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105th Congress, 1st Session – – – – – – – – – – House Report 105–44

OVERSIGHT PLANS

FOR ALL

HOUSE COMMITTEES

WITH ACCOMPANYING RECOMMENDATIONS

BY THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

HOUSE OF REPRESENTATIVES

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

MARCH 31, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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CONTENTS

	Page
Recommendations	1
Agriculture	4
Appropriations	10
Banking and Financial Services	18
Budget	29
Commerce	34
Education and the Workforce	55
Government Reform and Oversight	63
House Oversight	85
Intelligence	92
International Relations	95
Judiciary	107
National Security	125
Resources	133
Rules	167
Science	179
Small Business	195
Standards of Official Conduct	200
Transportation and Infrastructure	202
Veteran's Affairs	216
Ways and Means	229

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, March 31, 1997.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER:

In accordance with Rule X(2)(d) 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.

DAN BURTON, *Chairman.*

OVERSIGHT IN THE 105TH CONGRESS

RECOMMENDATIONS

OF THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

(Pursuant to Rule X, clause (3), the Committee on Government Reform and Oversight presents to the House the oversight plans submitted by each standing committee, along with the committee's recommendations for ensuring the most effective coordination of such plans.)

Congressional oversight, as envisioned by the Majority Leadership of the House, is ultimately about the public interest, the liberty of citizens, and the taxpayers' dollars. The ability, and duty, of popularly-elected Representatives to oversee the executive branch is a fundamental component of the system of checks and balances established by the Founding Fathers. The Rules of the House of Representatives ensure Congress' responsibility to the public in this regard. Pursuant to House Rule X, clause 2(b)(1), each standing committee of the House "shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated."

Congressional oversight in the 105th Congress should focus on three fundamental efforts: (1) *Review the implementation by the Executive Branch of recent policy changes enacted by Congress to assess their effectiveness.* Congress enacted significant reform legislation in the 104th Congress. These reforms include the termination of 270 useless Federal programs, offices, agencies and projects, and the privatization of four major government programs. Other reform efforts, such as the Unfunded Federal Mandates Reform Act, the Federal Acquisition Reform Act, the Line-Item Veto Act, the Paperwork Reduction Act, the Debt Collection Improvement Act, and the Information Technology Management Reform Act, will enhance management practices government wide, and help reduce unnecessary burdens placed upon State and local governments. Still other

legislative reforms make improvements in specific programs areas. These include the enactment of comprehensive Welfare reform, telecommunications reform, and lawsuit abuse reform. Many of these reforms have already resulted in major cost savings and improvements in the efficiency of the Federal Government. But they will need continued monitoring and oversight by the Congress to ensure their success as effective legislative changes. In their oversight plans for the 105th Congress, House committees recognize the importance of their responsibility to oversee the implementation of recent legislative reforms. **The Government Reform and Oversight Committee recommends that committees fully utilize the auditing and oversight services of the General Accounting Office, the Congressional Research Service, and agency Inspectors General to augment their efforts to oversee implementation of these critical legislative reforms.**

(2) *Review existing government programs in order to inform the public and build a compelling case for further change and reform.* While the legislative successes of the 104th Congress are laudable, many other opportunities for streamlining, improving efficiency, and reducing costs to the American taxpayer exist. The following committee oversight plans reveal priority areas for programmatic and agency reform efforts in the 105th Congress, including: fundamental reform of the tax code; structural reform of the Internal Revenue Service; Medicare reform; reform of the Immigration and Naturalization Service; reform of the General Services Administration; reform/restructuring of the Commerce Department, State Department, Labor Department, and Department of Housing and Urban Development; reform of the National Park Service; deregulation of electric utilities; and, reform of the U.S. intelligence community. All but a small handful of House committees have incorporated into their oversight plans their intentions with regard to the GPRA, or Results Act. This important act codifies the fundamental way Congress and the executive branches should be assessing Federal Government missions and activities. **The Government Reform and Oversight Committee recommends that each committee take full advantage of the House Leadership's current efforts to coordinate agency and program review as legislated by the Government Performance and Results Act of 1993. This includes reaching out to our minority counterparts as well as the Senate.**

(3) *Review government programs to root out waste, fraud and abuse, thereby maximizing accountability in the Federal Government to the public.* The merits of Federal programs and activities are, of course, subject to intense debate—particularly in times of budget deficits and keen competition for limited Federal resources. However, the importance of efficient, effective, and honest management is not a debatable issue. Fraud, waste, abuse, and mismanagement serve no legitimate constituency or political interest. They cheat both the taxpayers and the intended beneficiaries of the programs and activities they affect. They also undermine the confidence of the American people in the capacity and will of the Federal Government to perform its functions effectively. **The Govern-**

ment Reform and Oversight Committee recommends that committees carefully review the findings in (1) the General Accounting Office's "High Risk List" of 25 Federal programs at risk for serious fraud, waste, and abuse; (2) agency Inspector General semi-annual and annual reports to Congress; and (3) the Government Reform and Oversight Committee September 1996 Report entitled "Federal Government Management: Examining Government Performance As We Near the Next Century." These documents are an important source of serious problems currently existing in the Federal Government that need immediate attention by Congress.

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U.S. House of Representatives
Committee on Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515-6001

February 11, 1997

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(202) 225-2171
(202) 225-0917 FAX
www.house.gov/agriculture/

MEMORANDUM

TO: Chairman Dan Burton
Committee on House Government Reform and Oversight
Chairman Bill Thomas
Committee on House Oversight

FROM: Chairman Robert F. (Bob) Smith

RE: Oversight Plan for the Committee on Agriculture in the 105th Congress

Pursuant to Rule X 2(d)(1) of the Rules of the House of Representatives for the 105th Congress, I submit the attached 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 adoption, and is now offered for your consideration relative to your responsibilities under the rules. If you have any questions regarding this outline, please let me or my staff know.

OVERSIGHT PLAN
HOUSE COMMITTEE ON AGRICULTURE
FOR THE 105th CONGRESS
Adopted on February 6, 1997

FOREST ECOSYSTEM HEALTH AND PUBLIC LAND LAW REFORM

The Committee will conduct a series of hearings to review the impact of the National Forest Management Act (NFMA), the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and other applicable laws on the Forest Service's multiple use management of national forests.

The Committee will also focus on the management of the National Forest System, the structure of the Forest Service, and the Forest Service's changing role in administering national forest system lands for multiple-use public benefit.

AGRICULTURAL TRADE

The Committee will conduct oversight hearings on United States agricultural trade and the role of the Federal government in promoting exports and securing a more favorable export environment through the reduction of trade barriers. Areas and issues that will be examined include:

- Oversight of: Administration's Agricultural Export Promotion Strategy; USDA's export programs (including Export Enhancement, Market Assistance, Export Credit Guarantees, and Foreign Market Development); and food assistance programs (including the Food Security Commodity Reserve and U.S. commitments under international agreements).

- Monitoring USDA's implementation of trade agreements and related issues to ensure compliance of other countries' trade obligations:

    - the Uruguay Round of the General agreement on Tariffs and Trade (GATT), including European Union (EU) issues such as the EU meat hormone ban; veterinary equivalency; rice and tariff-free quotas; EU crop subsidies; genetically modified organisms; and state trading enterprises.

    - issues relating to the North American Free Trade Agreement (NAFTA), including: Canada's use of high tariffs for dairy, poultry, eggs, barley, and margarine products; tomato and avocado imports from Mexico; and Canadian exports of wheat, barley, and other agricultural commodities into the U.S.

- harmonization of sanitary and phytosanitary standards ("SPS"), including those provided by international organizations setting such standards; the Administration's position regarding the use of international standards versus U.S. standards; and incorporation of new technologies and products into SPS standards.

- Implementation of the trade title of the 1996 Farm Bill.

- Implementation of the 1996 Farm Bill changes to P.L. 480, including: the authorization of entering into agreements with private entities; maximum administrative funding levels; the Farmer-to-Farmer Program; and expanded authority for sales on credit.

- Extension of "fast track" authority.

- Effects of expanding NAFTA for Chile and the accession of China and other countries to the World Trade Organization (WTO).

AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION

The 1996 Farm Bill authorized federal programs in agricultural research, education, and extension through FY 1997. The Committee will review existing research authorities and take testimony from interested witnesses to determine the need for modifications of the authorities.

IMPLEMENTATION ISSUES

1996 Farm Bill: Title I (the Agricultural Market Transition Act--"AMTA") of the Federal Agriculture Improvement and Reform Act of 1996 (the "1996 Farm Bill"), made substantial changes to the Federal agricultural commodity programs (wheat, feed grains, cotton, rice, oilseeds, peanuts, and sugar). The Committee (and Subcommittees) will be conducting oversight into the operation of AMTA on a commodity-by-commodity basis, including the planting flexibility provisions.

Welfare Reform: The Committee will hold hearings on the implementation of the provisions of welfare reform (the Personal Responsibility and Work Opportunity Act), which included significant changes to the food stamp program. USDA's Food and Consumer Service is responsible for overseeing implementation of these provisions by the states. The Committee will review the action of USDA and the states to evaluate the following issues:

- Harmonization of welfare and food stamp programs by States.

- Implementation of work requirement for able-bodied individuals.
- States' use of electronic benefit transfer (EBT) systems to improve the distribution of food benefits.
- Effectiveness of provisions designed to curb trafficking and fraud.
- Adequacy of USDA data collection to support comprehensive evaluation of the impact of food stamp reforms.
- Consolidation of food distribution programs to improve distribution and delivery of food.

Pesticide Regulatory Reform: In the 104th Congress the Committee, exercising its jurisdiction over the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), worked closely with the Commerce Committee to enact the "Food Quality Protection Act ("FQPA"). This was the first comprehensive pesticide reform legislation in nearly a decade. In addition to key policy reforms, FQPA requires all of the appropriate federal agencies to coordinate their activities to ensure consumer confidence in the U.S. food supply through efficient, science-based regulatory decisions. To that end, the Committee is closely monitoring implementation of FQPA and will be conducting the necessary oversight to ensure it is administered as Congress intended. The Committee anticipates that implementation of the FQPA will reveal additional pesticide regulatory issues that will be reviewed and evaluated as necessary.

CONSERVATION PROGRAMS

The 1996 Farm Bill made substantial changes to the Conservation Reserve Program (CRP), the Wetlands Reserve Program (WRP), and other conservation provisions as well as authorizing a new $200 million/year Environmental Quality Incentives Program (EQIP). The Committee will be conducting oversight of USDA's administration of these programs to ensure that Congressional intent is followed.

RISK MANAGEMENT

Commodity Exchange Act: In April of 1995, Congress extended authorization of the Commodity Futures Trading Commission through fiscal year 2000. Congress moved to expeditiously reauthorize CFTC with the understanding that additional oversight activities would be conducted during the reauthorization period. The Committee will conduct a series of hearings in the Spring to review reform of the Commodity Exchange Act, which governs commodity futures trading.

1996 Farm Bill Risk Management Provisions: The Committee will be conducting oversight activities of the risk management provisions of the 1994 Crop Insurance Reform Bill and the 1996 Farm Bill, including multi-peril crop insurance, crop revenue coverage, the noninsured assistance program, the options pilot program, and risk management education.

ENVIRONMENTAL STATUTES AND RELATED ISSUES

The Committee will be conducting oversight into the effects on the agricultural sector of the following:

- Coastal Zone Management Act.
- Endangered Species Act.
- Implementation of the recently-enacted Safe Drinking Water Act relative to regulation of agricultural and rural enterprise activities.
- Effect of Clean Water Act regulations on agricultural activities and rural enterprises.
- Clean Air Act, including EPA regulation of methyl bromide.
- Involvement by USDA's Natural Resources and Conservation Service in the implementation of such laws.
- Effect of environmental laws and regulations on private property rights.

ADMINISTRATIVE AND REGULATORY ISSUES

The Committee will be conducting necessary oversight activities in the following regulatory and administrative areas:

- Agricultural Promotion Programs.
- Food and Drug Administration regulation of tobacco.
- Impact of the Occupational Safety and Health Act regulations on the agricultural sector and consumer prices, and the effectiveness of the H2A guestworker program with respect to agricultural labor.
- Meat, poultry, and seafood safety inspection.

- USDA Reorganization.
- Implementation of Food Stamp Electronic Benefit Transfer (EBT) system.
- Prevention of waste, fraud, and abuse by USDA's Food and Consumer Service.
- Reform of milk marketing orders.
- In-depth oversight of all USDA agency operations, reorganization efforts, and management improvements (including impacts on client service), and implementation of the Government Performance and Results Act.

FARM CREDIT, RURAL DEVELOPMENT, AND RURAL ECONOMY

The Committee will be conducting oversight in the following areas:

- Effectiveness of the regulatory relief provided by the Farm Credit System Reform Act of 1996 to both the Farm Credit System and the Federal Agricultural Mortgage Corporation (FarmerMac).
- Effectiveness of the Farm Credit Administration as a regulator of the Farm Credit System to ensure safety and soundness of the system, including the future role of the Farm Credit System and its relation to the role of the commercial banking community.
- Effectiveness of the reforms made to the loan and guaranteed loan programs in the Agricultural Credit Improvement Act of 1992 and the 1996 Farm Bill, including oversight to ensure that these programs are being implemented as intended and what their effect is on the availability of, and equal access to, credit to agricultural producers.
- Potential impacts of electrical industry deregulation on the Rural Utilities Service ability to serve rural electric cooperatives in providing electric service to rural communities and their ability to repay federal debt.
- Oversight of USDA's administration of the Fund for Rural America (created by the 1996 Farm Bill) to ensure it is being implemented as intended.

In addition, the Committee will review and investigate general legislative, administrative, and regulatory issues affecting the jurisdiction of the Committee.

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Washington, DC 20515-6015

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TELEPHONE
(202) 225-2771

February 10, 1997

Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Attached is a copy of the committee on Appropriations Oversight Plans for the 105th Congress.

I look forward to working with you on our oversight activities during this Congress.

Sincerely,

Chairman

[FULL COMMITTEE PRINT]

105TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

REPORT

OF

OVERSIGHT PLANS

ONE HUNDRED FIFTH CONGRESS

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

APPROVED FEBRUARY 5, 1997

U.S. GOVERNMENT PRINTING OFFICE
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LETTER OF TRANSMITTAL

FEBRUARY 10, 1997

Hon. DAN BURTON,
Chairman, Committee on Government Reform and Oversight,
House of Representatives,
Washington, DC.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on House Oversight,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMEN: On behalf of the Committee on Appropriations, I hereby transmit the Committee's plan for Oversight activities for the 105th Congress. The Committee intends to have an active and productive Congress, reviewing both ongoing governmental activities and analyzing the Budget requests in order to reflect the priorities of the American people.

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

With best regards,

Sincerely,

BOB LIVINGSTON, *Chairman*

105TH CONGRESS } HOUSE OF REPRESENTATIVES
1st Session

REPORT OF OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON APPROPRIATIONS

APPROVED FEBRUARY 5, 1997

Mr. LIVINGSTON, from the Committee on Appropriations, submitted to the Committee on Government Reform and Oversight and the Committee on House Oversight the following

REPORT

OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON APPROPRIATIONS

Clause 2(d)(1) 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 of the House shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight."

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 unexpected balances.

(4) The amount of new spending authority (as described in the Congressional Budget Act of 1974) which is to be effective for a fiscal year, including bills and resolutions (reported by other committees) which provide new spending authority and are referred to the Committee under clause 4(a)."

The Committee shall include separate headings for "Rescissions" and "Transfers of Unexpended Balances" in any bill or resolution as reported from the Committee under its jurisdiction specified in subparagraph (2) or (3), with all proposed rescissions and proposed transfers listed therein; and shall include a separate section with respect to such rescissions or transfers in the accompanying Committee report. In addition to its jurisdiction under the preceding provisions of this paragraph, the Committee shall have the fiscal oversight function provided for in clause 2(b)(3) and the budget hearing function provided for in clause 4(a).

* * * * * * *

GENERAL OVERSIGHT RESPONSIBILITIES

2. (a) In order to assist the House in—

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

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

the various standing committees shall have oversight responsibilities as provided in paragraph (b).

(b)(1) Each standing committee (other than the Committee on Appropriations and the Committee on the Budget) shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws or parts of laws, the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

* * * * * * *

(3) 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 Government of the United States) as it may deem 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 thirty days after the transmittal of the budget to the 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 pursuant to 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) Hearings pursuant to 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 roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security: *Provided, however,* That 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 from Puerto Rico.

(D) Hearings pursuant to subdivision (A), or any part thereof, may be held before joint meetings of the Committee and the Committee on Appropriations of the Senate in accordance with such procedures as the two Committees jointly may determine.

(2) Whenever any bill or resolution which provides new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 is reported by a committee of the House and the amount of new budget authority which will be required for the fiscal year involved if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported as described in clause 4(h) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations with instructions to report it, with the Committee's recommendations and (if the Committee deems it desirable) with an amendment limiting the total amount of new spending authority provided in the bill or resolution, within 15 calendar days (not counting any day on which the House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations fails to report the bill or resolution within such 15-day period, the Committee shall be automatically discharged from further consideration of the bill or resolution and the bill or 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 which (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.

