and Government Reform.

Sincerely,

BOB FILNER
Chairman

STEVE BUYER
Ranking Republican Member

Enclosure

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON VETERANS' AFFAIRS

OVERSIGHT PLAN FOR 110th CONGRESS

In accordance with clause 2(d)(1) of Rule X of the House of Representatives, the Committee on Veterans' Affairs on January 30, 2007, adopted its oversight plan for the 110th Congress.

This oversight plan is directed at those matters most in need of oversight during the duration of this Congress. The Committee is cognizant that its oversight plans for the 110th Congress "have a view toward assuring effective, fact-based management." The Committee will consult, as necessary, with other House Committees having jurisdiction over the same or related laws affecting veterans.

Oversight will be accomplished through committee and subcommittee hearings, field and site visits by Members and staff, review of documentation, and meetings and correspondence with interested parties. Methods of oversight will include existing and requested reports, studies, estimates, investigations and audits by the Congressional Research Service, the Congressional Budget Office, the Government Accountability Office, and the Offices of the Inspectors General of the Departments of Veterans Affairs and Labor.

The Committee will seek the views of veterans' service organizations, military associations, other interest groups and private citizens. The Committee also welcomes communications from any individuals and organizations desiring to bring matters to its attention.

While this oversight plan describes the foreseeable areas in which the Committee expects to conduct oversight during the 110th Congress, the Committee and its subcommittees will undertake additional oversight activities as the need arises.

The full Committee may, at the discretion of the Chairman, after consultation with the Ranking Republican Member, conduct any of the oversight activities planned by the subcommittees.

Subcommittee on Disability Assistance and Memorial Affairs

1. **Review of the Department of Veterans Affairs (VA) disability claim process.** The Subcommittee plans to take a wholesale look at the VA disability claim process from the initial filing through the judiciary stage. This includes, but is not limited to, inter-governmental cooperation, training of claims adjudicators, uniformity of ratings, operation of the Board of Veterans Appeals and decisions handed down by the Court of Appeals for Veterans Claims. The Subcommittee will give special consideration to disability claims for post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI).

2. **Examination of the Nonservice-Connected Pension Program.** The Subcommittee plans to examine whether this pension program is benefiting those who need it most. In addition, this Subcommittee will look to see if it is appropriate to expand the pension program to include veterans who may have been previously omitted and the pay-go costs associated with any expansion.

3. **Outreach.** The Subcommittee plans to take a close look at the outreach efforts conducted by the VA to ensure that every eligible veteran, surviving spouse or other candidate for assistance is aware of the benefits available to him or her. Furthermore, the Subcommittee will examine whether the rules and pay-go costs regarding veteran eligibility need to be expanded.

4. **Maintenance, Appearance, and Upkeep of National Cemeteries.** The Subcommittee will examine the immediate and long-term needs of the national cemetery system including the need for additional VA national cemeteries or national cemetery annexes. The Subcommittee will also review the condition of VA national cemeteries, both open and closed, to determine if their condition befits their status as national shrines to veterans.

5. **Insurance.** The Subcommittee will examine all of the insurance programs under the jurisdiction of the VA to ensure that they are providing the proper level of indemnification. In addition, the Subcommittee will examine the overall operation of these insurance programs.

6. **Burial Benefits.** The Subcommittee will look at the burial benefits provided by the VA to see if they are properly functioning and/or need to be expanded.

7. **Information Technology** – The Subcommittee will review current information technology programs related to the business lines under the Subcommittee's jurisdiction with a focus on VETSNET. The Subcommittee will also explore the applicability of rules-based applications to further automate adjudication of disability claims.

8. **Veterans' Disability Benefits Commission.** Public Law 108-136 established the Veterans' Disability Benefits Commission. The commission will examine and make recommendations concerning, among other things, the appropriateness of the level of benefits and the appropriateness of the level of benefits and the appropriate standard of standards for determining whether a disability or death of a veteran should be compensated. The Committee will review the recommendations of the Commission through briefings and hearings.

Subcommittee on Economic Opportunities

1. **Employment and self-employment opportunities for veterans** – The Subcommittee plans to conduct hearings to highlight servicemembers and veterans as a desirable business asset, with a focus on recently separated servicemembers returning from Iraq and Afghanistan, including demobilizing Reserve and National Guard personnel.

2. **Department of Labor workforce and transition services** – Public Law 107-288, the Jobs for Veterans Act, improved and modernized the Department of Labor's veterans' employment and training services, including providing veterans "first-in-line" priority in all DOL funded employment and training programs. Public Law 108-183 requires DOL to furnish pre-separation job placement services to servicemembers serving overseas. Public Law 109-461 modified and reorganized the Veterans Employment, Training and Employer Outreach Advisory Committee within the Department of Labor and the Subcommittee will examine the progress and effectiveness related to the Advisory Committee as well.

3. **State Approving Agencies** – Veterans may only receive GI Bill benefits while attending a VA-approved course of instruction. VA contracts with state education agencies to approve

and monitor education and training programs to ensure they meet the needs of veterans. The state agencies also provide local resources to investigate alleged violations of VA education regulations as well as a wide range of oversight functions on behalf of VA. Funding for the SAAs is scheduled to be decreased at the end of fiscal year 2008. The Subcommittee will explore the affects of any potential decrease in SAA funding and possible alternative to current funding schemes.

4. **Vocational Rehabilitation and Employment** – VA's Vocational Rehabilitation and Employment (VR&E) program provides services and assistance to enable veterans with service-connected disabilities to obtain and maintain suitable employment, and to enable certain other disabled veterans to achieve independence in daily living. The Subcommittee will examine VR&E's recent efforts to implement its 5-track program throughout the 57 regional offices. In addition the Subcommittee will likely focus on areas such as suitable employment including self employment assistance to the most seriously disabled veterans, contracted services, claims processing, employer outreach and quality assurance.