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OVERSIGHT PLAN

The Committee on Appropriations takes seriously its responsibility to conduct oversight of Government agencies and programs. This function is carried out by the Committee throughout the year at many levels of investigation and examination. For the 105th Congress the Committee intends to proceed in the following manner:

1. *Budget Overview Hearings.* Immediately upon receipt of the President's budgets the Committee will conduct its annual budget overview hearings on the recommendations of the President. These hearings will take testimony from the Secretary of the Treasury, the Chairman of the President's Council of Economic Advisers, and the Director of the Office of Management and Budget.

2. *Subcommittee Hearings.* The Appropriations Committee has a long tradition of in-depth analysis of the President's pending budget as well as the effective use of previously appropriated resources. For example, during the 104th Congress the Committee on Appropriations held 457 days of hearings, took testimony from 6,999 witnesses, and published 170 volumes of hearings totaling 174,576 pages. This level of oversight and investigation will continue during this Congress.

3. *Investigations.* In addition to formal oversight, the Committee utilizes various investigative agencies to conduct in-depth analysis of specific problem areas. These investigations are conducted by the Committee's own Surveys and Investigations Staff, the General Accounting Office, and the Congressional Research Service. In the previous Congress, the Committee received 63 Surveys and Investigations studies and 191 investigative reports from the GAO.

4. *Appropriations Bills.* The ultimate exercise of oversight is the "power of the purse" which the Committee takes as its highest responsibility. This allocation of scarce Federal dollars demands strict compliance with all budgetary concepts and strictures. The Committee intends to follow the requirements of the Congressional Budget and Control Act with regard to the subdivision of budget authority and outlays to the 13 subcommittees. Appropriations bills will be developed in accordance with the results of all the oversight activities in paragraphs 1, 2, and 3, above and brought to the floor for consideration within all relevant budgetary constraints.

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U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON BANKING AND FINANCIAL SERVICES
ONE HUNDRED FIFTH CONGRESS
2129 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6050

February 5, 1997

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BERNARD SANDERS, VERMONT

(202) 225-7502

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

Dear Mr. Chairman:

Attached is the oversight plan for the 105th Congress adopted today by the Committee on Banking and Financial Services.

Sincerely,

James A. Leach
CHAIRMAN

JAL:mjm

Attachments

JAMES A. LEACH, IOWA, CHAIRMAN
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JIM MALONEY, CONNECTICUT
DARLENE HOOLEY, OREGON
JULIA CARSON, INDIANA

BERNARD SANDERS, VERMONT

(202) 226-7502

February 5, 1997

COMMITTEE ON BANKING AND FINANCIAL SERVICES
OVERSIGHT PLAN
105TH CONGRESS

Rule X, clause 2 (d) of the Rules of the House requires each standing Committee, not later than February 15 of the first session of a Congress, to adopt an oversight plan for that Congress. The oversight plan must be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight.

The following agenda is the oversight plan of the Committee on Banking and Financial Services for the 105th Congress. It includes the 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 the need arises.

Financial Institutions / Banking Practice Issues

Financial Services Modernization. The Committee and the Subcommittee on Financial Institutions will consider efforts to modernize the financial services industry while maintaining safety and soundness. The Subcommittee on Capital Markets will review the impact of new Federal Reserve Board actions pertaining to Section 20 subsidiaries. The Capital Markets Subcommittee will also examine recent changes in the authority of banks to have subsidiaries engaged in securities underwriting activities, including the application of appropriate firewalls, and will review the market share and regulation of banks vis a vis the securities industry. (Winter /Spring/Summer 1997)

Credit Unions. The Subcommittee on Financial Institutions will consider the state of the credit union industry. Among the issues that the Subcommittee will focus on is the recent court decision that found that credit unions, by expanding

their membership to include a variety of unaffiliated businesses, violated the law requiring that members share a common bond. The case has been stayed, in part, pending a determination by the U.S. Supreme Court whether to hear the case. (Winter /Spring 1997)

Interest on Small Business Checking Accounts and Interest on Sterile Reserves. The Subcommittee on Financial Institutions will consider the ramifications of current law that prohibits banks and savings associations from paying interest on checking accounts maintained by businesses. Some argue that current restrictions on these types of accounts make depository institutions less competitive in serving the financial needs of small business customers. The Subcommittee may consider whether these laws are putting U.S. depositories at a competitive disadvantage. (Summer/Fall 1997)

Interstate Banking and Branching. The Subcommittee on Financial Institutions will consider holding hearings on the implementation of the Riegle-Neal Interstate Banking and Branching Act of 1994. The Subcommittee will focus on how the Act is affecting the banking industry and consumers, especially as it relates to interstate branching, which will be permitted on June 1, 1997. (Spring 1997)

Expedited Funds Availability Act. The Subcommittees on Financial Institutions and General Oversight will review the Federal Reserve's recommendation that the Expedited Funds Availability Act be amended to give banks three days instead of two to clear local checks. The Federal Reserve believes such a change in the availability schedule is necessary to combat fraud. Consumer groups argue that the change would allow depository institutions to earn extra interest while denying customers early access to money. (Winter/Spring 1997)

Trade in Financial Services. The Subcommittee on Domestic and International Monetary Policy will review Administration's efforts in the upcoming World Trade Organization (WTO) financial services negotiations to attain open and non-discriminatory financial markets on a global scale. The Subcommittee will assess whether the WTO negotiations, based on the General Agreement on Trade in Services, secure real market access and full national treatment for U.S. financial service providers. (1997)

Money Laundering. The Committee and the Subcommittee on General Oversight will hold hearings to review private banking departments, the use of non-bank financial institutions in money laundering activities, and the implementation of money laundering laws in general. (Winter 1997 and ongoing)

Stored Value Cards. The Subcommittee on Financial Institutions may review whether Regulation E should be applied to stored value cards. (Summer 1998)

Microenterprise Lending. The Committee will review microenterprise lending initiatives, both domestically and internationally. On the domestic front, existing programs which are facilitated by the Community Development Financial Institutions Fund, the Community Reinvestment Act, and other federal programs will be studied. The Committee will investigate ways to utilize financial intermediaries, such as the Federal Home Loan Bank System, to encourage microenterprise lending. The success of microenterprise lending overseas by international financial institutions will also be a focus of Committee review. (1997)

Financial Markets / Economic Issues

Stability of Financial Markets. The Committee will review the legislative and regulatory safeguards that exist to prevent, or mitigate the impact of, a stock market crash on the U.S. financial system. The issues to be examined include the impact of bank margin and collateral requirements on the stability of the securities markets; the role of the Federal Reserve as the U.S. central bank; the ability of the settlement, clearance and payment systems to withstand a major drop in the stock market; and the impact of the internationalization of financial markets. (Winter 1998)

Economic Development Opportunities. The Subcommittee on Domestic and International Monetary Policy will review the economic development programs under the Committee's jurisdiction, including those programs administered by the Appalachian Regional Commission and the Economic Development Administration. (1997 and 1998)

The Administration's Empowerment Zone Program. The Housing Subcommittee will review HUD's Empowerment Zone and Enterprise Community designation process and the progress of the Zones. The HUD Inspector General (IG) indicated a possible violation of the HUD Reform Act of 1989 when the Secretary based selection on the "perception" of need and geographic diversity, as opposed to legal requirements for competitive criteria. (Summer 1997)

Commodity Futures Trading Commission. The Subcommittee on Capital Markets will review the adequacy of CFTC regulation of exchange trade financial

derivatives and examine proposed changes in the Commodities Exchange Act, including the Treasury amendment. (Spring 1997)

Derivatives. The Subcommittee on Capital Markets will review the derivatives market, and examine the adequacy of regulation surrounding the derivatives market, risks and issues regarding the unregulated over-the-counter derivatives market, actions taken and planned by the regulators, and any need for further regulation. (Summer 1997)

Defense Production Act. The Subcommittee on Domestic and International Monetary Policy will consider the need to reauthorize the Defense Production Act, which expires on September 30, 1998. (Summer 1998)

Federal Agencies / Agency Program Issues

Economic Growth and Regulatory Paperwork Reduction Act. The Committee will review the Federal Reserve's and FTC's findings on their studies (as mandated by the 1996 Omnibus Banking Act) on the availability of sensitive consumer identification information, including social security numbers, by entities not subject to the Fair Credit Reporting Act. The 1996 Omnibus Banking Act contained a number of provisions designed to reduce regulatory burdens without sacrificing consumer protections and safety and soundness. The Committee will review how the act is being implemented with special focus on the implementation of the BIF-SAIF provisions. (Winter 1998)

Financial Institution Examinations. The Subcommittee on Financial Institutions will review last year's GAO report that found that gross disparities exist between the examinations conducted by the various federal banking regulators. The report was highly critical of the agencies' examination performance. The GAO has been asked to conduct a follow-up report. (Spring/ Summer 1997)

Management/Reform of the Federal Reserve System. The Subcommittee on Domestic and International Monetary Policy will review the operations of the Federal Reserve System, including the System's role in providing financial services, management structure and consolidation of operations, use of technology, control and oversight mechanisms, budget process, pay and benefit levels, and systemwide strategic planning. (1997 and 1998)

Community Reinvestment Act Reform (CRA). The Subcommittee on Financial Institutions will evaluate examinations of financial institutions' CRA performance under new agency guidelines. Specifically, the Subcommittee may evaluate whether examinations under the regulations are satisfactory. (Summer/Fall 1997)

Appraisal Procedures. The Housing Subcommittee will review the Federal Housing Administration's (FHA) appraisal assignments to determine whether its mortgage insurance funds are subject to unreasonable risk. Section 322 of the 1990 Cranston-Gonzalez National Affordable Housing Act directed HUD, in the course of FHA related mortgage insurance transactions, to utilize licensed and certified appraisers who meet the state licensing and certification requirements established by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA). Subsequent FHA regulations and directives created a single registry list of appraisers available for FHA assignments. Preliminary indications from GAO and the appraisal community suggest a lack of appropriate HUD oversight. (Fall 1997)

Implementation of the Foreign Bank Supervision and Enforcement Act (FBSEA). The Subcommittee on Financial Institutions will consider whether FBSEA is being adequately implemented and whether the risk management, internal control models and enforcement of the Act are satisfactory. In May, 1997, the GAO is scheduled to release a report on the implementation of FBSEA, especially as it relates to recent scandals involving foreign bank operations in the U.S. (Summer/Fall 1997)

Flood Insurance Program – Federal Emergency Management Agency. The Housing Subcommittee will review the solvency of the National Flood Insurance Fund and the implementation of flood insurance reform legislation from the 103rd Congress. (Summer 1997)

Oversight of Agencies and The Government Performance and Results Act. The Committee and the Subcommittee on General Oversight will conduct oversight hearings to review the operations and effectiveness of the agencies, both executive branch and independent, that fall within the Committee's jurisdiction. The hearings may be broad or specific depending on the issues in need of review, and will include a review of the management of agencies as well as the implementation of legislation. Specifically, the Committee will review how agencies are implementing the Government Performance and Results Act of 1993 (GPRA), which requires the Federal government to measure its performance and report to the Congress on its results. The GPRA was signed into law in July 1993 (Pulic Law 103-62) and will

be phased in over the next few years in all federal departments and agencies. (Spring 1997 and ongoing)

Federal Home Loan Bank System. The Subcommittee on Capital Markets will conduct a series of oversight hearings on the various components of the Federal Home Loan Bank System, including the Federal Housing Finance Board (FHFB), the Office of Finance, and the twelve Federal Home Loan Banks. Oversight of the FHFB will include a review of the quality of bank regulation. The hearing will also review recent decisions by the FHFB that have resulted in several new financing pilot projects. The FHFB's budget, staffing, and general organization will also be reviewed. Additionally, the Subcommittee will review the Office of Finance, including its budget, funding and hedging strategies.

Oversight of the Federal Home Loan Banks will also include a review of the banks' affordable housing and community investment activities, their general investment practices, and bank board composition and involvement. Additionally, the Subcommittee will be examining bank membership as well as who receives advances. (Spring/Summer 1997)

Office of Federal Housing Enterprise Oversight. The Subcommittee on Capital Markets will conduct oversight of OFHEO which will include a review of the Office's risk-based capital model, which is scheduled to be released on 3/31/97. The Subcommittee will also analyze OFHEO's examination procedures of Fannie Mae and Freddie Mac. Additionally, the Subcommittee will review OFHEO's budget, as well as its staffing and organization. (Spring/Summer 1997)

Farmer Mac. The Subcommittee on Capital Markets will review the Federal Agricultural Mortgage Corporation (Farmer Mac), including the Corporation's mission, budget, staffing, and organization. (Winter 1998)

Disaster Relief Insurance. The Committee, principally the Subcommittee on Housing, will conduct hearings on the need for Federal legislation to ensure the availability of property insurance (homeowners or other) in areas that are prone to natural disasters. (Spring 1997)

Housing Issues

Comprehensive HUD Oversight. The Housing Subcommittee will conduct a comprehensive review of the Department of Housing and Urban Development (HUD) in response to past and upcoming reports on the mismanagement and lack

of core public policy mission. These hearings will review HUD's management process since the 1994 NAPA (National Academy of Public Administration) report on HUD's lack of clear legislative mandate and recommendations that HUD be dismantled if no progress is made by 1999. GAO is conducting an investigation of HUD's "high risk" designation. The HUD Inspector General (IG) continues to issue reports detailing management failures at HUD, including: 1) findings that HUD's FY95 financial statements failed to reconcile $1.9 billion in funds with the U.S. Treasurer's account; 2) violations of the HUD Reform Act of 1989 where HUD awarded $300 million in Economic Development Initiative (EDI) grants to communities on a non-competitive basis; 3) lack of necessary data and management processes; and, 4) FHA Section 203(k) investor loan defaults and fraud. (Spring 1997/Spring 1998)

FHA/HUD Mortgage Sales Initiatives and Procurement Procedures. The Housing Subcommittee will review HUD's mortgage sales program to determine whether procurement procedures were violated. The mortgage sales program is designed to sell (auction) defaulted and HUD-owned real estate mortgages to private investors. Since the program's inception, HUD has aggressively removed approximately 79,700 defaulted and HUD-owned mortgages from its books and management, with a net savings of $1.3 billion. (Spring 1997)

Real Estate Settlement Procedures Act (RESPA) and Truth In Lending Act (TILA). The Subcommittees on Financial Institutions and Housing will consider simplifying the mortgage lending process by reviewing RESPA and TILA to avoid duplicative disclosure requirements at settlement. (Spring /Summer 1997)

Comprehensive Rural Housing Service (RHS) Oversight. The Housing Subcommittee will review the Rural Housing Service's programs and administrative functions in light of a February 1996 USDA Inspector General (IG) evaluation report. The report highlights several legislative initiatives that would provide RHS with tools similar to HUD in pursuing program beneficiaries who abuse the programs. Although the 104th Congress made modest changes, the Committee will review testimony from the IG and the RHS Administrator on both legislative and administrative recommendations. (Spring 1997)

Native American Housing. The Housing Subcommittee will review Native American housing programs at HUD, in light of recent media attention to fraud and abuse. This review will also include the enactment and implementation of the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330). (Winter 1998)

Troubled Public Housing Authorities and Assessments. The Housing Subcommittee will review public housing policy, particularly troubled Public Housing Authorities (PHAs), to understand and clarify federal management take-over, management agreements and local government control where there is a long-standing management and fiscal problem. Included in this review is the reliability of PHMAP (Public Housing Management Assessment Program), which measures the performance of PHAs and where, in some cases, possible fraudulent practices (including destruction of official government records) and violations to HUD policy skewed the authority assessment and precluded "troubled" designations. (Winter 1997 and 1998)

Low Income Housing Tax Credit (LIHTC). The Housing Subcommittee will review the effectiveness of the Low Income Housing Tax Credit (LIHTC), with the Committee on Ways and Means Subcommittee on Oversight, and consideration of issues such as permanent authorization vs. intermittent authorization sunsets; LIHTC impact of very-low and low-income families; and, federal and state monitoring of the LIHTC program. (Spring 1997)

Fannie Mae and Freddie Mac. The Subcommittee on Capital Markets will examine the affordable housing goals of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) and their responses to those goals. Additionally, the Subcommittee will review Fannie and Freddie's capital adequacy. (Spring/Summer 1997)

Community Development Block Grant Program. The Subcommittee on Housing will review the Community Development Block Grant (CDBG) program and its effectiveness in providing economic opportunity for communities, especially economically distressed areas. The Subcommittee is interested in the program's use of Federal funds to provide or lure businesses and jobs at the expense of other jurisdictions and whether those funds are used appropriately. (Summer 1997)

Monetary Policy Issues

Federal Reserve's Conduct/Implementation of Monetary Policy. The Subcommittee on Domestic and International Monetary Policy will hold hearings on the Federal Reserve Board semi-annual reports on the conduct of the nation's monetary policy. The Humphrey-Hawkins Act requires these reports no later than February 20 and July 20 of each year. (Winter and Summer of 1997 and 1998)

European Monetary Union. The Subcommittee on Domestic and International Monetary Policy will examine the impact of the European Monetary Union, scheduled for 1999, on U.S. international economic interests and the world economy. (1997 and 1998)

Currency Issues

Activities of the Bureau of the Mint and Bureau of Engraving and Printing. The Subcommittee on Domestic and International Monetary Policy will review the activities of these Treasury bureaus as they relate to the printing and production of U.S. currency and coins. The efficiency and productivity of Mint and BEP manufacturing operations will be reviewed. The financing and minting of commemorative coins, including a circulating commemorative coin, will also be studied. In addition, the cost/benefit of replacing the one dollar bill with a one dollar coin will be reviewed. (Spring 1997 and 1998)

Counterfeiting. The Committee, principally the Subcommittees on Domestic and International Monetary Policy and General Oversight, will review the Administration's efforts in detecting and combating the counterfeiting of U.S. currency in the U.S. and abroad, including the Treasury Department's redesign of U.S. currency in order to deter counterfeiting. (1997 and 1998)

Payment System. The Committee will review the payment clearance and settlement systems as a follow up to the Committee's request last year that the GAO review issues surrounding the systems, including their efficiency and stability. (Summer/Winter 1997)

Future of Money: Electronic Money and Payment Systems. The Subcommittee on Domestic and International Monetary Policy will assess the domestic and international implications of new innovations in electronic money and electronic payment systems. Among the issues the Subcommittee will examine are soundness, security, privacy, and access to new electronic payment methods, who will be permitted to issue new payment methods, competing government regulation, threats posed to critical infrastructures such as the payment system, and the impact of the "year 2000" computer issue on bank information systems. (1997 and 1998)

Reports of Inspectors General or Investigative Reports. The Subcommittee on General Oversight will hold periodic hearings to review the findings of investigations conducted by the General Accounting Office ("GAO") and the

Inspectors General of agencies that fall within the Committee's oversight jurisdiction. For example, the Subcommittee intends to review with the GAO its findings regarding the effectiveness of efforts by the Department of the Treasury to combat international counterfeiting of U.S. currency. (Spring 1997 and ongoing)

International Lending Issues

Assets of Holocaust Victims/Nazi gold. The Committee will continue to monitor and, as appropriate, hold hearings on the progress of the Administration, Swiss authorities and the two historical commissions in resolving the questions surrounding the disposition of Holocaust victims' assets deposited in Swiss banks and of the gold acquired by the Swiss central bank during World War II. (1997 and 1998 as needed)

Reauthorization of the Export-Import Bank. The Subcommittee on Domestic and International Monetary Policy will review the merits of extending the authority of the Export-Import Bank and other export financing programs. The authority for the operations of the Export-Import Bank expires on September 30, 1997. (Spring 1997)

U.S. Participation in International Financial Institutions. The Subcommittee on Domestic and International Monetary Policy will review U.S. participation in the International Monetary Fund, World Bank Group, Inter-American Development Bank, Asian Development Bank, African Development Bank, European Bank for Reconstruction and Development, Middle East Development Bank, and the North American Development Bank.