5. **Uniformed Services Employment and Reemployment Rights Act** – Uniformed Services Employment and Reemployment Rights Act (USERRA) provides a broad range of employment rights and responsibilities for veterans and employers. The law was recently amended to establish a demonstration project for improved enforcement by the Federal government. The Subcommittee will assess the effectiveness of USERRA with special emphasis on employers' willingness to hire National Guard and Reserve members and employment-related issues related to returning to the workforce following activation.

6. **Transition Assistance to Demobilizing Reserve and National Guard Personnel** – Due to the increased utilization of the Selected Reserve since September 11, 2001, many more citizen soldiers are being activated and serving on active duty. Consequently, as the Reserve and National Guard forces demobilize after their activation period, they like active duty troops require period of readjustment and transition services. The Subcommittee will continue to examine and focus its efforts to ensure that Selected Reserve personnel receive the assistance and benefits they may need to successfully transition into civilian workforce and lifestyle.

7. **VA Office of Small and Disadvantaged Business/Center for Veterans Enterprise** – Public Law 109-461 required the VA to set and meet certain procurement goals with respect to veteran and service-disabled veteran owned small businesses. The Subcommittee will examine VA's efforts to effectively implement this law and improve its contracting efforts with such concerns.

8. **GI Bill** – Congress, other than providing benefit increases, has not comprehensively modified, modernized or updated the Montgomery G.I. Bill since 1985. Due to advances in technology, dynamic workforce changes, and ever increasing demands on servicemembers, as well as military recruiting efforts the time is right to seriously review the MGIB. The Subcommittee may hold a series of hearings to provide a comprehensive review of the program and to ascertain whether the current veterans' education system is adequate and reflects the way current society learns, studies and trains for success. The Subcommittee will also explore the effectiveness of various possible improvements as a means to increase the use of education benefits, as well as improving recruiting and retention in the armed forces.

9. **Information Technology** - VBA currently uses several information technology applications to assist administration of its education and vocational rehabilitation and employment programs. Despite this basic level of automation, significant backlogs persist.

The Subcommittee will asses opportunities to increase the ability of rules-based systems to improve administration and decrease the backlogs.

Subcommittee on Health

1. **Provision of VA Health Care** – The Subcommittee will examine the manner in which VA provides care to veterans, and ways in which the VA's health care delivery can be improved. The Subcommittee plans to examine how technology can improve the delivery of health care, especially to rural and under-served veterans. The Subcommittee plans to explore the current efforts of the VA in meeting the health care needs of veterans' including quality of care and access issues, as well as how the VA can improve in the future. The Subcommittee also plans on conducting oversight over the VA's Project HERO ("Healthcare Effectiveness through Resource Optimization") initiative, as well as VA's current contract care practices.

2. **Health Care Personnel** – The Subcommittee plans on evaluating VA's current efforts to recruit and retain nurses, physicians, dentists, and other health care professionals. The Subcommittee plans on examining how best to ensure that VA personnel meet the health care needs of our veterans. The Subcommittee will explore innovative measures VA medical centers may use to attract and retain nursing personnel and support quality patient care, including the Magnet Recognition Program.

3. **VA Medical and Prosthetic Research** – The Subcommittee plans on examining the effectiveness of the VA's current research endeavors, how they match up with Congressional intent in regards to addressing injuries and illnesses in the veterans' population, and the importance of VA's clinical research efforts. The Subcommittee also plans on looking at such issues as the role of intellectual property in the research effort and the function and effectiveness of VA's research corporations.

4. **Prosthetics and specialized services** – The Subcommittee plans to examine VA's specialized services, such as blind rehabilitation, spinal cord injury, and prosthetics, including ways to improve these services and ways the VA can meet Congressional intent in these areas.

5. **Women veterans' programs** – With increasing numbers of women veterans, the Subcommittee will examine VA's provision of health care services to women, and whether there are improvements that must be made.

6. **Long-term care** – The Subcommittee plans to examine the current state of VA's long-term care programs, and explore ways to improve and augment the VA's efforts in this area, including issues relating to state veterans homes and contract community homes.

7. **CARES, VA Construction, and Facilities Management** – The Subcommittee plans on reviewing the current state of the VA's construction programs, including major and minor construction, facilities management efforts, and capital asset plans. Also of interest to the Subcommittee is the VA's historic preservation, and enhanced use lease endeavors. The Subcommittee also plans to continue monitoring the VA's collaborative efforts with other governmental and non-profit health care entities.

8. **VA Funding** – The Subcommittee plans to examine the adequacy of VA funding, and ways to improve the current funding system. The Subcommittee is interested in examining the efficacy of, and improvements to, the VA's financial controls and systems, in order to better stretch scarce health care resources. The Subcommittee plans on examining the

Medical Care Collections Fund (MCCF). The Subcommittee plans to examine the VA's use of "management efficiencies," and other budget items that may serve to depress the Administration's annual budget requests, as well as looking at the VA's ability to budget for returning servicemembers and account for the long-term costs of these new veterans.

9. **PTSD and Mental Health Issues** – The Subcommittee plans to examine the VA's current efforts in the area of mental health and post-traumatic-stress-syndrome (PTSD) as they relate to returning servicemembers and veterans of previous conflicts.

10. **Traumatic Brain Injury and VA Polytrauma Centers** – The Subcommittee plans on examining the efforts of the VA in diagnosing and treating Traumatic Brain Injury (TBI) as well as the operation of the VA's Polytrauma Centers. Veterans returning from Iraq and Afghanistan have shown a marked increase in TBI. The Subcommittee wants to ensure that the VA is doing all it can in this area.

11. **Homelessness** – The Subcommittee plans to review the VA's current efforts to combat homelessness amongst veterans, and examine ways to improve services to homeless veterans.

12. **VA/DOD Cooperation** – The Subcommittee plans to examine how the VA and DOD health care systems can best work together to provide health care services to veterans. The Subcommittee plans to look into progress the agencies have made in ensuring that health information is shared, including electronic medical records, and other ways in which both agencies can improve services to returning servicemembers and veterans.

13. **VA's Fourth Mission** – The VA has an important role to play outside of the direct provision of health care to veterans. The Subcommittee plans to examine the VA's readiness to accomplish its fourth mission – to serve as backup to the Department of Defense health care system in times of war or other emergencies and to support communities following domestic terrorist incidents and natural disasters. The Subcommittee seeks to be assured that the VA has devoted adequate resources for its fourth mission contingencies and that the VA's fourth mission duties do not detract from its first mission of caring for veterans.

Subcommittee on Oversight and Investigations

1. **Competitive Sourcing and Alternative Management Systems** – The VA is implementing the President's Management Agenda and Office of Management and Budget Directives through competitive sourcing and alternative management systems. The Subcommittee is interested in the factual basis for conduct of this program and the organizational benefits yielded.

2. **VA's Procurement and Acquisition System** – the Subcommittee will continue to monitor the performance of this system to determine its efficiency and effectiveness. VA spends over $6 billion annually for medical and surgical supplies, prosthetics, information technology, construction and other materials and services.

3. **VA Information Technology Programs** – VA has had problems fielding integrated information technology systems. The Subcommittee continues oversight of VA's progress.

4. **VA Information Security Management Program** – the loss of computer hardware containing the personal information of millions of veterans enhanced

awareness of ongoing problems with VA's information security program. The Subcommittee has ongoing interest in the effectiveness of the program.

5. **VA's Fourth Mission – Are they ready?** – VA has a role in this nation's response to certain types of large scale incidents, whether natural or man-made. VA must maintain the capacity to meet its responsibilities under the National Response Plan and provide for its continuity of operations.

6. **Force Protection and Seamless Transition** – the Subcommittee will oversee DoD and VA efforts to assure that the transition between the two departments is seamless and responsive to the needs of veterans. The Subcommittee review will include DoD's referral of discharged Guard and Reeserve personnel to VA's dental program for their follow-up dental care.

7. **Enhanced Land Leases and Divestment of Federal Property** – VA has used expanded authorizations to engage in enhanced-use leases of its property and on occasion divests federally-owned property. The Subcommittee will assure that the decision process for these actions is sound and that revenues received and other benefits are appropriate. Also of interest to the Subcommittee is the VA's preservation of historic landmarks and buildings and the appropriate disposition of unused, unkempt, or hazardous facilities and properties.

8. **Evaluating Management Efficiency-based Budget Offsets** – This Committee and the Government Accountability Office have been critical of the VA's practice of offsetting budget requirements with claimed management efficiencies. Subcommittee interest in this issue is ongoing.

9. **Chemical, Radiological, Biological and other Test Veterans issues** – Since WWII, servicemembers have participated in tests with potentially harmful agents, to determine warfighting capability and the utility of protective equipment. The committee will assure that veterans who participated in these tests receive appropriate care for medical problems caused by the testing.

10. **Medical Recruitment, Retention and Staffing – to include nursing and certain medical specialties, pay and bonus issues, title 5/38 issues, and employment conditions** – Are the human resource needs of VA being met effectively?

11. **Human Subjects Protection** – Previous problems in the area of human testing led the committee to strengthen human subject protections. The Subcommittee will review this matter to assure the protections in place are working.

12. **Laboratory and Clinical select agent security** – VA Level 3 Laboratories and all VA Medical Centers are host to various chemical, biological and radiological agents. Are these agents secure?

13. **VA Inspector General** – Budget and Performance – The Subcommittee will examine the budget of the VA Inspector General (IG) and review how VA uses the recommendations of the IG to increase efficiency and effectiveness in providing services to veterans.

14. **Veterans Preference in Federal Hiring –Categorical Ranking Systems** – Veterans have complained that Federal Veterans Preference is not working. The Office of Personnel Management has implemented an alternative personnel system to enlarge selection pools of applicants. Is Veterans Preference lost in this process?

15. **Small Business Contracting Goals for Service Connected Disabled Business Owners.** – The federal government has a poor result in assuring that small business contracting goals with service-connected disabled veteran small business owners are being met. The Subcommittee will explore the root cause for this underachievement.

16. **Electronic Medical Records.** – Electronic medical record keeping offers a number of potential benefits. Implementing and integrating bi-directional electronic medical records should result in savings, added security, and safety. The Subcommittee will review the results of VA's efforts in this area.

17. **Medical Care Collections Fund** – The Subcommittee will conduct oversight on VA collection efforts.

18. **VA/DOD Benefits Delivery at Discharge Program** – this would implement a type of one-stop-shopping for servicemembers separating from the service. The Subcommittee will review and assess progress.

19. **EEO Complaint Resolution System** – Problems in the 1990's led to significant changes. New changes are being crafted by VA. The Subcommittee will conduct oversight to determine if these changes have the impact Congress intended.

20. **Worker's Compensation Program** – VA is evaluating the performance of this program. The Subcommittee will also review the program and recent program changes for effectiveness and adverse impact.

21. **Credentialing and Screening of VA Employees** – the Subcommittee will review the portfolio of background checks and reviews that involve current and potential VA employees with the goal of assuring that veterans and coworkers are safe.