Highlights of the U.S. Treasury Department's likely authorization requests to the Banking Committee includes $3.8 billion for U.S. participation in the IMF's "New Arrangement to Borrow," and $1.6 billion for the World Bank's International Development Association. Additional authorization requests for the IMF and regional development banks are likely. (Spring 1997 and 1998)

International Lending Mechanisms. The Subcommittee on General Oversight intends to review the use of domestic and international lending mechanisms to stabilize international monetary developments, such as the Exchange Stabilization Fund. (Summer 1997)

JOHN R. KASICH, OHIO
CHAIRMAN

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JOSEPH PITTS, PENNSYLVANIA

RICHARD E. MAY, STAFF DIRECTOR
(202) 226-7270

U.S. House of Representatives
COMMITTEE ON THE BUDGET
Washington, DC 20515

JOHN M. SPRATT, JR., SOUTH CAROLINA, RANKING
LOUISE M. SLAUGHTER, NEW YORK
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(Vacancy)

THOMAS S. KAHN, MINORITY STAFF DIRECTOR
AND CHIEF COUNSEL
(202) 226-7200

February 14, 1997

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

Dear Chairman Burton:

Pursuant to clause 2(d) of House Rule X, I submit the Oversight Plan of the Committee on the Budget for the 105th Congress. The Oversight Plan was adopted by the Committee in open session on February 4, 1997.

Sincerely,

John R. Kasich
Chairman

Enclosure

JOHN R. KASICH, OHIO
CHAIRMAN

DAVID L. HOBSON, OHIO—SPEAKER'S DESIGNEE
CHRISTOPHER SHAYS, CONNECTICUT
WALLY HERGER, CALIFORNIA
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RICHARD E. MAY, STAFF DIRECTOR
(202) 226-7270

U.S. House of Representatives
COMMITTEE ON THE BUDGET
Washington, DC 20515

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(Vacancy)

THOMAS S. KAHN, MINORITY STAFF DIRECTOR
AND CHIEF COUNSEL
(202) 226-7200

105TH CONGRESS
HOUSE COMMITTEE ON THE BUDGET
OVERSIGHT PLAN

On November 5, 1996, the American people reaffirmed a clear message to Congress that they want to rein in the Federal budget, to bring order to a budget that is perceived to be uncontrollable.

To fulfill its obligation to the American people, the House Committee on the Budget, which has been given the responsibility by the House of Representatives to oversee the Federal budget and the process by which the budget is adopted, has an aggressive oversight plan for the 105th Congress.

Furthermore, in order to assist the House in its evaluation of the Federal budget and the laws enacted by the Congress relating to the budget, the Committee has adopted the following oversight plan pursuant to House Rule X, clause 2(d) and Committee Rule 22:

- To fulfill its responsibility to develop an annual concurrent budget resolution, the Committee will hold hearings and receive testimony from Members of Congress, cabinet-level and other Federal officials, State and local officials, and expert witnesses to review the Federal budget in general, as well as the budgets and spending histories of specific programs and Departments. During the course of hearings with Federal officials, the Committee will thoroughly examine the agencies' efforts to comply with the requirements of the Government Performance and Results Act [GPRA].

- The Committee will hold hearings to highlight the necessity and benefits of a balanced budget amendment to the Constitution for current-day families and future generations.

- The Committee will hold hearings to examine the long-term budgetary liabilities of the Federal Government, such as retirement programs that must prepare for significant demographic changes leading to large increases in the number of retirees, and other Federal programs with large contingent liabilities, such as Superfund, etc.

- The Committee will conduct oversight into the activities of the Congressional Budget Office [CBO]. The Committee will examine the interaction between CBO and congressional committees, and seek ways to improve communication between CBO and Congress.
- The Committee will explore proposals designed to improve the congressional budget process and statutory controls over the Federal budget.
- The Committee will coordinate its oversight activities with other committees, including, but not limited to, considering other committees' Views and Estimates when developing the annual concurrent budget resolution.
- The Committee will study the effect of existing and proposed legislation, as well as government regulation, on government spending.
- The Committee will request and evaluate continuing studies of tax incentives, and ways to improve coordination between tax incentives and direct spending.
- The Committee will study monetary policy and its effect on the Federal budget.

TENTATIVE OVERSIGHT SCHEDULE

1997

Winter 1997	Hearing on CBO's Economic and Budget Outlook -- Director of CBO.
Winter 1997	Hearing on the President's Fiscal Year 1998 Budgets -- Director of OMB.
Winter 1997	Hearing on monetary policy and the connection to the Federal budget -- Chairman of the Federal Reserve Board.
Winter 1997	Hearing(s) to examine the long-term budgetary liabilities of the Federal Government, such as retirement programs that must prepare for significant demographic changes leading to large increases in the number of retirees, and other Federal programs with large contingent liabilities, such as Superfund, etc. -- expert witnesses.
Winter 1997	Hearing(s) to highlight the necessity and benefits of a balanced budget amendment to the Constitution for current-day families and future generations -- expert witnesses.
Winter 1997	Hearing on the President's fiscal year 1998 budgets relating to the tax

	burden on American families and the Department of Treasury's GPRA strategic plan -- Secretary of Treasury and expert witnesses.
Winter 1997	Hearing on the President's fiscal year 1998 budgets relating to national security issues and the Department of Defenses' GPRA strategic plan -- Secretary of Defense and expert witnesses.
Winter 1997	Hearing on the President's fiscal year 1998 budgets relating to health and social service issues and the Department of Health and Human Services' GPRA strategic plan -- Secretary of HHS and expert witnesses.
Winter 1997	Hearing on the President's fiscal year 1998 budgets relating to housing issues and the Department of Housing and Urban Development's GPRA strategic plan -- Secretary of HUD and expert witnesses.
Winter 1997	Hearing on the President's fiscal year 1998 budgets relating to foreign aid issues and the Department of State's GPRA strategic plan -- Secretary of State and expert witnesses.
Winter 1997	Receive Views and Estimates from other committees to coordinate development of the annual concurrent budget resolution.
Winter 1997	Hearing on the President's fiscal year 1998 budgets -- Members of Congress.
Spring 1997	Hearing to examine the issues and reports regarding the inaccuracies of the consumer price index -- expert witnesses.
Summer 1997	Hearing to examine the administration's progress-to-date with the requirements of GPRA -- expert witnesses.
Summer 1997	Hearing(s) to review the congressional budget process -- Members of Congress, expert witnesses.
Summer 1997	Hearing(s) to examine the role and performance of CBO, including the process CBO follows to provide cost estimates, the criteria CBO applies in personnel decisions, etc. -- CBO officials, expert witnesses.
Summer 1997	Hearing to review tax incentives, and ways to improve coordination between tax incentives and direct spending -- Members of Congress, administration witness, public witnesses.

1998

Winter 1998	Hearing on CBO's Economic and Budget Outlook -- Director of CBO.
Winter 1998	Hearing on the President's fiscal year 1999 budgets and the government-wide strategic plan under GPRA -- Director of OMB.
Winter 1998	Hearing on the President's fiscal year 1999 budgets relating to economic issues and the agencies' GPRA strategic plans -- Secretary of Treasury and Chair of the President's Council of Economic Advisors.
Winter 1998	Receive Views and Estimates from other Committees to coordinate in developing the annual concurrent budget resolution.
Winter 1998	Hearing on the President's fiscal year 1999 budgets relating to veterans programs and the Department of Veterans' Affairs' GPRA strategic plan -- Secretary of Veterans' Affairs and expert witnesses.
Winter 1998	Hearing on the President's fiscal year 1999 budgets relating to corporate welfare and the Department of Commerce's GPRA strategic plan -- Secretary of Commerce and expert witnesses.
Winter 1998	Hearing on the President's fiscal year 1998 budgets relating to national security issues, the status of Pentagon reforms, and the Department of Defenses' GPRA strategic plan -- Secretary of Defense and expert witnesses.
Winter 1998	Hearing on the President's fiscal year 1999 budgets -- Members of Congress.
Summer 1998	Hearing to review monetary policy and the connection to the Federal budget -- Chairman of the Federal Reserve Board.
Summer 1998	Hearing(s) to review the congressional budget process -- Members of Congress, administration witness, public witnesses.
Fall 1998	Hearing on the budget year-end review and preview of coming budget year -- Directors of OMB and CBO.

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

ONE HUNDRED FIFTH CONGRESS

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JAMES E. DERDERIAN, CHIEF OF STAFF

U.S. House of Representatives
Committee on Commerce
Room 2125, Rayburn House Office Building
Washington, DC 20515–6115

February 14, 1997

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

Dear Mr. Chairman:

Pursuant to the provisions of Clause 2(d) of Rule X of the Rules of the House of Representatives for the 105th Congress, I am submitting the Committee on Commerce's Oversight Plan for the 105th Congress. The plan was approved by the Full Committee on February 13, 1997, without amendment, by a voice vote, a quorum being present.

Also, pursuant to your letter dated January 23, 1997, I am submitting a copy of the Oversight Plan in an electronic format for your Committee's use.

If you have any questions concerning the Oversight Plan, please do not hesitate to contact me, or James E. Derderian, the Commerce Committee Chief of Staff, at extension 5-2927.

Sincerely,

Tom Bliley

Tom Bliley
Chairman

Attachments (2)

Committee on Commerce

Oversight Plan - 105th Congress

Tom Bliley, Chairman

As Approved by the Committee
On February 13, 1997

COMMITTEE ON COMMERCE
OVERSIGHT PLAN
U.S. House of Representatives
105th Congress
Tom Bliley, Chairman

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

This is the oversight plan of the Committee on Commerce for the 105th Congress. It includes the areas in which the Committee expects to conduct oversight during the 105th Congress, but does not preclude oversight or investigation of additional matters as the need arises.

Health and Environment Issues

MEDICARE AND MEDICAID: WASTE, FRAUD, AND ABUSE

The Committee will continue its efforts to identify instances of and opportunities for waste, fraud, and abuse in the Medicare and Medicaid programs. This oversight will focus on a range of program areas, including administration, contracting, provider reimbursement, and eligibility determination.

MEDICAID

During the course of the 104th Congress, the Committee reviewed allegations that Federal statutory, regulatory, and administrative requirements of the Medicaid program have impeded the effective delivery of medical assistance services to eligible individuals. The Committee will continue this effort, with particular attention to the Administration's waiver process, the successes achieved by States granted additional flexibility to operate the program, and the extent to which Federal requirements increase coverage costs and limit States' ability to extend coverage to all eligible, and additional non-eligible, individuals and families.

HEALTH CARE SERVICE DELIVERY MECHANISMS

The Committee will review the various health care service delivery mechanisms, including fee-for-service, Health Maintenance Organizations (HMOs), and Provider Service Organizations

(PSOs). The Committee will review these delivery mechanisms in terms of quality, cost, and satisfaction.

IMPLEMENTATION OF THE HEALTH INSURANCE PORTABILITY ACT

On August 21, 1996, the Health Insurance Portability Act of 1996 was signed into law. This Act, which is based on legislation reported out of the Committee, reforms the nation's health insurance market by removing preexisting condition restrictions, eliminating "job lock," establishing tough anti-fraud and abuse measures, achieving greater tax fairness, and creating tax-favored Medical Savings Accounts. The Committee will closely monitor the Administration's implementation of the Act, with particular attention paid to the promulgation of regulations issued pursuant to it.

IMPLEMENTATION OF THE FOOD QUALITY PROTECTION ACT

On August 3, 1996, the Food Quality Protection Act of 1996 was signed into law. This Act, which was reported out of the Committee, fundamentally reforms the nation's pesticide safety laws by creating a unified safety standard, establishing special protections for infants and children, permitting benefits consideration for pesticides, improving the detection of estrogenic effects, enhancing consumer information, and achieving greater uniformity of pesticide regulation. The Committee will closely monitor the Administration's implementation of the Act, with particular attention paid to the promulgation of regulations issued pursuant to it.

PROGRAM REAUTHORIZATIONS

As part of its consideration of the reauthorization of programs in the Public Health Service Act and the Substance Abuse and Mental Health Services Act, the Committee will review the efficacy and efficiency of the programs that need to be reauthorized. This review will focus on the extent to which the objectives of these programs are being met, whether essential needs are being adequately addressed, the ability of implementing agencies and other participants to comply with the statutory requirements and Congressional intent relating to these programs, and the areas in which program performance can be enhanced.

FOOD AND DRUG ADMINISTRATION'S APPROVAL PROCESS

As part of the Committee's ongoing effort to improve the Food and Drug Administration's (FDA's) review of applications for approval of new drugs, biologics, devices, and food additives, the Committee will continue its investigation of the delays experienced in this process, the nature and extent of these delays, the measures taken by the Agency to address these problems, and the medical, human, and financial impact they impose.

3

FDA Management Issues and Reform Initiatives

The Committee will examine the role and operations of FDA's senior management, the Commissioner's Office, the relationship of the Commissioner's Office to the drug center, the biologics center, the device center, the veterinary center, and the food center. The Committee will examine how FDA maintains appropriate protection of confidential information relating to regulated products as well. The Committee will also examine the adequacy and effect of the proposed Reinventing Government Initiatives, including their implementation, impact, and ability to streamline FDA without reform legislation.

Prescription Drug User Fee Act

Several important issues relate to the reauthorization of the Prescription Drug User Fee Act (PDUFA) that expires at the end of Fiscal Year 1997 including an examination of why, although review times for new drug applications have declined, development times have increased; critical examinations of how FDA has spent PDUFA user fees and of the relationship between programs funded only by appropriated funds and those funded through user fees; and an investigation of whether FDA has been soliciting other industries to support user fees for their products such as medical devices and certain food related petitions. The Committee will review each of these issues.

FDA Regulation of Food and Food Products

The Committee will examine FDA's implementation of food labeling requirements under the Nutritional Labeling and Education Act (NLEA) and other FDA policies on food labeling, FDA's review of food additive petitions, and FDA's implementation of its biotechnology food policy. The Committee will also review the operations of the FDA's Center for Food Safety & Applied Nutrition (CFSAN) and the effect of FDA regulation on innovation in the food industry.

The Relationship Between FDA's Product Review and Compliance Enforcement Functions

The Committee will examine the ways that FDA maintains separation between its product review and compliance enforcement functions.

FDA Regulation of Advertising

The Committee will examine the ways that the FDA regulates product advertising. For example, given the recent explosion of available information about medical products on the Internet, the Committee will examine the FDA's regulation of the promotion of drugs and devices over the Internet.

CONSUMER ACCESS TO HOME TESTING SERVICES AND DEVICES

The Committee will continue its oversight and investigations on consumer access to home testing services and devices. The Committee will hold an oversight hearing on the Food and Drug Administration's final regulation to provide for marketing of over-the-counter drugs-of-abuse testing systems to parents without the manufacturer being required to file a premarket application. In addition, the Committee will continue its oversight of FDA's regulatory actions relating to non-invasive glucose monitors and hair-based home drug testing systems.