22. **VA Reporting Requirements** – VA reports to Congress and to the Committees to meet a variety of requirements. The Subcommittee will determine if it is possible to streamline or consolidate any of these requirements?

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

January 17, 2007

The Honorable Henry Waxman
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Juanita Millender-McDonald
Chairwoman
Committee on House Administration
1309 Longworth House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Waxman and Chairwoman Millender-McDonald:

In accordance with the requirements of clause 2 of rule X of the Rules of the House of Representatives, the following is a list of hearings and oversight-related activities that the Committee on Ways and Means and its Subcommittees plan to conduct during the 110th Congress.

Full Committee:

Economic Security and Federal Budget--

- **Current Economy and Outlook**. Oversight hearings to examine current economic conditions and the economic outlook. Specifically, examine topics such as the impact of globalization on U.S. workers and competitiveness, economic opportunities for low- and middle-income workers, the economic costs of poverty, and additional concerns.

- **Priorities of the Office of Management and Budget**. Oversight hearings with the Office of Management and Budget Director to discuss the overall state of the federal budget and the Administration's priorities for the 110th Congress. Also, discuss and consider budgetary proposals affecting the various programs under the Committee's jurisdiction, including tax, health, human resources, Social Security, pensions, and trade-related matters.

- **Additional Issues.** Oversight hearings on a number of overall budget issues, particularly those related to federal finances and debt, the short- and long-term fiscal outlook, the growing reliance of the United States on foreign debt, and other matters considered by the Department of the Treasury.

Tax Issues--

- **Priorities of the Department of the Treasury.** Oversight hearings with the Treasury Secretary to discuss priorities for the 110th Congress, with the goal of finding common ground for policies and legislation to benefit all Americans. Specifically, discuss and consider tax legislation proposed in the President's 2008 budget submitted to the Congress.

- **Administration of the Tax Laws.** Oversight hearing to receive information from the Internal Revenue Service (IRS) Commissioner concerning overall agency operations and efforts to collect federal taxes, ensure compliance, and provide taxpayer services. Specifically, discuss proposed funding and staffing levels for the IRS and legislation to address the tax gap as proposed in the President's 2008 budget submitted to the Congress.

- **Technical Corrections.** Oversight hearing to evaluate the need for technical corrections to previously-enacted legislation, including the Tax Increase Prevention and Reconciliation Act of 2005, Gulf Opportunity Zone Act of 2005, Energy Policy Act of 2005, American Jobs Creation Act of 2004, Jobs and Growth Tax Relief Reconciliation Act of 2003, Economic Growth Tax Relief Reconciliation Act of 2001, and certain provisions of the Pension Protection Act of 2006.

- **Tax Relief for Individuals and Families.** Oversight hearings on tax relief for individual taxpayers and families, including alternative minimum tax relief and child-related tax benefits.

- **Energy.** Oversight hearings on energy tax issues, including incentives for alternative fuel production, energy conservation, and increasing U.S. energy independence.

- **Housing.** Oversight hearings on tax incentives for moderately-priced housing, focusing on options for increasing the supply of middle-income taxpayer rental housing and home ownership in tandem with federal and state housing spending programs.

- **Education.** Oversight hearings on current law rules governing the use of tax credit bonds to finance school construction and renovation, and options to simplify the current complex structure of tax benefits for higher education.

Health and Human Services Issues--

- **Priorities of the Department of Health and Human Services.** Oversight hearing with the Health and Human Services Secretary to discuss priorities for the 110th Congress and concerns related to the delivery of health services and reimbursement under Medicare. Specifically, discuss and consider health and human services-related legislation proposed in the President's 2008 budget submitted to the Congress.

Trade--

- **Priorities of the Office of the United States Trade Representative.** Oversight hearings with the United States Trade Representative to discuss priorities for the 110th Congress and concerns related to international trade. Specifically, discuss and consider trade proposals in the President's 2008 budget submitted to the Congress and other proposals.

The full Committee intends to conduct additional oversight over the next two years, as becomes necessary to fulfill its oversight responsibilities to the Congress and the American people. The following is a list of further oversight hearings and activities that the six subcommittees of the Committee on Ways and Means (Oversight, Health, Income Security and Family Support, Social Security, Trade, and Select Revenue Measures) anticipate developing during the course of the 110th Congress.

Subcommittee on Oversight:

- **Programs within the Committee's Jurisdiction**. Oversight investigations and joint subcommittee hearings on issues requiring periodic or timely oversight review. The Subcommittee on Oversight will coordinate with other subcommittees, as appropriate, to ensure comprehensive oversight of programs and laws under the Committee's jurisdiction.

- **IRS Operations.** Oversight of the major IRS programs, including examination, collection, taxpayer services, and returns processing. Consider analyses and reports provided to the Congress by oversight groups, such as the IRS Taxpayer Advocate, IRS Oversight Board, Treasury Inspector General for Tax Administration, and the U.S. Government Accounting Office.

- **Tax Gap.** Oversight of the $345 billion annual tax gap, the difference between taxes paid and taxes owed the federal government. Consider the components of the tax gap, causes of taxpayer non-compliance, and possible solutions.

- **IRS Funding and Staffing Levels.** Oversight of IRS funding and staffing levels needed to effectively and efficiently enforce the tax laws and provide taxpayer assistance. Consider the impact of underfunding the IRS on non-compliance, audit rates, and uncollected taxes. Examine the costs and rates of return for IRS collection activities in comparison to those for private-sector debt collectors under contract with the IRS. Evaluate options for providing the IRS with a permanent funding authorization that, in part, supports additional tax enforcement efforts.

- **Tax-Exempt Organizations**. Oversight review of the advantages and disadvantages of recently-enacted tax provisions that affect charities and foundations, particularly how the new rules affect charitable efforts and the ability of these organizations to serve those in need. Evaluate overall IRS efforts to monitor tax-exempt organization activities, prevent abuse, and ensure timely information to the public about charity activities and finances.

- **Tax Code and Tax Form Complexity.** Oversight of tax code complexity, particularly for individuals and small businesses, with the goal of simplification. Review areas where taxpayers and professional return preparers make the most errors and consider solutions. Evaluate tax return filing seasons, including electronic filing, IRS and volunteer taxpayer assistance programs, the Internet Free File Program, and progress with electronic filing. Also, consider options for meaningful tax reform and greater fairness in the tax system.

- **IRS Audit/Collection Priorities.** Oversight review of IRS audit/collection levels, focusing on the allocation of enforcement resources among low-, middle-, and high-income individual taxpayers. Consider IRS efforts to deal with small business, large corporate, and estate tax liabilities, particularly those known to the IRS but uncollected. Also, review the extent of abusive tax shelters and illegal offshore tax transactions.

- **Earned Income Tax Credit (EITC).** Oversight of IRS programs designed to provide tax assistance to more than 20 million low-income working taxpayers claiming the EITC. Evaluate information showing that: approximately seven million eligible workers do not claim the EITC; only a small percentage of workers obtain EITC benefits in their paychecks through employer-assisted "advance refunding"; and nearly two-thirds of EITC taxpayers use paid professional return preparers to file their returns. Evaluate the results of EITC certification, program integrity, and efforts to provide educational outreach to reduce errors in claiming the EITC.

- **Tax Scams.** Oversight of the latest sophisticated tax scams and what can be done to protect taxpayers.

- **Illegal Networks**. Oversight of Department of the Treasury and IRS activities to deter money laundering, illegal drug, and terrorists networks.

- **Pensions and Retirement Security**. Oversight review of the Pension Benefit Guaranty Corporation (PBGC), including the financial status and management of pension plan funding. Oversight review of the increasing decline in employer-sponsored defined-benefit plans with the corresponding weakening of workers' retirement security and federally-guaranteed pension benefits. Overview of the growing disparity of retirement benefits for corporate executives and rank-and-file workers.

Subcommittee on Health:

- **Medicare Part A and Part B (Hospitals, Physicians, and Other Providers).** Oversight of the major Medicare programs to ensure efficient use of resources, quality, and access for Medicare beneficiaries. Specific topics to include: relationship between payment policy and workforce issues (future supply); adequacy of program benefits, such as mental health and cost sharing; treatment of specific populations such as people with disabilities and low-income beneficiaries; quality improvement efforts; accreditation; overpayments to providers;

IVIG; DME competitive bidding; post-acute care common patient assessment tool; and waste, fraud, and abuse activities.

- **Medicare Part C (Private Plans).** Oversight of private plan types, enrollment, and locations; value and payments; benefit packages and actuarial equivalence determinations; administrative costs; quality; consumer protection; and ability to manage and treat chronic illnesses and achieve improved health outcomes.

- **Medicare Part D (Prescription Drug Plans).** Oversight of implementation and ongoing activities related to the Medicare prescription drug program, including: treatment of dual eligibles, low-income subsidy beneficiaries, and nursing home residents; drug pricing; late enrollment penalties; benefit packages and actuarial equivalence evaluations; true out-of-pocket policy (TROOP); formularies for covered drugs and appeals; enrollment issues; plan reporting of consumer data; marketing, promotion, and advertising efforts of the Center for Medicare and Medicaid Services (CMS) and the plans; administrative costs; bidding process and premium setting; retiree drug coverage; pharmacy-plan issues; creating a Medicare-sponsored drug option; and negotiated price mechanisms.

- **Medicare Entitlement.** Oversight of the 45 percent trigger, payments to private plans, and the Part B premium.

- **CMS Administration.** Oversight of the CMS, including the adequacy of its budget and staffing, contracting activities, and general agency accountability.

- **Health Insurance Coverage.** Oversight review of health coverage and the uninsured, including children, early retirees, and small business employees; adequacy of benefits; mental health parity; COBRA; lack of coverage for various groups; and options to expand coverage.

- **Health Savings Accounts (HSAs).** Oversight of the use of health savings accounts, including the demographics and profile of account holders, the prevalence and use of HSAs, the value of accounts, and the influence on broader health care systems and spending.

- **Executive Orders**. Oversight of Administration activities regarding public transparency of price and quality initiatives, and health information technology.

- **Trade Adjustment Assistance (TAA) Health Insurance.** Oversight of implementation and ongoing activities related to the TAA health care tax credits, including administrative costs and contractual relationships.

- **Emergency Care.** Oversight of emergency health care and areas where reforms are needed.

Subcommittee on Income Security and Family Support:

- **Poverty.** Oversight assessment of poverty in America. Examine the growth in the number of Americans living in poverty by 5.4 million Americans since 2001, review factors that contributed to such rise, and explore proposals for expanding economic opportunity and reducing the extent and severity of poverty.

- **Welfare and Work Programs.** Oversight of programs that help needy families and promote work, especially the Temporary Assistance for Needy Families (TANF) program. Review State efforts to implement new statutory and regulatory requirements under the TANF program, including present and potential impacts on poverty, caseloads, educational opportunities, impacts on disabled populations, employment outcomes, assistance for needy families and administrative burdens. Evaluate recent legislative changes in related programs, such as child care and child support enforcement, in terms of the impact on self-sufficiency and economic opportunity for low-income families. Review the integrity of related programs to ensure accurate payments and eligibility.

- **Vulnerable Children**. Oversight of the Nation's child welfare system, including foster care, adoption assistance, and child and family programs under Title IVB of the Social Security Act. Examine barriers to ensuring safety and permanency for the over one-half million children in foster care, as well as for the thousands of other children that come into contact with the child welfare system every year. Review proposals to improve the financing of child welfare programs to ensure better outcomes for at-risk children and families.