ALLEGATIONS OF FDA ABUSES OF AUTHORITY

The Subcommittee held a hearing on July 25, 1995, on allegations of FDA abuses of authority. The hearing focused on FDA operations and procedures, and especially on allegations of abuses of power brought forward by witnesses on behalf of entities that are currently or possibly subject to FDA regulation. Patients who believed they benefited from the products of three of the five entities represented also testified at the hearing about the consumer impact from the alleged acts. The Committee will continue to review allegations of FDA abuses of authority and also review issues of due process and consistency in applying regulatory standards.

FOREIGN INSPECTIONS

The Committee initiated an investigation last Congress into FDA's foreign inspections of manufacturers' bulk pharmaceuticals. The Committee will continue this investigation.

REGULATION OF THE PRACTICE OF MEDICINE

FDA frequently takes regulatory actions which appear to exceed its charter to regulate drugs, biologics, and devices, and which intrude on the practice of medicine and the availability of medical information. Examples of questionable FDA interference with the practice of medicine include the regulation of tissue, umbilical cord blood, homebrew software, custom devices, off-label drug information, breast implants, and off-label use of medical devices. The Committee will also continue to oversee FDA's regulatory practices and how they particularly affect cancer patient access to unapproved treatments.

NATIONAL INSTITUTES OF HEALTH RESEARCH INTEGRITY

The Committee will investigate the integrity of National Institutes of Health (NIH) biomedical research as well as the adequacy of investigations conducted by the Office of Research Integrity.

5

CLEAN AIR ACT AMENDMENTS OF 1990

During the 104th Congress, the Committee undertook a comprehensive review of the implementation and enforcement of the 1990 Amendments to the Clean Air Act. Hearings examined the employee commute option program, enhanced vehicle inspection and maintenance, the reformulated gasoline program, Title V permitting, the promulgation of MACT standards under Title III, regulations implementing sections 112(g), (j), and (r), national ambient air quality standards, and the Title VI stratospheric ozone program. The Committee intends to continue its oversight activities regarding the implementation and enforcement of the Clean Air Act and the 1990 Amendments and to conduct further detailed review of regulations which are proposed and promulgated to implement the Act, some of which are discussed below in greater detail.

ANY CREDIBLE EVIDENCE / COMPLIANCE ASSURANCE MONITORING

In February 1997, the Environmental Protection Agency (EPA) is expected to promulgate an "any credible evidence" final rule. The rule concerns what evidence may be used to determine whether a violation of the Clean Air Act has occurred. EPA is also expected to finalize a "compliance assurance monitoring" (CAM) rule, originally proposed in October 1993. A draft CAM rulemaking was opened for public comment in August 1996. The rule is intended to implement statutory language concerning "enhanced monitoring" added by the 1990 Amendments. The Committee intends to review closely both rules with respect to their adherence to the legislative language and intent of the 1990 Amendments.

VEHICLE INSPECTION AND MAINTENANCE ISSUES

The Clean Air Act requires that certain nonattainment areas (and certain other areas in the ozone transport region) adopt a vehicle Inspection and Maintenance (I&M) program for in-use motor vehicles registered in each urbanized area (in the nonattainment area). In the past, the Committee has examined the effectiveness of these I&M programs. One of the factors in assessing program effectiveness is the I&M avoidance rate. Because a minority of vehicles cause a majority of pollution, even a small avoidance rate could render an I&M program ineffective. The problem of vehicles avoiding I&M is exacerbated in border towns, where vehicles commute to work from across the border into a nonattainment area, thus contributing to air quality problems, but avoiding I&M inspections. The Committee intends to examine the overall effectiveness of I&M programs, and in particular, the problems of I&M avoidance faced by nonattainment areas on the border.

NATIONAL AMBIENT AIR QUALITY STANDARDS

On November 27, 1996, the Environmental Protection Agency announced its intention to propose new National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter. The proposals were subsequently published in the Federal Register and the EPA intends to

promulgate final regulations by July 19, 1997. As proposed, the new NAAQS for ozone and particulate matter would result in the designation and redesignation of many areas of the country into "nonattainment" for ozone, particulate matter, or both. The proposals, if implemented, would also result in substantial cost to the economy and require additional regulatory actions to be undertaken at the State level.

The Committee intends to review closely the proposed standards including the legal and regulatory process which led to their proposal. In addition, the Committee will examine the impact that the new standards could have on individuals and businesses in affected areas, and will review the scientific documentation regarding the need for new standards and the anticipated benefits from them.

PROJECT XL

"Project XL" refers to a broad set of actions by EPA to give sources subject to regulation under the Clean Air Act and other environmental laws flexibility to develop alternative environmental strategies on the condition that such strategies produce greater environmental benefits. The program, which stands for "excellence and leadership," has implemented three projects, has 12 projects in development, and proposals for nine further projects. The Committee is interested in examining the opportunities provided by the Agency's implementation of this program.

NEW SOURCE REVIEW

EPA is expected to release a proposed rule regarding "new source review" (NSR) by mid-1997. NSR refers to the process and standards applicable to sources of pollution which constitute either new construction or a modification to an existing source resulting in an increase in emissions above a *de minimis* amount. Under NSR, affected sources must obtain construction permits, satisfy strict technology standards, and obtain "offsets" representing emission reductions from other sources. The Committee will review both the applicability of the new proposal and its effect on emissions.

IMPLEMENTATION OF SAFE DRINKING WATER ACT AMENDMENTS OF 1996

During the 104th Congress, the Committee produced successful legislation (Public Law 104-182) to reauthorize the Safe Drinking Water Act. This legislation substantially reformed the standard-setting process for new contaminants and established a $7.6 billion State Revolving Fund (SRF) to assist local water systems in complying with the Act. The Committee will review the implementation of the new law by the Environmental Protection Agency as well as the operation of the SRF.

7

ENVIRONMENTAL AUDITS

Many States have passed self-audit privilege laws designed to encourage voluntary disclosure and corrective action on the part of companies undertaking environmental audits. It is hoped that self-audit laws enhance the environment because companies are given an incentive to correct potential violations in a timely and effective fashion. EPA, for its part, has acknowledged the positive role self-audits play in its own audit policy, but in certain instances is considering withholding delegated authority to States that have passed such laws. The Committee will review EPA's policies and practices in regard to self-audit privilege.

STATE ENFORCEMENT PROGRAMS UNDER ENVIRONMENTAL STATUTES

Many Federal environmental statutes have been designed to allow for State implementation of environmental programs. EPA has provided funding to the States to be used to carry out these programs. The Committee believes that a strong State-Federal partnership, which minimizes duplication and increases efficiencies, is a necessary component to effective implementation of Federal environmental statutes. Currently, EPA is conducting a review of the States' reporting data for "significant violators" under various statutes' enforcement programs, including the Clean Air Act. EPA has indicated that it intends to conduct similar reviews on the States' enforcement programs under other environmental statutes. The Committee will monitor EPA's review of the States' performances under these environmental statutes and will also review the underlying Federal-State partnership under these statutes to determine how well the programs are working and if any changes are necessary.

Energy and Power Issues

ELECTRIC UTILITY RESTRUCTURING

The Energy Policy Act of 1992 (EPAct) contained provisions which enabled wholesale competition in electricity to become a reality. Since then, Congress, the States, electric consumers and suppliers have begun to explore whether retail competition in electricity is feasible and/or desirable. The Committee is expected to undertake a comprehensive look at the electric power industry and explore the best options for increasing competition at the retail level.

FEDERAL ENERGY REGULATORY COMMISSION

The Federal Energy Regulatory Commission (FERC) regulates electric utilities, hydropower facilities, and natural gas and oil pipelines. The Committee will review how FERC discharges these responsibilities, in light of the sweeping changes in the electric industry. Some of the specific areas the Committee may examine are FERC's implementation of Orders 888 and

889 and FERC's merger policy, including its approach to market power. The Committee will also examine FERC's hydropower relicensing process and natural gas policies.

DEPARTMENT OF ENERGY'S BUDGET REQUEST

The Committee will hold hearings on the Department of Energy's (DOE's) budget requests for Fiscal Years 1998 and 1999 and closely examine the requests. The missions of DOE have shifted rather dramatically over time. When the Department was established, its major mission was promoting energy security. At present, the principal DOE missions (in order of importance) are environmental management, defense programs, science and technology, and energy security. DOE has sought to add new missions such as trade promotion and enhancing environmental quality. The Committee will examine the budget requests and determine whether they are consistent with the priorities of the Committee.

DEPARTMENT OF ENERGY'S OFFICE OF ENVIRONMENTAL MANAGEMENT

The Committee has been reviewing the Office of Environmental Management's (EM) progress on cleaning up the Department's contaminated waste sites. The Committee wants to ensure that the Department is cleaning up these sites in the most cost-effective and responsible manner. To that end, the Committee will focus on the Department's overall cleanup program including support costs and program management.

The Committee is also reviewing EM's management of its Office of Science and Technology (OST). The purpose of this office is to promote the development of innovative technologies for waste cleanup in the EM program that will save money and reduce risks. Congress has appropriated $2.6 billion to this office since 1990. Given the apparent lack of technology deployments and demonstrated cost savings, the Committee is concerned that this office is not being properly managed. The Committee will continue to review EM's management of this office and OST's funding decisions.

PLUTONIUM DISPOSITION AND STOCKPILE MANAGEMENT

In December 1996, DOE released its plan for excess weapons plutonium disposition, which involves a two-track strategy of vitrification (mixing plutonium with glass, then disposing as high-level radioactive waste) and mixing plutonium with uranium to create mixed-oxide fuel (MOX) for use in commercial nuclear reactors. After reactor utilization, the MOX fuel assemblies would be disposed of as high-level radioactive waste. The Committee will closely examine the DOE proposal, including examining the technological difficulties associated with the vitrification option, the potential difficulties associated with MOX fuel fabrication and use in commercial reactors, and the relative costs involved in the two-track approach. The Committee will also review whether the Department is adequately safeguarding these materials.

9

WASTE ISOLATION PILOT PLANT

The Committee was instrumental in the passage of legislation in 1996 to expedite the opening of the Waste Isolation Pilot Plant (WIPP), which will dispose of transuranic waste generated as a result of U.S. atomic defense activities. The Committee plans to follow up on implementation of these amendments, and conduct rigorous oversight of DOE and EPA on their efforts and progress to license the WIPP facility and to characterize and package waste which is destined for disposal at WIPP.

TRITIUM PRODUCTION

DOE announced in 1996 that it intends to use commercial nuclear reactors for its production of tritium for defense purposes. The Committee held a hearing on this issue in the 104th Congress, and plans to continue examining the effects this mission will have on reactor operations, power generation, Nuclear Regulatory Commission (NRC) licensing, and waste disposal.

REGULATION OF DOE NUCLEAR FACILITIES

DOE nuclear facilities are currently not subject to external regulation. An Advisory Committee on External Regulation of Department of Energy Nuclear Safety recommended that the facilities be subject to external regulation, and proposed that either the Nuclear Regulatory Commission (NRC) or a restructured Defense Nuclear Facilities Safety Board perform this external oversight. DOE selected the option of external regulation by the NRC. The Committee will review DOE's proposed transition plan toward external regulation, and examine whether this plan will improve the regulation of DOE nuclear facilities in a timely manner.

NUCLEAR REGULATORY COMMISSION

The mission of the Nuclear Regulatory Commission is to ensure adequate protection of the public health and safety through regulation of commercial nuclear power plants; nonpower research, test, and training reactors; fuel cycle facilities; medical, academic, and industrial uses of nuclear materials; and the transport, storage, and disposal of nuclear waste. The Committee will conduct oversight of how the Commission discharges these responsibilities, and whether the Commission is an effective regulator of nuclear facilities. To that end, the Committee is investigating the shutdown in Connecticut of the three nuclear reactors at the Millstone power station site and the one reactor at the Haddam Neck power station site. The Committee will also consider whether the Commission should be granted regulatory authority over DOE nuclear facilities.

ENERGY EFFICIENCY STANDARDS

The Energy Policy and Conservation Act established energy efficiency standards and directed DOE to consider revisions to these standards. The primary purpose of the appliance standards program is to promote energy efficiency. Concerns have been raised about how DOE has developed revised standards, the impact of the standards on consumers, their potential anti-competitive effects, and the impact on manufacturers. The Committee will review the revised standards issued by DOE.

ALTERNATIVE FUELS

The Committee will continue to monitor implementation of the Clean Air Act and Energy Policy Act alternative fuel mandates. Hearings will address the cost of the programs, regulations being promulgated by the agencies responsible for implementing the provisions, the cost-effectiveness of these programs in achieving their objectives, and if there are less costly alternatives to achieve the same goals.

GLOBAL CLIMATE CHANGE

In June 1992, the United States signed the Framework Convention on Climate Change (Rio Treaty), which provided for developed countries to aim to reduce their greenhouse gas emissions to 1990 levels by the year 2000. In March 1995, the United States agreed to participate in international negotiations to strengthen and extend those commitments beyond the year 2000. Those negotiations are expected to be concluded in December of 1997. The Committee will closely monitor the progress of this agreement to assure that it is realistic and achievable and does not harm the trade competitiveness of the United States with respect to its developed and developing country trading partners.

STRATEGIC PETROLEUM RESERVE / U.S. ENERGY SECURITY

In the 104th Congress, the sale of approximately 30 million barrels of oil from the Strategic Petroleum Reserve (Reserve) was authorized in order to meet budget goals. At the same time, U.S. dependence on imported crude oil and refined products exceeded 50 percent and oil suppliers have steadily reduced the number of barrels held in inventory to meet consumer needs. The Committee is expected to hold hearings on whether the Reserve is still a cost-effective method of assuring U.S. energy security and whether other steps are necessary to protect the U.S. economy and U.S. consumers from shut-offs in foreign oil supplies.

CONTRACT REFORM

The Department of Energy has developed a contract reform plan to improve its management of DOE contractors, particularly management and operating contractors. Contract reform is essential to improving DOE performance, since 90 percent of DOE's budget is allocated

to its contractors. The Committee will examine DOE's contract reform policy, and determine whether DOE is adequately implementing contract reform.

SALE OR LEASE OF THE NAVAL PETROLEUM RESERVES

The Naval Petroleum and Oil Shale Reserves are commercial oil and gas fields operated by the Federal government that do not have any strategic or national security value. In the 104th Congress, the sale of the Naval Petroleum Reserve No. 1 (Elk Hills, California) was authorized. The Committee will continue to monitor the sale process to assure that taxpayers are fully compensated for their investments in the Reserve. In addition, the Committee will explore whether it makes economic sense to sell or lease the remaining Naval Petroleum Reserves (located in California and Wyoming) and the Naval Oil Shale Reserves (located in Colorado and Utah).

SALE OF THE UNITED STATES ENRICHMENT CORPORATION

The United States Enrichment Corporation (USEC) is the governmental corporation which oversees all domestic uranium enrichment activities. The Committee was instrumental in the passage of legislation to privatize USEC in early 1996. To this point, however, the Administration has not taken final action to approve the sale of the Corporation. The Committee will continue to monitor the Administration's efforts in this regard to ensure that privatization moves forward and that U.S. taxpayers receive an appropriate return on the sale of the Corporation.

DOE ASSETS SALES

DOE has significant stockpiles of precious metals, chemicals and industrial gases, scrap metals, base metals, fuel, major equipment, and other assets. DOE proposed selling some of these assets for $75 million, but the lowest estimates suggest that these assets are worth $250 to $300 million. DOE has conceded it does not know the value of its assets. The Committee will conduct oversight to identify the true value of DOE's assets and to ensure that the Department receives market value for these assets.

Finance and Hazardous Materials Issues

IMPLEMENTATION OF THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

The Committee will oversee the implementation of the National Securities Markets Improvement Act of 1996. In addition, the Securities and Exchange Commission (SEC) is preparing two studies, mandated in the law, on the effects of uniformity of State regulation and the lack of uniformity on securities issuers and broker-dealers. These studies, together with information the Committee receives regarding the actual impact of the new law on State securities

regulation, will provide the Committee with information that can be used as the basis for an oversight hearing to ensure the law is being implemented to eliminate duplicative State securities regulation.

Analysis of Capital Formation, Efficiency, and Competition in SEC Rulemaking

Under the National Securities Markets Improvement Act of 1996, whenever the SEC is engaged in rulemaking pursuant to a statutory provision that requires the SEC to consider investor protection, the SEC must also consider the rule's impact on efficiency, competition, and capital formation. The Committee will seek to ensure the SEC is conducting appropriate analyses to carry out its obligation under this new provision.

Private Securities Litigation Reform Act: State Legislative Efforts Such as Proposition 211 in California

Proposition 211 would have substantially undermined the statutory changes of the Private Securities Litigation Reform Act of 1995. The Committee will examine the circumstances surrounding 211, and the effect it would have wrought on interstate commerce.

The Small Order Execution System

The Small Order Execution System (SOES) is the system set up by the National Association of Security Dealers Automated Quotations (NASDAQ) in the wake of the 1987 crash to ensure that small customers' orders would get filled. SOES provides for automatic execution of small customer orders. The SEC pressured the NASDAQ to raise the number of shares that could be traded via SOES to 1000 per trade. There have been abuses of this system that have hurt liquidity for small companies. This practice may amount to market manipulation, and the Committee will examine the SEC's treatment of the issue.