- **Disconnected Populations**. Oversight of "disconnected populations," including youth between the ages of 16 and 24. Review proposals to reach out to an estimated two to three million youth who are neither in school nor working.

- **Unemployment Compensation**. Oversight of the Nation's unemployment compensation system, with a particular focus on barriers between dislocated workers and unemployment benefits and on reforms designed to modernize the program, including helping dislocated workers return to work.

- **Supplemental Security Income (SSI)**. Oversight of the SSI program, including reviewing proposals to better reward and promote employment by program recipients and to better serve those in need of program benefits.

Subcommittee on Social Security:

- **General Oversight of Social Security.** Oversight of the importance of Social Security for American workers and their families; the essential role it plays in assuring economic security for retirees, disabled workers, and survivors; and how best to manage the challenges and opportunities presented by an aging society, given the central role Social Security plays in

income security, and the importance of adopting a balanced approach to address those challenges and opportunities that has the support of the American people.

- **Social Security Administration (SSA).** Oversight of the administrative operations of the Social Security Administration and the agency's stewardship of Social Security programs.

- **Disability Case Processing Backlogs.** Oversight of SSA's processing of disability cases, including Continuing Disability Reviews, and its current backlog of over one million unprocessed initial claims and appeals requests for disability benefits. Examine why, after SSA has taken steps in recent years to address this backlog, the problem continues to grow. Consider the impact on claimants as they endure disabling health conditions for months, or even years, without income as they wait for their cases to be decided.

- **Management of the Ticket-To-Work Program.** Oversight of the implementation and effectiveness of the Ticket-to-Work program and its related work incentives. Consider how the program operates in conjunction with Social Security Act work incentives and other federal programs aimed at supporting work. Determine why implementation of the program has been criticized, regulatory reforms are delayed, and results have been modest.

- **New Disability Adjudication Process**. Oversight of SSA's phased-in implementation of its new disability adjudication process (resulting from its 2006 regulation modifying how it adjudicates disability claims), the impact of the change in agency leadership on the process, and early results. Examine how claimants are faring under the new process, and whether the process is fair and consistent, evidence collection is improving, claims are receiving full consideration, and the right decision is being made earlier in the process.

- **Social Security Number Protection.** Oversight of the problem of identity theft and misuse of the Social Security number. Consider the role of the Social Security number, the Social Security card, Social Security benefits, and SSA with respect to immigration policy and enforcement.

Subcommittee on Trade:

- **Fast Track.** Oversight of Trade Promotion Authority (TPA), that formally expires on June 30, 2007, including review of agreements concluded to date, the role of the Congress, and labor and environmental concerns.

- **Korea Free Trade Agreement (FTA)**. Oversight of Korea FTA negotiations as they reach a critical stage in early 2007, including discussion of automobile, manufacturing, labor, environmental, and other issues.

- **Other Free Trade Agreements (FTAs).** Oversight of ongoing negotiations, for example involving Panama, Thailand and Malaysia, signed FTAs involving Peru and Colombia, and

implementation of recently-implemented FTAs involving the Central American/Dominican Republic (CAFTA), Oman, Bahrain, and earlier FTAs with Singapore, Chile, Australia, and Morocco.

- **Preference Programs.** Oversight of major U.S. trade preference programs such as the Generalized System of Preferences (GSP), African Growth and Opportunity Act (AGOA), Caribbean Basin Initiative (CBI), Andean Trade Preference Act (ATPA), and Haitian Hemispheric Opportunity Through Partnership Encouragement Act.

- **Haiti**. Oversight of U.S. trade policy for Haiti, including impact of textile quota elimination.

- **World Trade Organization (WTO) Negotiations.** Oversight of U.S. goals in the areas of agriculture, manufacturing, services, fair trade laws.

- **Improving U.S. Trade Laws.** Oversight of proposals to strengthen U.S. fair trade laws and improve U.S. tools leverage to open foreign markets and other areas, including oversight of WTO decisions involving U.S. fair trade laws, defense of U.S. trade law challenges in the WTO, and administration by the Department of Commerce and U.S. International Trade Commission of U.S. fair trade laws.

- **China**. Oversight of China's rampant theft of massive quantities of U.S. intellectual property, including in the automotive, semiconductor, motion picture, and recording industries. Also, oversight of China's refusal to allow its currency to freely float, industrial subsidies, and other areas.

- **Europe.** Oversight of the second largest bilateral trade deficit of more than $100 billion in 2005, as well as sectoral issues, such as Airbus subsidies, discriminatory regulations in high technology transfer and sectors, attempts at technology transfer, discriminatory barriers to U.S. farm exports, European Union (EU) practices in the WTO negotiations, and EU practice concerning regional trade agreements.

- **Trade and Developing Countries.** Oversight of U.S. trade relations with developing countries, role of developing countries in the WTO and world trading system, extent to which developing countries have benefitted from the trading system over the past 20 years and, in regard particularly with respect to the least developed countries, why many of these countries have lost ground over the last 20 years and what can be done in the area of trade and aid to reverse this trend.

- **Trade and U.S. Workers.** Oversight of the ability of the United States to conduct an effective trade policy that is good for American workers, farmers, businesses, and the country as a whole. Examine options to improve education, on-the-job training, trade adjustment, and portable health care/pensions.

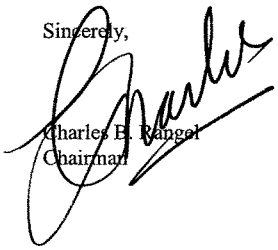
- **Other.** Oversight of the WTO dispute settlement system, Bush Administration labor rules in FTAs, and balance between protecting pharmaceutical patents and promoting access to essential medicines in poor countries.

Subcommittee on Select Revenue Measures:

- **Various tax matters.** Oversight of a variety of tax issues and tax legislation, as directed by the Committee Chairman.

This list is not intended to be exclusive. The Committee anticipates that additional oversight hearings and activities will be scheduled as issues arise and as time permits. Also, the Committee's oversight priorities and particular concerns may change as the 110th Congress progresses over the coming two years and issues arise meriting the Committee and subcommittees' attention.

Sincerely,



Charles B. Rangel
Chairman

cc: The Honorable Jim McCrery
Ranking Member

MINORITY VIEWS OF HON. TOM DAVIS, HON. CHRISTOPHER SHAYS, HON. DAN BURTON, HON. JOHN L. MICA, HON. MARK E. SOUDER, HON. CHRIS CANNON, HON. JOHN J. DUNCAN, JR., HON. MICHAEL R. TURNER, HON. DARRELL E. ISSA, HON. KENNY MARCHANT, HON. LYNN A. WESTMORELAND, HON. PATRICK T. MCHENRY, HON. VIRGINIA FOXX, HON. BRIAN P. BILBRAY, AND HON. BILL SALI

In the 109th Congress, this committee proved once again that oversight matters. The committee and its seven subcommittees convened 256 investigative hearings on a very diverse portfolio of subjects, from contracting in Iraq to steroids in professional baseball. At the committee's request, the Government Accountability Office [GAO] produced 359 reports, testimonies and briefings in support of oversight investigations and program reviews. As a result of this committee's oversight, billions of dollars worth of outright savings, avoidable costs and increased revenues have been identified and captured.

Pursuant to the committee's broad jurisdictional grant under House Rules, and guided by the committee's Oversight Plan, investigations were pursued into matters affecting the "[o]verall economy, efficiency, and management of government operations and activities, including Federal procurement."[1] In the course of that oversight, the committee and subcommittees uncovered wasteful spending, mismanagement, ineffective policy implementation, and poor interagency coordination.

Direct savings and other financial benefits identified as a result of the committee's GAO work alone now total **$6.4 billion.**[2] Current oversight yielded savings in areas such as the Department of Defense excess property reutilization system ($42 million) and information technology investments at the Department of Interior ($80 million).

The minority agrees that one of Congress' main constitutional responsibilities is to conduct oversight regarding the scope of congressional hearings, and the minority agrees this is captured well by the Supreme Court in *Watkins* v. *United States,* namely

> The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or po-

[1] Rule X, clause 1(h)(6), Rules of the House of Representatives, 109th Congress.

[2] The total represents the net present value in fiscal year 2006 of financial benefits identified and accrued as a result of GAO findings and recommendations contained in work on which the Government Reform Committee was a requestor. The process used to calculate and review savings and other financial benefits attributed to GAO Recommendations is described at length in the *Performance and Accountability Report for Fiscal Year 2005* at http://www.gao.gov/new.items/d061sp.pdf. Accessed March 28, 2007. Savings and other benefits may be captured over 5 fiscal years.

> litical system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste.[3]

However, the oversight power is not absolute. The Supreme Court finding relied on by the majority goes on to describe the need for a balanced approach to the use of an important constitutional authority:

> But, broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress. This was freely conceded by the Solicitor General in his argument of this case. Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial departments of government. No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible.[4]

Effective, constructive oversight is much more a matter of due diligence and digging than depositions and sensational disclosures. The minority is concerned the majority may abuse the deposition authority provided to this committee under the 110th House Rules. The minority also is concerned with the majority's practice of threatening subpoenas to witnesses unless they "agree" to transcribed interviews. These non-deposition depositions, which were never anticipated in the formulation of the committee rules, allow for the abrogation of procedural rights and safeguards otherwise available to the minority and the witnesses. Without those protections, interviews happen with little or no notice, and selected excerpts from the resulting "transcripts" appear in press releases and unofficial committee documents.

We hope the committee will continue to uncover waste, mismanagement and fraud in a non-partisan, non-abusive manner. To that end, the minority requests that the following oversight be conducted:

- On February 26, 2007, we requested the committee conduct oversight on the implementation of the REAL ID Act of 2005. The REAL ID Act requires the Department of Homeland Security to establish security standards for State drivers' licenses that will be used for identification for Federal purposes, such as boarding a commercial aircraft. Timely implementation of these identification standards is critical to improving national security. Yet, there have been reports that at least 17 States have passed or are considering resolutions opposing the implementation of the REAL ID Act, and there are additional concerns over the costs. The act authorizes making grants to States and provides authority for the Secretary to grant extensions of time if States "pro-

[3] *Watkins* v. *United States,* 354 U.S. 178, 187 (1957).
[4] Id.

vide adequate justification for noncompliance." This committee should examine the States' progress toward implementation, including obstacles, and determine whether full and timely implementation will subject States to initial costs that warrant Federal support and whether the Secretary has adequate authority to extend the deadline for those States that encounter real obstacles to full compliance by the May 2008 deadline.