Preserving Derivatives' Status as Private Contracts

The Financial Accounting Standards Board (FASB), which is under the jurisdiction of the SEC and therefore under the jurisdiction of the Committee, is considering changes to the accounting treatment of derivative transactions. The Committee will monitor this proposal to ensure that investors are protected and that the utility of derivatives is not diminished.

Social Security Modernization and its effects on the Markets

The Committee has jurisdiction over securities and exchanges. In connection with the recent Commission Report on financing Social Security in the next century, the Committee will examine the effect of the different proposals on the financial markets.

13

BANK MUTUAL FUNDS

The Committee will examine the regulation of mutual fund sales by banks in light of the General Accounting Office (GAO) report indicating some deficiencies in the areas of training of bank personnel and unusual fee structures charged by banks. The hearing will focus on the role of the Comptroller of the Currency in enforcing existing regulations and the adequacy of those regulations.

FEDERAL BARRIERS TO COMMON SENSE CLEANUPS

Since the enactment of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) in 1980, the Environmental Protection Agency (EPA) has placed 1,387 sites on the National Priorities List (NPL). Approximately 130 of these sites have been cleaned up and "de-listed" over this time. Additionally, according to EPA's 1998 budget request, "[c]onstruction is underway at nearly 500 sites with an additional 410 NPL sites being 'construction complete' as of the end of 1996." In addition to NPL sites and those in the RCRA corrective action program, according to EPA estimates, there may be as many as 500,000 "brownfields" sites across the country. "Brownfields" are abandoned or underutilized former industrial facilities where fear of environmental contamination on the part of potential developers complicates expansion or redevelopment.

The Committee will review the implementation of State cleanup programs and will investigate whether changes to existing Federal laws are necessary to expedite cleanups at these sites to ensure the protection of human health and the environment.

RISK ASSESSMENT AND CHARACTERIZATION PRACTICES

Congress, through the recent Safe Drinking Water Act, requires EPA to follow risk assessments based on the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices. These same principles have been announced through the recent final report of the Risk Assessment and Management Commission established under the Clean Air Act. This report provides that a good risk management decision "is based on a careful analysis of the weight of scientific evidence that supports conclusions about a problem's potential risks to human health and the environment." The Committee will assess current agency risk assessment and characterization practices to identify problems and plans for change.

RESOURCE CONSERVATION AND RECOVERY ACT

EPA is currently considering changes to the definition of Solid Waste under the Resource Conservation and Recovery Act (RCRA). The Committee will examine what changes EPA is considering and determine what effects these changes will have on both the regulated community and the public.

TOXIC RELEASE INVENTORY

The Toxic Release Inventory (TRI) is the database in which information is collected under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA). Information on the TRI database is available to the public. EPA has noticed its intention to expand the TRI to include information on chemical use, or materials accounting. Chemical use refers to information about the amounts of chemicals coming into a facility, amounts transformed into products and wastes, and the resulting amounts leaving the facility site. EPA believes that such information would be useful to the public. Opponents feel that such information is not only unneeded, but costly, and has the potential to expose confidential trade secrets. The Committee will review EPA's proposal to expand the TRI program.

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS

The Committee will oversee the Financial Standards Accreditation program, and will examine recent efforts by the National Association of Insurance Commissioners (NAIC) to regulate investment guidelines, company splits, and producer database networks. The Committee will also review the role of the NAIC in the functional regulation of insurance products offered by non-insurance companies and agents, the involvement by the NAIC in setting uniform standards for commercial insurance transactions, and the implementation of NAIC proposals to address insurance fraud. The Committee will also oversee NAIC consideration of deregulation for sophisticated commercial insurance transactions, allowance of reciprocal brokerage licensing, and development of multi-state insurance compacts.

NATURAL DISASTER INSURANCE AND STATE UNDERWRITING POOLS

The Committee will assess the development and impact on the private market of the State insurance underwriting pools in Florida and California, both separately and in conjunction with natural disaster insurance legislation.

CREDIT INSURANCE

The Committee will examine concentration in the provision of credit insurance by banks. The Committee will examine whether the applicable anti-tying rules are being enforced.

15

Telecommunications, Trade, and Consumer Protection Issues

IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

On February 8, 1996, the Telecommunications Act of 1996 was enacted into law. The Act fundamentally changes the way the telecommunications industry will be regulated. In particular, the Act swept away more than 60 years of outdated laws and regulations and replaced them with pro-competitive provisions. Under the Act, the Federal Communications Commission (FCC) is required to conduct approximately 80 rulemakings on major issues such as interconnection, universal service, Bell Operating Company entry into the long distance market, accounting and non-accounting safeguards, cable reform, open video systems, and regulatory reform. A series of hearings will review whether the FCC's implementation of the Act meets the goals specified by Congress.

FEDERAL COMMUNICATIONS COMMISSION

Congress created the Federal Communications Commission (FCC) in 1934 for the purpose of regulating interstate and foreign communication by wire and radio. Upon the successful implementation of the Telecommunications Act of 1996, the need for regulation of the telecommunications industry diminishes. The Committee will evaluate the need for restructuring the FCC once competition flourishes in each telecommunications market.

CELLULAR PRIVACY

Several provisions of the Communications Act of 1934, as amended (the Act), protect the rights of individuals from having their telephone conversations, both wireline and wireless, monitored without their permission. The Act also prohibits the use of certain devices that enable a conversation to be unlawfully intercepted. The Committee will examine whether the current laws are adequately protecting consumers and whether the Federal Communications Commission is properly enforcing the Act and its rules implementing the Act.

SPECTRUM MANAGEMENT

There have been several laws passed in recent years that involve the use of the radio spectrum. For example, in 1993, Congress enacted the Omnibus Budget Reconciliation Act (OBRA) authorizing the Federal Communications Commission (FCC) to auction the right to use portions of the radio spectrum. More recently, as part of the Telecommunications Act of 1996 (the Act), Congress permitted the FCC to issue additional licenses for use of the radio spectrum for advanced television services, but also required that recipients of the additional license surrender either the additional license or the original license for reallocation or reassignment. A number of complex issues are involved with the successful implementation of the OBRA and the

Act, including considering the needs of the public safety community, broadcasters, commercial users, and the Federal government. The Committee will conduct a series of hearings on spectrum management issues, including one to help ensure that expediting new services to the marketplace is a primary goal in management of commercial spectrum.

CORPORATION FOR PUBLIC BROADCASTING

Congress created the Corporation for Public Broadcasting (CPB) in the Public Broadcasting Act of 1967. Historically, the Committee has been charged with monitoring the activities of the CPB and authorizing appropriations. The Committee will investigate to what extent Federal funding is necessary for the continued survival of CPB.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Congress created the National Telecommunications and Information Administration (NTIA) in 1978 to perform a number of functions including: advising the President on telecommunications policy; developing policies for international communications conferences; managing Federal use of the radio frequency spectrum; and awarding financial grants to communications companies that are in need of assistance. The Committee will examine NTIA's execution of these functions.

TELECOMMUNICATIONS TRADE AGREEMENTS

The United States is a party to a number of bilateral and multilateral trade agreements. Specifically, the U.S. has bilateral telecommunications agreements with Japan, Korea and Taiwan, and plurilateral agreements with Canada and Mexico through NAFTA. Multilateral negotiations for a World Trade Organization agreement on basic telecommunications services are scheduled to conclude by February 15, 1997, and to be effective January 1998. The Committee will oversee any ongoing negotiations and the implementation of telecommunications trade agreements.

AUTOMOBILE SAFETY — AIRBAGS AND OTHER SAFETY DEVICES

Since the last reauthorization of the National Highway Traffic Safety Administration (NHTSA) in 1991, it is increasingly apparent that the perceived safety of automobiles is one of the key criteria consumers use when making automobile purchasing decisions. With this fact in mind, the Committee will continue its oversight of NHTSA's efforts to refine its existing motor vehicle safety standards and promulgate new ones. The Committee will pay particular attention to the recent developments surrounding airbags and will closely examine the appropriateness of the legislative mandate for airbags.

AUTOMOBILE SAFETY — NHTSA DEFECT INVESTIGATIONS

With increasing public focus on automobile safety, NHTSA's existing defect investigations process has taken on increased importance. However, serious questions persist about the fairness

and due process accorded those who are the targets of these investigations. Sometimes, a NHTSA defect investigation can result in a "trial-by-press-release" whereby an automobile manufacturer is forced into recalling a vehicle through negative press coverage before there is conclusive evidence that a defect exists. The Committee will closely examine the process used by NHTSA to conduct these investigations in an effort to see if improvements can be made that will increase fairness to those who are targets of these investigations without compromising safety.

AUTOMOBILE SAFETY — THE NATIONAL CRASH ASSESSMENT PROGRAM

In its Fiscal Year 1998 budget request, NHTSA requested a substantial increase in funding for its National Crash Assessment Program (NCAP), a program where the government evaluates the crash worthiness of various automobiles and light trucks. The Committee will examine whether this expansion of the program is warranted and whether this function could be better handled by private-sector organizations which already conduct similar kinds of testing.

AMERICAN AUTOMOBILE LABELING ACT

The American Automobile Labeling Act (AALA), which was enacted in 1993, requires automobile manufacturers to list domestic content on automobile stickers. The Committee will examine the costs, benefits, and unforseen consequences of this legislation to determine whether significant costs have been passed on to consumers for little apparent benefit.

CONSUMER PROTECTION ENFORCEMENT

The Committee will continue its oversight of the Federal Trade Commission (FTC) and its effort to protect consumers against unfair or deceptive trade practices. The Committee will pay particular attention to the efforts to enforce the Telemarketing Fraud and Consumer Protection Act of 1993 and the FTC's efforts to prevent consumer fraud in an increasingly global environment.

"MADE IN AMERICA" LABELING STANDARDS

In our increasingly global marketplace, many feel that the current FTC standard for labeling a product as "Made in America" or its equivalent - 100 percent or nearly 100 percent domestic content - is inappropriate. During 1995 and 1996, the FTC undertook an extensive effort to examine this issue, including public workshops and surveys. The FTC staff is scheduled to make a recommendation to the Commission regarding revisions, if any, to the existing enforcement guidelines on "Made in America" claims. The Committee will continue to monitor this process.

TRADE

The Committee will examine the implementation of the North American Free Trade Agreement (NAFTA), as well as its potential expansion to Chile and the resulting effects on

reducing bilateral non-tariff trade barriers. The Committee will also continue its ongoing oversight over trade related issues connected to insurance and other financial services, consumer protection standards, energy issues, drug patent issues, etc.

Effectiveness of Federal Export Promotion Programs

Oversight activities during the 104th Congress revealed that trade claims made by the Department of Energy were ambiguous, and that some claims of American job creation resulting from alleged contracts were exaggerated. The Committee received allegations of double counting of projects claimed by competing Federal agencies, and allegations that trade missions conducted by various agencies were not well-coordinated. In the last Congress, the Committee moved to consolidate Federal export promotion programs into one Federal agency in order to achieve managerial and strategic efficiencies. This Committee will review the effectiveness of the inter-agency Trade Promotion Coordinating Committee and its constituent programs.

Consumer Product Safety Commission

The Consumer Product Safety Commission's (CPSC's) authorization has expired, and the Committee will be continuing its oversight of the CPSC's activities, both separately and in the context of reauthorization. Potential areas of investigation by the Committee include a review of Commission officials' political activities, changes in the CPSC's press policies, lack of the use of cost-benefit analysis in the agencies' resource allocation, and the appropriate role of the agency and its Commissioners in allegedly issuing press statements and threatening the use of adverse publicity to pressure product sellers into "voluntary" settlements.

Tourism

The Committee will hold oversight hearings on the newly created United States National Tourism Organization (USNTO) to encourage the timely evolution of USNTO's management structure and fundraising and promotion goals.

Department of Commerce Management Issues

During the 104th Congress, the Committee began investigating whether Department of Commerce officials used their positions to facilitate political contributions or to engage in improper political activities. During the 104th Congress, the Committee also began an investigation into the Department's Minority Business Development Agency (MBDA) award of a cooperative agreement to a company to operate a major minority business development center in Los Angeles, California. In the course of that investigation, the Committee began reviewing MBDA's award of other cooperative agreements and other grants. The Committee will continue to investigate these matters.

Other Issues

GOVERNMENT PERFORMANCE AND RESULTS ACT

Under the Government Performance and Results Act (GPRA), all agencies with budgets in excess of $20 million are required to develop, no later than by the end of Fiscal Year 1997, strategic plans that cover a period of at least 5 years and include the agency's mission statement; identify the agency's long-term strategic goals; and describe how the agency intends to achieve those goals through its activities and through its human, capital, information, and other resources. The Committee will review all the plans of agencies that are within this Committee's jurisdiction.

SYSTEMS OF ACCOUNTING FOR REGULATORY COSTS

Many Federal agencies appear to have no management tools to assess the overall cost impact of regulatory programs on the economy or identify program elements which are more costly than beneficial. Recent provisions in the Omnibus Appropriations legislation require Federal agencies to provide estimates of cumulative regulatory program costs and benefits. The Committee will evaluate, for programs within the Committee's jurisdiction, both existing management tools for assessing regulatory costs and plans for compliance with recent regulatory accounting requirements.

MAJORITY MEMBERS:

WILLIAM F. GOODLING, PENNSYLVANIA, Chairman

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JOE SCARBOROUGH, FLORIDA

COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2181 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

WILLIAM L. CLAY, MISSOURI
Ranking Member

GEORGE MILLER, CALIFORNIA
DALE E. KILDEE, MICHIGAN
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JOHN TIERNEY, MASSACHUSETTS
RON KIND, WISCONSIN
LORETTA SANCHEZ, CALIFORNIA
HAROLD FORD, JR., TENNESSEE

MAJORITY–(202) 225-4527
(TTY)–(202) 226-3572
MINORITY–(202) 226-3725
(TTY)–(202) 226-3116

February 14, 1997

Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2175 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

On Thursday, February 13, 1997, the Committee on Education and the Workforce adopted in open session and with a quorum present, its oversight plan for the 105th Congress.

A copy of the plan is enclosed and I am transmitting it to you and the Committee on House Oversight as required by Rule X, clause 2 of the Rules of the House of Representatives. The Minority submitted their views on the oversight plan and they are attached as well.

Sincerely,

Bill Goodling
Chairman

WFG/jms
Enclosures

[COMMITTEE PRINT]

REPORT OF OVERSIGHT PLANS FOR THE COMMITTEE ON EDUCATION AND THE WORKFORCE

MR. GOODLING, from the Committee On Education and the Workforce, submitted to the Committee on Government Reform and Oversight and the Committee on House Oversight the following.

REPORT

OVERSIGHT PLANS OF THE HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE

1) House Rule X 2(d)(1)

The 104th Congress adopted a new Rule that provides for each standing committee of the House to formally adopt oversight plans at the beginning of each year. Specifically, the Rule states in part:

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

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

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

1) Child Labor.
2) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedman's 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) Measures relating to education or labor generally.
7) Mediation and arbitration of labor disputes.

8) Regulation or prevention if importation of foreign laborers under contract.
9) United States Employees' Compensation Commission.
10) Vocational rehabilitation.
11) Wages and hours of labor.
12) Welfare of miners.
13) Work incentive program.

In addition to its legislative jurisdiction under the proceeding provisions of this paragraph (and its general oversight function under clause 22 (b)(1)), the committee shall have the special oversight function provided for in clause 3 (c) with respect to domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

Accordingly, the Committee is responsible for overseeing approximately 24,000 employees and more than $65 billion in annual spending. More importantly, it is charged with evaluating whether federal education programs are contributing favorably to our children's education, whether we are creating a process of life-long learning, and whether we are developing workplace policies that encourage the most productive and competitive workplaces in the world.

3) General Oversight Responsibilities

According to House Rule X 2(a):

> In order to assist the House in – (1) its analysis, appraisal, and evaluation of (A) the application, administration, execution and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and (2) its formulation, consideration and enactment of such modifications of or changes in those laws and of such additional legislation, as may be necessary or appropriate, the various standing committees shall have oversight responsibility as provided in paragraph (b).
> (b)(1). Each standing committee (other than the Committee on Appropriations and the Committee on Budget) shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those laws, or parts of laws, the jurisdiction of that committee and the operation of the federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the congress and whether such programs should be continued, curtailed, or eliminated.

4) Exercise of Oversight Responsibilities

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

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

Accordingly and keeping with the Rules of the House and the principles of oversight and investigations, the Committee has identified four major projects for the 105th Congress. These projects are:

- Education at a Crossroads: What Works and What's Wasted;
- The Federal Direct Lending Program (student loans);
- The Corporation for National Service; and,
- The American Worker and the Department of Labor.

Education at a Crossroads: What Works and What's Wasted

During the 104th Congress, the Committee initiated a comprehensive examination of federal education programs funded by taxpayer dollars. For the 105th Congress, the Committee plans to continue this comprehensive examination focusing on, among other things, academic achievement and other factors that increase or decrease the likelihood of success in learning.

The Federal Direct Lending Program

One of the chief tenants of the Committee is ensuring that federal education programs focus on an appropriate federal mission. Accordingly, the Committee will examine the Federal Direct Student Loan Program (FDSLP). Under this program, the federal government accepted responsibility to act as a bank for millions of students throughout the United States. The Committee must ensure that the Department of Education is effectively and efficiently managing the FDSLP.

The Corporation for National Service

During the 105th Congress, the Committee will continue examining the Corporation for National Service and its premier program, AmeriCorps (Corporation). The Committee will focus its efforts on ensuring that the Corporation will hold to its promise to "run like a big venture capitol outfit, not like a bureaucracy." Additionally, the Committee will continue focusing on the Corporation's ability to:

- produce auditable books and records;
- reduce per member costs; and,
- utilize taxpayer funds consistent with Congressional intent.

The American Worker and the Department of Labor

During the 105th Congress, the Committee intends to initiate a systematic and comprehensive review of the Department of Labor (DOL), its programs and activities. Among other things, the Committee hopes to review the DOL's activities in response to the Government Performance and Review Act (GPRA). GPRA seeks to change the focus of federal management and accountability from a preoccupation with input, to measured results and outcomes of federal programs.

Minority Views on the Education and the Workforce Committee Oversight Plan for the 105th Congress

The Democratic Members of the Committee on Education and the Workforce are pleased to summarize our views on the proper oversight responsibilities of this Committee for the 105th Congress and beyond. We are heartened that the Majority's tenor in this year's oversight plan steers abruptly away from the harsh anti-Washington rhetoric of their oversight plan for the 104th Congress. We hope that this signals not just a change of expression, but indeed a change of heart.

As we noted in our oversight views for the 104th Congress, our philosophy may be characterized by three essential themes:

- the Committee's proud, bipartisan tradition in carrying out its oversight responsibilities must be maintained;
- while the Committee should resist maintaining a static view of its role in shaping education and labor policies, it should not reject the basic premise that the Federal role in the great arenas of education and labor has fostered tremendous access to quality education and lifelong learning, and helped protect American workers from exploitation and harm in the workplace; and
- wherever possible, Federal policies should encourage (rather than mandate) cooperation between Federal and state education and labor agencies; educators, parents, and students; and workers, unions, and employers.

I. Education

We applaud the aspects of the Majority's oversight efforts aimed at examining the positive elements of our educational system that expand opportunities. During the last Congress, we were extremely concerned by efforts of the new Republican Majority to undermine the Department of Education and its programs. We will not give refuge to wasteful government spending, and, indeed it is a most worthwhile endeavor to weed out duplication and inefficiency. Nevertheless, we should examine the successes in education programs with the specific aim at expanding upon these achievements rather than engage in a decidedly negative pursuit of "what's wasted."

With the global marketplace continuing to expand, our nation must respond to the challenges of better educating and training our workforce. Therefore, the Democratic Minority requests that the Committee ensure that its oversight efforts, specifically its efforts surrounding the "Crossroads" project, focus on the achievements in education and respond to its shortcomings in such a fashion that does not tear at the very fabric of our system of public education.

As Ms. Athia L. Hardt, of the Arizona School System, recently testified before our Committee:

> "Certainly, our educational system has come under what might nicely be called scrutiny, but often feels more like bashing. The public education system is every columnist's and every radio show host's favorite whipping boy. It is interesting to note that polls have shown that while most people are willing to join in the public education bashing when the topic is general, they are supportive and positive about their own neighborhood school.... More than ever, both the efforts to fund and the efforts to reform the public education system require a Federal, State and local commitment, matched with a partnership that includes the private sector and the educational community."

Key Elementary and Secondary Education programs will expire during the 105th and 106th Congresses. This Committee needs to conduct careful and objective oversight of these programs, including Title I, Bilingual Education, the Magnet Schools Assistance Act, the Eisenhower Professional Development program, and Goals 2000.

With respect to oversight of student loan programs, we contend that both the Federal Family Education Loan Program and the Direct Loan Program ought to be examined carefully in terms of how they help students and families who must borrow to finance a college education. Our goal should be to ensure that both programs operate effectively and efficiently. We should examine the delivery of loans in terms of the ease with which individuals can apply for, and receive, loans. And, finally, we should also examine both programs in terms of how loans are repaid and how the very considerable Federal investment in both programs is protected.

II. Juvenile Justice

The Majority's Oversight Plan fails to mention our critical oversight over certain juvenile justice programs. Because the Committee has long sought to ensure that its voice is heard regarding the establishment and examination of programs aimed at preventing our children and young adults from beginning a life of crime, we are confident that the Majority will work with us to protect these vital prevention components of the struggle to eradicate juvenile crime.

III. Labor

We support the Majority's desire to review the programs and operations of the Department of Labor (DOL) and we welcome the opportunity such review affords to commend the DOL for the initiatives it has undertaken to improve the protections extended to American workers. We note, however, that we have had concerns in the past regarding "oversight"

efforts that were undertaken without an effort to ensure bipartisan participation and cooperation. The purpose and product of the Committee's oversight efforts should not be to generate more "busy work" for DOL. Rather, our efforts must remain focused on improving the ability of the DOL to protect workers particularly with regard to such issues as health and safety, wages, working conditions and pensions.

IV. Specific Concerns Regarding Oversight and Investigations Committee

With the limited resources for oversight and investigations, we should engage in oversight activities generated by concerns brought to the attention of the Subcommittee on Oversight and Investigations rather than extensive "fishing expeditions" which will exhaust our limited resources. Furthermore, oversight activities should be restricted to particular areas in which other Subcommittees do not have specific legislative responsibilities in this Congress. For example, activities on the Direct Lending program are redundant as we are considering the reauthorization of the Higher Education Act.

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
(202) 225–5074

Committee on Government Reform and Oversight
Oversight Plan
105th Congress
Honorable Dan Burton
Chairman

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

The following is the oversight plan for the full Committee on Government Reform and Oversight and its seven subcommittees. It includes areas in which the committee and subcommittees plan to conduct oversight and investigations, but does not preclude additional matters that may need to be considered as the need arises.

Full Committee

Public outrage at reports of waste, fraud, abuse, and mismanagement in federal programs and the use of public monies show that investigation and oversight is the most important function that a Congressional committee can perform. The Government Reform and Oversight Committee serves as Congress' chief investigative and oversight committee of the federal government, with the authority to conduct government-wide oversight. Its two fundamental responsibilities are to: (1) act as the principal oversight committee of all Executive Branch agencies, programs, and activities, and (2) exercise legislative jurisdiction over a diverse set of activities ranging from regulatory and procurement reform to reorganizations of the Executive Branch

In the 104th Congress, 38% of the "Contract With America" moved through the Government Reform and Oversight Committee. The following three pieces of "Contract" legislation, which originated in this Committee, have become public law: (1) a bill to stop Congress from imposing unfunded mandates on states and localities; (2) line-item veto legislation granting the President authority to strike individual items from tax and spending bills; and (3) a bill reducing the paperwork burden the federal government imposes on government, individual, and private businesses. In addition, the Committee crafted legislation that also has become public law to create a financial recovery board to bring the District of Columbia out of its financial crisis. While a significant amount of work within the committee's jurisdiction takes place at the subcommittee level, because of their importance, the full committee often is substantively engaged with these and other issues as well.

A. Full Committee Investigations

Fulfilling the committee's responsibility for oversight will include investigating and holding hearings on a variety of alleged improprieties in the executive branch. The following list represents three on-going investigations that have begun to date; it does not include issues that may be proposed for investigation by the committee's minority membership or any concerns that may warrant our attention throughout the course of the 105th Congress:

1. Improper political activities of Federal employees at the Federal entities, such as the Commerce Department, State Department, and the Executive Office of the President.
2. Alleged illegal fundraising activities of the DNC;
3. Questionable activities surrounding the President's "Legal Defense Fund."

B. Full Committee Oversight

Executive Branch Reorganizations

Proposals to reorganize, eliminate, downsize, consolidate, or streamline agencies or departments in the executive branch fall within the purview of the committee. In the 104th Congress, the committee served as a coordinator for the many legislative efforts that were proposed with regard to organizational and structural changes to the Department of Commerce. The committee plans to continue its oversight and coordinating role over "reorganization" proposals and intends to work closely with the primary authorizing committees and other committees with overlapping jurisdiction.

Government Performance and Management

The committee, in evaluating government's performance and management, has been instrumental in enacting major legislation promoting economy and efficiency in government operations and activities. This includes the 1978 Inspector General Act, the 1990 Chief Financial Officers Act, the 1993 Government Performance and Results Act (GPRA), the 1996 Federal Financial Management Improvement Act, and the 1996 Debt Collection Improvement Act. While much of the substantive work in overseeing the implementation of these acts will take place at the subcommittee level, the full committee will also monitor and hold oversight hearings as the issues warrant. A full committee hearing on GPRA is being scheduled for the second week in February. The committee will be active in making sure federal agencies are effectively complying with GPRA.

Procurement

Procurement laws govern the federal government's purchases of billions of dollars in military and civilian goods and services annually. The committee plans to vigorously oversee the implementation of the Federal Acquisition Reform Act of 1996, major legislation which reforms the government's commercial acquisition system. The committee also will be carefully

monitoring GSA's implementation of the post-FTS 2000 contract.

Census

The committee has primary jurisdiction over population and demography, including the Census. With the next decennial census approaching, the importance of oversight over the Bureau's plans for conducing the 2000 Census will continue to increase. In the last Congress, a full committee report was passed by a vote of 22 to 12 to prohibit the controversial use of sampling in the decennial census. Continued oversight over issues such as sampling, questionnaire content, and "continuous measurement" is expected at full and subcommittee levels.

Regulatory Affairs

The committee is responsible for reviewing the process used by federal agencies to write regulations which, in practice, are the tools used to implement and enforce the laws Congress passes. The committee plans to review and advance regulatory reform proposals in an attempt to curb overreaching regulators.

Information Policy and Paperwork Reduction

The committee is responsible for laws determining how government information is disseminated, such as the Freedom of Information Act, the Privacy Act, the handling of classified information, as well as legislation reducing the paperwork burden on federal agencies and the private sector. With the billions of dollars the federal government spends annually on updating computerized information systems to keep pace with rapid technological changes, serious oversight is needed to ensure agencies are buying systems that make sense and fit their missions and goals. Increased oversight can also be expected to make sure we are doing what we can to reduce the security risks inherent in electronic systems.

Intergovernmental Relations

Proposals affecting the relationship between federal, state, and local governments are included in the committee's responsibilities. Recent efforts have focused on legislation dealing with unfunded federal mandates. The committee will monitor the implementation of the Unfunded Mandates Reform Act of 1995 (P.L. 104-4) and will also be looking at flexibility of state and local governments for administering federal programs.

Trade

The committee is responsible for trade legislation and agreements involving civilian and defense procurement from foreign countries by U.S. government agencies. Additional trade issues which the committee will continue to oversee include the Buy American Act of 1983, as amended, the North American Free Trade Agreement, and the annual U.S. Trade Representative report on government procurement discrimination by foreign countries.

Subcommittee on Civil Service

The Subcommittee on Civil Service held a total of 35 hearings in the 104th Congress on civil service matters ranging from the financial stability of the federal pension system, to civil service reform, to deficiencies in current veteran's preference laws. The subcommittee expects to continue working on a number of the oversight and legislative projects started in the last Congress, in addition to the new activities it has begun for 1997. Chairman John Mica looks forward to working closely with the subcommittee's new Ranking Member in assigning priority to these issues as well as in considering additional projects as warranted.

A. INVESTIGATIONS

1. Hatch Act - The Subcommittee has begun an investigation into possible Hatch Act violations by John Huang while he was employed by the Department of Commerce and detailed to the Democratic National Committee. The Subcommittee will continue its investigation into other Hatch Act violations and the partisan use of federal employees by various agencies. As the examples of violations continue to mount (i.e., EPA, VA, Commerce, Agriculture), patterns of abuse need to be exposed.

2. Misuse of Taxpayer Funds in the Federal Workplace - Federal employee unions receive substantial taxpayer subsidies. These come in the form of "official time," i.e., time on the payroll, for performing union representational work and even lobbying Congress and the executive branch. In addition, unions benefit from taxpayer funds in other ways as well. Agencies often furnish the unions that represent their employees with office space, office equipment, meeting rooms, and the use of such agency facilities as e-mail and other communication tools. The subcommittee will continue its investigation of union activities in the federal workplace, including taxpayer subsidized offices in government agencies. The GAO has undertaken an extensive data collection initiative for the subcommittee to quantify the amount of these subsidies on a government wide basis. Hearings will be scheduled once the study is complete and the data become available.

B. OVERSIGHT

1. Employee Performance Measurement - Agency managers find it increasingly difficult to discipline poor performers, get rid of poor performers, reward good performers and, in general, measure performance. Through the National Partnership Councils, unions have influenced a number of agencies into adopting "pass/fail" performance appraisal systems which further undermine efforts to promulgate greater accountability in the federal workplace. The Subcommittee will continue to pursue legislation reforming federal employee performance management, portions of which were deleted from last year's civil service reform bill.

C. LEGISLATIVE REFORMS

1. Veterans Employment Opportunities Act - The purpose of veterans' preference

laws has been to give veterans a legal leg up in acquiring and retaining civilian employment with the Federal Government. Federal employment statistics, however, draw into question whether this preference is having its intended effect. The subcommittee's investigation during the 104th Congress disclosed a number of problems with the current application of veterans' preference and laid the groundwork for the legislative remedies which passed the House, but were held up in the Senate during budget negotiations. Chairman Mica has this year re-introduced the "Veterans Employment Opportunities Act" (H.R. 240) which will be vigorously pursued by the Subcommittee in hopes of final enactment.

2. Medical Savings Accounts - In the 104th Congress, the Subcommittee examined the utilization of "medical savings accounts" (MSAs) in the private sector and at the local government level and found that MSAs are an extremely attractive health care option for all ages, and that they have not experienced the "adverse selection" attributed by some to MSAs. Hearing testimony indicated that MSAs provided greater flexibility and freedom to choose doctors and services than do current plans, and that an individual is less likely with an MSA to neglect necessary or preventive care than with a traditional fee-for-service health care plan. The subcommittee will pursue legislation reforming the Federal Employees Health Benefits Plan (FEHBP) to give federal employees the choice of paying for their health care through MSAs.

3. Federal Appeals Process - Federal employees have at their disposal many avenues through which they can appeal a variety of personnel actions: the Merit Systems Protection Board (MSPB), the Federal Labor Relations Authority (FLRA), the Office of Special Counsel (OSC), and the Equal Employment Opportunity Commission (EEOC). In addition there are multiple reviews of actions within employing agencies, internal agency grievance procedures, and negotiated grievance procedures in collective bargaining agreements, as well as special agency procedures for resolving discrimination claims. Due to the extraordinary amount of time and unknown expense involved in a lengthy appeal, both GAO and the National Academy of Public Administration have expressed the need for consolidating the appeals process and adjudicatory agencies. The Subcommittee will revisit last year's legislative attempt to streamline the federal employee's appeals process.

4. Funding the District of Columbia Retirement System - The administration's recent proposal for dealing with the myriad problems facing the District of Columbia includes transferring the District retirement system's unfunded liability to the federal retirement system. This will mean about $5.4 billion more will be added to an already underfunded federal system. As the administration's proposal is referred to the subcommittee as a legislative proposal, the subcommittee will closely review its civil service implications, with likely hearings on the retirement section of the bill.

Subcommittee on the District of Columbia

In the 104th Congress, the Subcommittee on the District of Columbia held 18 oversight hearings and passed a major piece of legislation, the District of Columbia Financial Responsibility and Management Assistance Act of 1995, which established the current "Financial Control Board." Due to the breadth of the subcommittee's jurisdiction, and in light of the current crisis condition of the District of Columbia from both a financial and service delivery standpoint, the Subcommittee may conduct much of its oversight in conjunction with other committees. In the 105th Congress, this coordination may include both authorizing committees such as Education and the Workforce on education and job training programs, Transportation and Infrastructure on disposal of certain properties, Judiciary on crime, courts and corrections policy, and Appropriations on budgetary matters.

A. OVERSIGHT AND LEGISLATION

1. Administration's Plan for the District of Columbia - The current condition of the District of Columbia government is deplorable and only slowly improving with the work of the District of Columbia Financial Responsibility and Management Assistance Authority (the control board). The budget is seriously out of balance in spite of the Home Rule Act mandate for the District to maintain a balanced budget. Spending on both entitlement and discretionary programs is above budgeted levels and serious actions must be taken to meet budgeted levels. Service delivery is lagging in quantity and lacking in quality. The District government continues to attempt to fund activities which it can no longer afford to the detriment of those services that it must perform. Earlier this year, President Clinton introduced a wide range of proposals for addressing problems in the District. The subcommittee plans to explore more fully the possible implementation of these and other reforms.

2. Financial Control Board - The Subcommittee expects also to hold a number of oversight hearings on the activities and performance of the control board as well as the financial and budgetary condition of the District of Columbia.

3. Home Rule - The Subcommittee will hold a number of supplementary oversight hearings on the structure of the home rule government of the District of Columbia, focused on whether and in what manner that government should be restructured.

4. Comprehensive Reform - The financial condition and governmental oversight hearings may lead to legislative hearings later in the year as the evidence gathered is molded into either individual pieces of legislation or a comprehensive bill. Of particular interest to the Subcommittee for the 105th Congress are the areas of transportation, education, adult and youth corrections, police and crime, mental health, Medicaid and health services, and financial management.

Subcommittee on Government Management, Information, and Technology

The Subcommittee on Government Management, Information, and Technology held a total of 50 hearings in the 104th Congress on issues ranging from the concept of "capital budgeting," to the implementation of the Government Performance and Results Act (GPRA), to the potential year 2000 computer disaster. The subcommittee also successfully reported to the Committee the Family Privacy Protection Act of 1995, the Department of Commerce Dismantling Act, and the Debt Collection Improvement Act of 1995, among others.