- On March 21, 2007, we asked the committee to continue its oversight into aviation security by holding a hearing to examine whether current policies on inspection of inbound air cargo adequately protect Americans in the post-September 11th world. According to TSA, approximately 200 carriers—foreign and domestic—transported about 9.4 billion pounds of air cargo into the United States in 2005. Approximately 40 percent of that, or about 4 billion pounds, were shipped on passenger aircraft. A recent Government Accountability Office report that Mr. Davis requested has suggested that the Transportation Security Administration and Border Protection take a variety of steps to assess risks and vulnerabilities, share information, implement an inspection plan, measure compliance and join with industry and foreign governments to identify security practices used elsewhere that could strengthen DHS' programs.
- The majority plans to conduct oversight of the Iraq war by focusing only on reconstruction contracts with private companies. Since 2004, the committee has been engaged in continuous and vigorous oversight of contracting activities in the war zone, including 5 full committee hearings, 14 subcommittee sessions, numerous briefings from the agencies involved, and review of thousands of documents from key Federal agencies. Although continuing oversight over reconstruction contracts is important for this committee, we believe the majority's plans to focus solely on contracting is too limiting. This committee should conduct oversight across the board, by reviewing what interagency coordination was conducted before operations were launched, and how other agency participation was supposed to help with the reconstruction of Iraq and Afghanistan.
- Since 2004, the committee has been investigating conditions and medical processing systems at Walter Reed and other Army medical holdover hospitals. The investigation, which culminated in a hearing in February 2005, uncovered serious stove-piped processes, with no one responsible for assisting the wounded through their care and disposition. The committee ordered the Department of the Army to report quarterly on actions taken to address the problems. Lack of substantial efforts by the Army prompted Mr. Davis to request Mr. Waxman hold a full committee hearing on Walter Reed in February. Through the experience of helping almost 100 individual soldiers navigate the system, Mr. Davis helped draft legislative proposals to bring immediate improvements to the Department of Defense wide medical sys-

tem. Continued oversight is needed to assure what should be a major overhaul of the Department of Defense medical processing and assistance to the wounded.

- The committee has conducted vigorous oversight of post-September 11th challenges that face the National Guard and its personnel. Starting in January 2004, the committee has held hearings on Department of Defense programs that did not take into account the growing reliance on the Reserve component at home and abroad. Specifically, committee investigations into payment travel reimbursement problems affecting the Army Guard and Reserve, Federal debt collection from the wounded, and stove-piped medical hold processing systems, have resulted in changes in Department of Defense personnel policies for Reserve component soldiers and their families. The committee also has held hearings challenging the Department of Defense to better resource, equip and train the National Guard in its historic role as first military responders to homeland disasters. The committee has heard testimony from some of our Nation's Governors, in the continuing effort to improve Federal/State integrated disaster response.
- Buttressed by GAO studies sponsored by Mr. Davis and the House Katrina Report, the committee has found that the Department of Defense has continually ignored its responsibility to equip the National Guard, as it currently receives less than 10 percent of the Department budget despite providing 45 percent of the combat forces abroad and 99 percent of military assistance to civilian authorities at home. In 2006, Mr. Davis sponsored the bi-partisan, bi-cameral National Guard Empowerment Act. Supported by the National Governors, State Adjutants General, National Guard Associations and its members, this bill would allow for better planning, resourcing and representation of the Guard at the Department of Defense. This bill has been the focus of the work of the Commission on National Guard and Reserve and has been re-introduced in 2007. Mr. Davis has asked Mr. Waxman to continue to build on this oversight by holding hearings focused on correcting the inequalities at the Department of Defense concerning active and Reserve component soldiers and improving joint Federal and State military planning, training and exercising for man-made and natural-disaster response.
- We also strongly urge the committee to continue the Subcommittee on Energy and Resources' investigation of the Interior Department's Minerals Management Service [MMS] over defective leases that were signed in 1998 and 1999. MMS' failure to include statutorily required royalty payments in offshore oil leases already has cost taxpayers billions and if the ongoing lawsuit to remove price thresholds in all leases from 1996 to 2000 is successful, they could lose up to $80 billion. The investigation should be continued to insure MMS audit and compliance functions, its structure,

organization and personnel policies are ensuring the full payment of royalties to the government.

The minority also has concerns with the manner in which certain current oversight investigations are being conducted:

- We have concerns with the committee's handling of its investigation into how pharmaceutical pricing may contribute to waste, fraud and abuse in Federal health programs. The committee requested 12 sponsors of Medicare Part D prescription drug programs to provide information regarding the price concessions they have negotiated with drug manufacturers and the plans' individual cost structures. Committee staffers have indicated they will release the information per findings of gross abuse. This information is highly confidential, and therefore, it is critical for the committee to be sensitive in handling the information. Disclosure of proprietary business information—including pharmaceutical pricing information—can be anticompetitive. The minority is concerned it could result in higher, not lower, drug prices for consumers. The Congressional Budget Office recently estimated disclosure of this information could result in an increase of $10 billion in Medicare costs over the next 10 years.

  While the Medicare Part D program is off to a strong start, we agree Congress should monitor the program. However, any efforts to oversee the program must take into account the confidential nature of the plan's negotiations. Congressional oversight should not undermine the plans' ability to negotiate further discounts on behalf of Medicare beneficiaries.

- In the 109th Congress, then-Chairman Davis held two hearings investigating climate change, including the science of climate change, potential impacts of climate change, and possible technological solutions to climate change. The committee was commended for stripping away partisan differences and tackling one of the most important and critical issues currently facing Americans. Additionally, the committee opened its ongoing investigation into allegations of political interference in climate change science by the White House.

  The minority is concerned by the tone and manner of this ongoing investigation. Specifically, the minority recognizes scientists and policymakers rely upon one another and, specifically, that the mere convergence of politics and science does not in itself denote "interference." Further, the minority is concerned the committee's inquiries may be moving from a legitimate conversation about politics and science into a potentially dangerous dynamic where the academic freedom of scientists—especially those perceived to have the "wrong" conclusions—is inhibited. The minority is concerned current committee hearings relating to issues of politicization of science are entirely backwards-looking and

would recommend more proactive steps toward solving the growing threat of climate change.

HON. TOM DAVIS.
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