A. LEGISLATIVE IMPLEMENTATION OVERSIGHT

1. Clinger-Cohen Act - This Act established statutory chief information officers (CIOs) as members of executive management teams. A subcommittee hearing will examine the implementation of the act, including such issues as CIO qualifications and the establishment of the CIO Council.

2. Federal Managers Financial Integrity Act - This 1982 Act requires reporting on management controls.

3. Debt Collection Act - The subcommittee will conduct oversight on the status of implementation of the Debt Collection Improvement Act of 1996 (P. L. 104-134, §31001). The law enhances interagency cooperation in collecting Federal debts by providing centralized administrative offset and cross-servicing authority. It creates new offset authorities to allow the Federal Government to deduct Federal debts owed by debtors from amounts the Government owes them.

4. Single Audit Act - The subcommittee will examine implementation of the Single Audit Act of 1984, as amended. The act prescribes audit requirements for state and local governmental and nonprofit organizations receiving Federal financial assistance. It requires guidance to be developed by OMB.

5. Federal Acquisition Reform Act - The subcommittee plans to examine the implementation of the Federal Acquisition Reform Act of 1996 (P.L. 104-106). This reduces unnecessary costs, regulation, and bureaucracy in government procurement through reforming the commercial acquisition system. The Act reduces the need for formal written certifications, enhances international competitiveness, and encourages competition.

6. Federal Financial Management Improvement Act - This 1996 Act is intended to strengthen Federal financial management. It requires Federal financial agencies to implement and maintain financial management systems that comply with certain pre-existing Federal financial management requirements.

7. Prompt Payment Act - The subcommittee will hold an oversight hearing on the Prompt Payment Act which requires every Federal agency to pay an interest penalty on

amounts owed to business concerns for the acquisition of property or services when the agency does not pay on time.

8. Inspector General Act - The subcommittee will review implementation of the IG Act. The hearing will focus on the training and qualifications of auditors; cross servicing and contracting out of audit work; and reporting requirements under the act.

9. Government Performance and Results Act - The subcommittee plans a series of oversight hearings on the Government Performance and Results Act. This Act, conceived by Senator William Roth of Delaware, requires Federal departments and agencies to measure program performance and tie their performance goals to annual budget requests. GPRA will set the standard for government performance and ensure that Federal mismanagement, fraud, waste, and abuse will not be accepted as "business as usual."

10. Government Management Reform Act - The subcommittee plans a series of hearings on implementation of the Government Management Reform Act of 1994 (GMRA), which extends the requirements of the Chief Financial Officers Act (CFO Act) to all Federal agencies. The Act requires audited financial statements for the Federal Government, and allows the OMB to designate pilot projects for streamlining of reports to Congress and for franchise fund pilots. The first hearing will focus on Federal agency management of debt and liabilities and the need for full accrual of liabilities of the Federal Government. Other hearings will focus on specific agencies and departments and examine the status of their financial management, including systems management.

B. INFORMATION TECHNOLOGY OVERSIGHT

1. Technology Changes - The subcommittee plans to review a number of issues that are driven by technological changes. Among them are:

(a) the year 2000 computer problem;
(b) technology investment and productivity gains;
(c) troubled information technology systems (Medicare, IRS, Defense);
(d) government information on-line, and;
(e) FOIA on-line and the Privacy Act.

C. FINANCIAL MANAGEMENT CONTROLS OVERSIGHT

1. Bureau of Land Management - The subcommittee will hold an oversight hearing on the Bureau of Land Management (BLM). The BLM is falling behind in maintaining its land and structures. It reported $2.1 million as being spent on maintenance-related activities when they were really spent on firefighting, personnel relocation, and other non-maintenance activities.

2. IRS - The subcommittee will review financial management problems at the Treasury Department. Although responsible for collecting 98 percent of the Government's revenues, currently $1.25 trillion annually, the Internal Revenue Service has not kept its own books and records with the same degree of accuracy it expects of taxpayers.

3. Oil Royalty Revenue Collection - The subcommittee plans an oversight hearing on underpayments to the Federal Government of royalties on crude oil drilled on Federal lands. These underpayments may total $2 billion nationwide. The Minerals Management Service, a bureau of the Department of the Interior, has failed to address this problem.

4. White House Accountability - The subcommittee will conduct a legislative hearing on a bill to enhance the capabilities of the White House in terms of fiscal and ethical accountability. Several incidents occurring during the 104th Congress have highlighted the need for greater accountability on the part of the White House, and for a central investigative and oversight body to alert the President to potential management, ethical, and other problems.

5. Debt Collection - The subcommittee will examine federal agency management of revenue and receivables, including debt collection, which is particularly poor in the IRS and the Justice Department.

6. Medicare/Medicaid Controls Against Fraud - The Government Management Reform Act requires the GAO to audit the government wide financial statements in FY 1997. GAO plans to focus on four significant agencies, including HHS. HCFA, an operating division of HHS, has over $90 billion in Medicaid expenditures and over $165 billion in Medicare expenditures which are highly vulnerable to fraud. The subcommittee will be examining this issue in more depth.

7. Accounting and Reporting Public Debt - The Department of the Treasury's Bureau of Public Debt is responsible for managing and reporting essentially all of the Federal debt and related interest payments, which amount to some $5 trillion. Federal debt securities will likely be the largest item on the Consolidated Government wide Statement of Financial Position. Public Debt has never been subject to a financial statement audit. The GAO is currently reviewing the bureau's system of controls over errors and inaccuracies, in preparation for the audit of the Consolidated Government wide Statement of Financial Position required by the GMRA. The subcommittee will examine this issue in more depth.

8. DOD - The subcommittee will examine in detail the financial management problems at DOD. The Department cannot produce reliable financial information and get an opinion on their audited financial statements. Their financial systems are extremely poor, and cannot use the basic accounting system used by all private sector organizations.

9. Forest Service - The Forest Service has severe shortcomings in its accounting and financial management systems such that it cannot track revenues generated from different uses such as timber harvesting, livestock grazing, and recreational activities, separately, nor can it separate costs incurred to carry out those uses from other uses that do not generate revenues, such as maintaining fish and wildlife and their habitats; maintaining the quality of the soil, water, and air; and protecting resources. The subcommittee will be examining this issue in greater detail.

D. AGENCY OVERSIGHT

1. Agency Missions - The subcommittee plans to hold oversight hearings examining the roles and missions of the following agencies:

(a) Government Printing Office (GPO);
(b) General Services Administration (GSA);
(c) Office of Management and Budget (OMB), and;
(d) General Accounting Office (GAO).

E. GOVERNMENT MANAGEMENT OVERSIGHT

1. Statistical Agency Consolidation - The subcommittee will examine the potential benefits of consolidating all statistical functions of the Federal Government, which is the largest single producer, consumer, custodian, and disseminator of statistical information in the United States.

2. Block Grant Structure - The subcommittee plans a review of how block grants should be structured so as to ensure that accountability for results is assured. There is a high level of interest in providing block grants to states for various activities. The States and Federal agencies involved have been discussing what benchmarks should be used to measure performance.

3. Government Corporations - The Government Corporation Control Act of 1945, as amended, provided for standardized budget, auditing, debt management, and depository practices for corporations. The Administration has proposed establishing so-called "performance-based organizations" (PBOs) which resemble government corporations. A hearing will explore ways to ensure accountability of government corporations.

4. Privatizing Power Marketing Administrations - Congress has been exploring legislative opportunities to reduce the Federal deficit by privatizing the Power Marketing Administrations. An examination will focus on whether the PMAs rates include the full cost of employee benefits and all costs incurred on their behalf by Federal Government entities, and to what extent the Treasury subsidizes the financing of the PMAs' capital projects.

5. GAO's High Risk Series - GAO's high risk series lists Federal programs at high risk of waste, fraud, abuse or mismanagement. In 1995, collectively, they affected almost all of the government's $1.25 trillion revenue collection efforts and hundreds of billions of Federal expenditures. Computer security is a problem for many agencies. The subcommittee will look at GAO's additional findings on prior high-risk programs and describe the areas that are being added to the series.

6. Performance-Based Organizations (PBOs), and other NPR Initiatives - The subcommittee will examine an Administration proposal to set up performance-based organizations throughout the Executive Branch. These would have greater flexibility and freedom from compliance with regulations than they have currently. To establish PBOs

would generally require legislative action. A hearing will examine how a performance-based organization should be structured to ensure accountability to Congress and the nation. The hearing will focus on specific PBO proposals and other National Performance Review initiatives.

7. Consolidating Common Government Functions - The subcommittee will examine the benefits of consolidating common functions in the Executive Branch. On average, more than five agencies perform the same or related functions. Eight agencies perform functions related to regulating natural resources and the environment. Fifteen agencies perform some kind of income security function. There are 163 programs with a job training or employment function.

8. Report Streamlining - The subcommittee will conduct an oversight hearing on report streamlining pilots. Under the authority of the GMRA, OMB has set up pilot report streamlining projects. Several agencies have combined reporting under the CFO Act, the Federal Managers' Financial Integrity Act, and the IG Act (semiannual management audit follow up), and various other financial related reporting into an annual Accountability Report.

9. FTS 2000 Contract - The subcommittee plans an oversight hearing on the government's long-distance telecommunications service, the Federal Telecommunications System 2000 (FTS 2000). The current FTS 2000 contracts, which were awarded in 1988, will expire in December 1998, affording the government great opportunities and challenges as it prepares to transition to a Post-FTS-2000 environment. The hearing will continue the subcommittee's oversight of this procurement issue.

Subcommittee on Human Resources

In the 104th Congress, the Human Resources and Intergovernmental Relations Subcommittee (HRIR) convened 52 hearings, produced 5 oversight reports and reported 1 bill. The Subcommittee focused on health care fraud, Food and Drug Administration (FDA) oversight and the health complaints of Gulf War veterans.

A. LEGISLATION

1. Federal Grant Programs - Currently, the Subcommittee's legislative initiatives focus on streamlining the regulatory tangle of federal grant programs faced by states and localities. Review of the Unfunded Mandates Reform Act also falls under the Subcommittee's legislative jurisdiction.

B. OVERSIGHT

1. HUD: Status of Empowerment Zone/Enterprise Community (EZ/EC) Implementation - At the Subcommittee's request, the General Accounting Office (GAO) surveyed EZ/EC designees regarding the status of their implementation efforts. The Subcommittee will review the status of the EZ/EC initiatives, with an emphasis on establishing meaningful, measurable benchmarks early in this ten year program.

2. HUD: Streamlining the Federal Housing Administration - At the Subcommittee's request, GAO is analyzing efforts to streamline FHA operations and compare remaining functions with private sector counterparts. The Subcommittee will review the status of those efforts in conjunction with ongoing review of the FHA insured multi-family portfolio.

3. DoEd: College Tuition Costs - At the Subcommittee's request, GAO is reviewing the relationship between higher education tuition costs and financial aid.

4. HHS: Head Start - As part of an oversight review of the Administration for Children and Families, the Subcommittee will examine the history and operation of the Head Start program, its successes and implications for the future. In addition, the Subcommittee will review the overlapping, duplicative and burdensome administrative requirements of federal grant programs serving the same children.

5. HHS: Rural Health Clinics - At the Subcommittee's request, the GAO studied the effectiveness of current efforts to meet the medical care needs of underpopulated or under served areas through the designation of rural health clinics. The Subcommittee will examine the cost of this designation to the Medicare and Medicaid programs and the need to target those funds more effectively to rural areas not currently served by the medical care delivery system.

6. HHS: Child Support Enforcement and Welfare Reform - As the states implement welfare reform, the Subcommittee will examine the intergovernmental implications of

improved child support enforcement as the federal government takes a greater role in funding and execution of enforcement of state court child support orders.

7. HHS: Medicare and Medicaid Fraud in Nursing Homes - Working with the HHS Inspector General, private insurers and others, the Subcommittee will examine emerging patterns of fraud and abuse of federal health care programs in skilled nursing facilities. This review will encompass opportunities for fraud in both fee for service and managed care systems.

8. HHS: Exclusion of Fraudulent Health Care Providers - Continuing work begun in the 104th Congress, the Subcommittee will monitor progress by the HHS IG and the Health Care Finance Administration in modernizing, streamlining and improving the process of excluding fraudulent and abusive providers from federal health programs.

9. HHS: Privatization of Social Service Programs - At the request of the Subcommittee, GAO is studying state and local efforts to contract elements of social service delivery programs to private entities. This review will be done in conjunction with the review of child support enforcement and the implementation of other aspects of welfare reform.

10. HHS: NIH Research Priorities and Coordination - The Subcommittee will review how long and short term research priorities are established at NIH and how those research efforts are integrated into other federal and state health programs, particularly those of the Centers for Disease Control and Prevention.

11. HHS: Operational Assessment of the Vaccines for Children Program - The Subcommittee will examine the operation and efficiency of the program and review current scientific and public health opinion on the effectiveness of current vaccine distribution systems.

12. NIH/CDC: Public Health Implications of Antibiotic Resistance - The subcommittee will hear testimony on the increasing prevalence of microbes resistant to current antibiotics. The hearings will also examine the research and public health implications of overuse of antibiotics and the emergence of increasingly potent pathogens that cannot be killed by even the strongest current antibiotics.

13. FDA: Food Allergies and Medical Foods - As part of its ongoing FDA oversight, the Subcommittee will review current approaches and possible improvements in the approval of health claims for medical foods. These hearings will also examine NIH's approach to research into clinical nutrition and food allergies.

14. DoL: Job Corps Eligibility and Effectiveness - At the request of the subcommittee, GAO is reviewing the performance of certain Job Corps centers and the relationship between the local job market, training and job retention.

15. VA: Persian Gulf War Illnesses - The Subcommittee will continue to examine the Department of Veterans Affairs' approach to the health complaints of Gulf War veterans to insure that research and treatment options are being vigorously pursued.

Subcommittee on National Security, International Affairs, and Criminal Justice

The Subcommittee on National Security, International Affairs, and Criminal Justice held 39 hearings in the 104th Congress, including ten on federal law enforcement actions in relation to the Branch Davidian Compound in Waco, Texas, and more than fifteen on the nation's drug war. Subcommittee reports on both these issues were produced, as well as a report on mismanagement at the White House Communications Agency.

A. U.S. COUNTERDRUG EFFORTS

1. ONDCP Re-Authorization and Review of the Drug War - The Office of National Drug Control Policy's (ONDCP) authorization expires on September 30, 1997. ONDCP was last reauthorized by the Omnibus Crime Bill of 1994. The subcommittee will work to explore existing agency problems and implement changes to its authorization statute as necessary.

2. Customs Corruption Along the Southwest Border - The subcommittee will review the increasing reported risk of corruption, the extent of the current problem, and potential preventive measures. Both the Customs Service and Border Patrol are currently in the midst of corruption scandals along the Southwest Border. Rigorous internal controls, restructuring of ports of entry, technology advances, and better methods of inspection are needed.

B. NATIONAL SECURITY & INTERNATIONAL AFFAIRS ISSUES

1. Federal Computer Policy - U.S. export controls of encryption devices and government information security are emerging areas of policy development. The subcommittee will examine both in an effort to ensure that Administration policies strike the correct balance between protecting individual rights, preparing for so-called "information warfare," and encouraging the development of sound technology.

2. Regional Threats to National Security - The Subcommittee will examine threats presented in the post-Soviet states and relations between China and Taiwan in East Asia. There is a need to review the effect of the Soviet Union break-up on the tracking and security of nuclear material, illegal drug trafficking, and other criminal activity. A review is also planned regarding the adequacy of the U.S. response to the rising Communist Chinese military acquisition threat. Of particular concern will be a U.S. "straits policy," and the U.S. delivery of F16s to Taiwan in 1997.

3. UN Planning, Timing, and Mission Management - In Bosnia, Haiti, and with UN-led missions in general, there has been an abundance of poor planning and management of power projection, priorities, and misuse of valuable resources. The subcommittee plans continuing oversight of these problems.

C. DEPARTMENT OF JUSTICE & CRIMINAL JUSTICE ISSUES

1. Citizenship USA - The Subcommittee will continue to lead the investigation of the INS' Citizenship USA program, a program whereby this administration greatly accelerated the INS' naturalization of immigrants, putting at risk proper procedures and thorough screening of hundreds of applicants.

2. Criminal Justice Deficiencies in Prosecuting Medicare Fraud - Congressional efforts to produce the 1994 House Republican health care reform plan, together with efforts toward the Rowland-Bilirakis insurance reform law (which contained provisions to restrict malpractice lawsuits, reduce paperwork and fraud, and establish community health centers for the uninsured), provide the subcommittee a springboard for further work in this area.

3. Review of the Office of Personnel Responsibility Complaint Process and DOJ Entrapment Guidelines - FBI involvement in an operation called "Lightning Strike" has come to the subcommittee's attention. Beyond this investigation, a closer look at the investigative policies of federal law enforcement agencies, review of the NCIC suspect block guidelines, and the Inspector General policy on carrying firearms is warranted.

4. Counterterrorism and the Olympic Park Bombing - We have conducted continued oversight, shared with the House Permanent Committee on Intelligence, into terrorist activities. We plan to continue a review of counterterrorism, and pursue inquiries into the FBI handling of the Atlanta bombing.

5. U.S. Marshals Service and Witness Protection - The subcommittee plans to review the requirements and qualifications in place at DOJ for selection into the costly Witness Protection Program. In addition, oversight of the U.S. Marshals Service in the wake of certain federal operations is overdue.

D. DEPARTMENT OF STATE

1. Department of State Downsizing - A number of proposals have been put forward for downsizing the State Department and the subcommittee plans to evaluate their merit. There are a host of changes which should be implemented expeditiously. For example, the outmoded system of dispatches needs to be replaced. Additionally, cumbersome, outdated, and time-consuming review processes are wasteful and expensive when e-mail, video-conferencing and other technologies could accomplish the same goals.

2. Overseas Posts and Real Estate - State's overseas presence is vast and includes surplus real estate. Eliminating surplus property is an easy first step, but some have proposed cutting a number of the 252 posts abroad by using a regional representation scheme and reducing State's presence to one post per country. State has resisted all of these efforts. GAO estimates that closing a 10-person operation would save $2M each year. Some have suggested that a BRAC-like process be used to accomplish these post closures. The subcommittee plans to examine this possibility.

E. NASA

1. Review of NASA's Mission - Included in the subcommittee's review of NASA's overall mission is the continuing importance of long-term commitment to space exploration, a review of shuttle privatization and safety issues, a look at the future of U.S. space station commitment in light of Russia's financial problems, and a closer look at the Defense Contracting Audit Agency (DCAA).

F. BUREAU OF THE CENSUS

1. Review of Census 2000 - The subcommittee plans to continue its review of the Bureau's plans for conducting the 2000 Decennial Census, in particular, the controversial use of sampling and adjustment. Sampling is being touted by the Bureau as both legal and appropriate despite strong arguments from Congress that it is neither. Also likely to be reviewed are Census plans concerning the multi-racial category, Bureau restructuring, Census 2000 preparations, and harassment by Bureau officials conducting the American Community Survey, a program in its second year of testing that the Bureau says will eventually replace the decennial census long form.

G. DEPARTMENT OF DEFENSE

1. Defense Inventory Management - The systems and facilities used by DOD for inventory management appear rife with fraud, waste and abuse of taxpayer dollars. It has been estimated by GAO that almost half of the defense inventory -- representing well over 30 billion dollars' worth of parts and equipment -- is useless, obsolete, unnecessary, or cannot be resold for any substantial value. While we support the DOD mission, we will focus on overall accountability of inventory management. For example, DOD is continuing to pay hundreds of millions of dollars a year to store surplus inventory, instead of disposing of it in a prompt and efficient manner.

2. Ballistic Missile Defense - In the post-Cold-War environment, perhaps the greatest military threat to U.S. national security lies in the potential use of ballistic missiles by rogue states such as Libya, North Korea and Iran, and by international terrorist organizations. It is imperative that the U.S. develop comprehensive theater and continental missile defense systems as soon as possible. The subcommittee plans to examine why the Department of Defense has not been concentrating its resources and efforts on the research and development required for ballistic missile defense systems.

3. Unit Training and Readiness - In recent years, U.S. ground troops have been deployed in numerous peace-keeping, humanitarian, and support missions which are not directly related to war fighting or national defense. This has often resulted in severe degradation of the combat units' military readiness. The subcommittee plans a review of the effect of all these non-military missions on our military readiness.

H. FEMA

1. FEMA Oversight - We plan to investigate possible political links to FEMA's grants of disaster assistance. Other areas the subcommittee will explore include the flood insurance program and mapping activities, discretionary spending priorities, post-recovery expenditures and audit procedures.

Subcommittee on the Postal Service

In the 104th Congress, the Subcommittee on the Postal Service held 18 public hearings on the U.S. Postal Service to review such matters as the international mail market, mailing costs for the Federal Government, and overall postal reform. The subcommittee was also successful in obtaining authorizing legislation in the Omnibus Appropriations Act of 1996 which established an Independent Office of Inspector General, and gave authority to the Governors of the Postal Sercive to appoint the Inspectors General for terms of 7 years.

A. LEGISLATION

1. Postal Reform - The Subcommittee will continue its extensive reform hearing agenda as begun in the 104th Congress. The Subcommittee will proceed with additional hearings and meetings with interested parties in order to achieve consensus among various stakeholders with interests affected by the U.S. Postal Service (USPS). Fundamental topics to be considered as part of postal reform include:

(a) Competition - the extent to which the USPS will be allowed to compete with private sector interests to sustain its universal service infrastructure, the extent to which anti-trust laws can be applied to the USPS, and private sector access to mail receptacles allowed in light of this competition;

(b) Ratemaking - the ability to set rates based on a standard inflation index as adjusted by a productivity factor as a method of breaking the long-held, lengthy and confusing cost-based ratemaking process; and

(c) Increased criminal penalties for misuse of the mails.

The Subcommittee intends to conduct a hearing that will focus on the ratemaking issue and, in particular, the use of performance-based rate setting or "price caps" in the utility and telecommunications arenas.

B. OVERSIGHT

1. General Oversight - At the onset of each session of Congress is required by statute to conduct a general oversight hearing to explore current problems and challenges facing postal operations and services. Witnesses will tentatively include the Postmaster General, and the Chairmen of both the Postal Services's Board of Governors and the Postal Rate Commission (PRC). Additionally, the Subcommittee will seek the comments of numerous other interested parties including postal employee unions and organizations; trade associations representing mail users such as advertising, newspapers, magazines and parcel mailers; and competing private sector firms such as express, parcel and mailbox companies.

2. New Inspector General Oversight - It is anticipated that the Subcommittee will hear for the first time from the newly appointed Inspector General.

3. Performance Measurement - The review of the quality of data submitted by the Postal Service to the Postal Rate Commission will be continued during the 105th Congress.

During conduct of oversight hearings, the Subcommittee was made aware of concerns regarding the quality of the data the USPS submits to the PRC. During the 104th Congress, discussions were held with representatives of both the USPS and the PRC, as well as the General Accounting Office and an independent third-party in an attempt to improve the quality of the data as well as the level of trust between the parties.

4. Address Privacy - The Subcommittee will continue to review this topic in light of the recently received General Accounting Office Report on the National Change of Address (NCOA) program and the accompanying privacy questions.

5. Labor-Management Relations - The Subcommittee plans to continue to monitor the status of labor-management relations within the USPS. The Subcommittee has asked for a review by the General Accounting Office on the status of initiatives that were recommended for the USPS to implement in order to improve working conditions. These problems have been exacerbated in recent years by postal management's efforts to reduce labor costs through outsourcing and automating much of its work.

6. Accountability - The Subcommittee will continue its focus on accountability and revenue protection within the Postal Service's $57 billion operation. The General Accounting Office is preparing two reports: one on Postal Service Governance, and one on the status of post office closings and the communities affected by those closings. Additionally, the Subcommittee will follow up on reports issued in the 104th Congress regarding the loss of revenue in the bulk and Express mail operations of the USPS.

7. Compliance with the Government Performance and Results Act (GPRA) - The Subcommittee will be monitoring closely USPS efforts to bring itself into compliance with the requirements of this Act. This Act, which takes effect this year, provides an excellent opportunity to enhance congressional oversight on postal performance. Indeed, in Postal reform legislation considered by the Subcommittee during the 104th Congress, GPRA provides one of the measurement devices used to judge postal performance. The Subcommittee will be working with the full Committee and other oversight committees to monitor the effectiveness of this very important Act.

8. Workers Compensation Costs - At the end of fiscal 1995 the Postal Service's total estimated liability for future workers compensation outlays was $5.2 million. That same year the USPS recognized $877.3 million in workers compensation expenses compared to $326.8 million in fiscal 1994. Obviously, the Postal Service is a labor intensive enterprise and can be expected to have injuries. However, the Subcommittee believes this to be an area in need of serious review.

9. Budget Issues - The Subcommittee remains concerned that despite its "off-budget" status, the USPS may be targeted to provide a source of funds for federal budgetary savings which could result in higher postage rates for consumers.

Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs

The Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs held 36 hearings in the 104th Congress on a range of issues from "welfare for lobbyists," to the impact of regulations on employment, to cleaning up the Superfund program. In 1995, the subcommittee played a major role in the passage of two important laws, the Paperwork Reduction Act of 1995, and the Federal Reports Elimination and Sunset Act of 1995. The subcommittee will continue to oversee implementation of these important acts in the 105th Congress, and has plans for new initiatives as well.

A. INVESTIGATIONS

1. White House Database Investigation - The subcommittee will continue the investigation of the White House Database, particularly as it relates to the ongoing public concern about the intermingling of political contributions and policy. The White House Database is a program that tracks sensitive personal and political information of 400,000 individuals and 80,000 organizations and businesses.

2. Travel Oversight - The subcommittee will continue its investigation of several senior government officials' travel budget and practices and produce a report recommending changes in agency policies in this regard.

B. OVERSIGHT

1. Agency Compliance with the Congressional Review Act (CRA) - The subcommittee will conduct oversight on the type of agency rules and reports that must be submitted under the CRA and work to establish uniform formats for the submission of such rules and reports. The subcommittee will review the final rules, reports, and cost-benefit analyses submitted under the CRA and provide assistance with passage of resolutions of disapproval.

2. Agency Compliance with the Paperwork Reduction Act (PRA) - The subcommittee will conduct oversight of the Office of Information and Regulatory Affairs's (OIRA) role in enforcing the PRA and work towards legislative changes that may be needed in the PRA.

3. Oversight of OMB/OIRA's Regulatory Review Performance - The subcommittee will examine overall regulatory activity (number of rules issued, number reviewed); OIRA's record on improving or ignoring economic analysis; and OMB/OIRA's record in evaluating and reporting on total federal regulatory costs.

4. Oversight of Individual Regulations - The subcommittee will conduct oversight of the following: (1) the Electrical Industry Deregulation Rule; (2) the National Ambient Air Quality Standards under the Clean Air Act Amendments; (3) the Potential Ergonomics Rule; (4) the Toxic Release Inventory "Right-to-Know" program, and; (5) New Health

Care Rules.

5. Superfund - The subcommittee will conduct a hearing to review the time required to cleanup hazardous waste sites. At the request of the full Committee Chairman, the GAO is conducting a thorough examination to determine how the speed of cleanups has changed in recent years. The subcommittee will also examine a number of other issues relating to Superfund during the 105th Congress.

C. LEGISLATION

1. Grant Reform Legislation - The subcommittee will continue its investigation of federal agencies and federal grantees regarding the use of taxpayer funds to subsidize lobbying and political activity and seek remedies to protect the American taxpayers against abuse of grant funds, particularly through closure of the loophole in the Simpson-Craig amendment that prohibits 501(c)4 advocacy groups from receiving grant funds.

2. Privatization - The subcommittee will conduct oversight on successful privatization or private management contract ventures that may lead to legislation that would ease barriers to privatization and encourage an infusion of much-needed private capital into public facilities.

WILLIAM M. THOMAS, CALIFORNIA,
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STACY CARLSON,
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TOM JURKOVICH,
MINORITY STAFF DIRECTOR

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE OVERSIGHT
1309 LONGWORTH HOUSE OFFICE BUILDING
(202) 225-8281
Washington, DC 20515-6230

February 12, 1997

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2157 Rayburn HOB
Washington, DC 20515

Dear Dan:

Pursuant to clause 2 (d)(1) of Rule X of the Rules of the House, the Committee on House Oversight held a meeting that was open to the public on February 11, 1997. With a quorum present, the Committee adopted the Committee's Oversight Plan for the 105th Congress. Enclosed, as required by Rule X, is a copy of that Plan.

Please let me know if I may be of further assistance in this matter.

Best regards,

Bill

BILL THOMAS
Chairman

Enclosure

COMMITTEE ON HOUSE OVERSIGHT
OVERSIGHT PLAN FOR 105TH CONGRESS

Pursuant to House Rule X, clause 2(d)(1), the Committee on House Oversight held a meeting that was open to the public on February 11, 1997. With a quorum present, the following oversight plan for the Committee during the 105th Congress was adopted.

ESTABLISHMENT OF THE COMMITTEE

The Committee was created on January 4, 1995, and is successor to the Committee on House Administration, which was created on January 2, 1947 as part of the Legislative Reorganization Act of 1946. This Act combined the Committee on Accounts, Enrolled Bills, Disposition of Executive Papers, Printing, Elections, Election of the President, Vice President, and Representatives in Congress, and Memorials. Between January 2, 1947 and January 4, 1995, the jurisdiction of the Committee was amended to include the House Restaurant System, parking facilities, House Beauty Shop, campaign contributions to candidates for the House, resolutions authorizing committees to employ additional professional and clerical personnel, and the Committee shared jurisdiction with the Post Office and Civil Service Committee on matters relating to compensation, retirement and other benefits of Members, officers and employees of Congress.

The Rules of the House of Representatives for the 104th Congress expanded the Committee responsibility for authorizing payment of expenses include all staff salaries for any committee, commission, or other entity (except the Committee on Appropriations) for a Congress. The Committee's jurisdiction was also broadened to include the Franking Commission. Responsibility for erection of monuments to the memory of individuals was transferred to the Committee on Resources.

Upon adoption of the Rules of the House of Representatives for the 105th Congress, the Committee was given sole jurisdiction over, and responsibility for, assigning functions and providing oversight and policy direction to the Chief Administrative Officer of the House. An additional provision was added, clause 4(d)(2) of rule X, which requires joint approval by the chairman and ranking minority member of the Committee concerning the amount of funds to be paid before a House employing office may enter a settlement of a complaint under the Congressional Accountability Act of 1995 (CAA) that provides for such a payment. The CAA assigns to the Committee responsibility for oversight of the Office of Compliance and the Board of Directors of the Office of Compliance (section 301(i) of Public Law 104-1; 2 U.S.C. 1381(i)).

COMMITTEE JURISDICTION

The Committee on House Oversight is a standing committee of the House of Representatives. The powers and duties of the Committee include the statutory responsibilities of the predecessor committee, the Committee on House Administration, as determined primarily by the Legislative Reorganization Acts of 1946 (Public Law 79-601) and 1970 (Public Law 91-510); the House of Representatives Administrative Reform Technical Corrections Act of 1996 (Public Law 104-186), and; the Rules of the House of Representatives adopted on January 7, 1997. The Committee on House Oversight, which consists of 8 members, has jurisdiction and related functions assigned by clauses 1, 2, 3, and 4 of rule X of the Rules of the House of Representatives; and all bills, resolutions, and other matters relating to the following subjects shall be referred to the Committee:

1. Appropriations from accounts for committee salaries and expenses (except for the Committee on Appropriations), House Information Systems, and allowances and expenses of Members, House Officers and administrative offices of the House.
2. Auditing and settling of all accounts described in subparagraph (1).
3. Employment of persons by the House, including clerks for Members and committees, and reporters of debates.
4. Except as provided in Rule X, clause 1(q)(11), matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts.
5. Except as provided in Rule X, clause 1(q)(11), matters relating to the Smithsonian Institution and the incorporation of similar institutions.
6. Expenditures of accounts described in subparagraph (1).
7. Franking Commission.
8. Matters relating to printing and correction of the Congressional Record.
9. Measures relating to accounts of the House generally.
10. Measures relating to assignment of office space for Members and committees.
11. Measures relating to the disposition of useless executive papers.
12. Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.
13. Measures relating to services to the House, including the House Restaurant, parking facilities and administration of the House Office Buildings and the House wing of the Capitol.
14. Measures relating to the travel of Members of the House.
15. Measures relating to the raising, reporting and use of campaign contributions for candidates for office of Representative in the House of Representatives, or Delegate, and of Resident Commissioner to the United States from Puerto Rico.
16. Measures relating to the compensation, retirement and other benefits of the Members, officers, and employees of the Congress.

In addition to its legislative jurisdiction under the preceding provisions (and its general oversight function) the Committee has the function of:

1. Examining all bills, amendments, and joint resolutions after passage by the House and, in cooperation with the Senate, examining all bills and joint resolutions which shall have passed both Houses to see that they are correctly enrolled, forthwith presenting those which originated in the House to the President of the United States in person after their signature by the Speaker of the House and the President of the Senate and reporting the fact and date of such presentation to the House; and
2. providing policy direction for, and oversight of, the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Inspector General.

Finally, the Committee has privilege under House Rule XI, clause 4(a) to report at any time on enrolled bills, contested elections, and all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the applicable accounts of the House described in clause 1(h)(1) of rule X, and on all matters relating to preservation and availability of non current records of the House under Rule XXXVI.

105TH CONGRESS OVERSIGHT PLAN

ACCOUNTS OF THE HOUSE

- Oversee Member allowance amounts, structure, and regulations; provide guidance to offices to ensure compliance with House regulations.
- Receive and review comprehensive financial and operational audits of the House: investigate any irregularities uncovered; implement required improvements.
- Review and revise, as needed, *Members' Congressional Handbook* regulations governing expenditure of Members' Representational Allowances.
- Review, for possible change, formula which establishes Members' Representational Allowance.

COMMITTEE FUNDING AND OVERSIGHT

- Continuing review, and assessment of biennial and consolidated funding resolutions for committees.
- Receive and review Monthly Reports on committee activities and expenditures.
- Review and revise, as needed, *Committees' Congressional Handbook* regulations governing expenditure of committee funds.
- Review Primary Expense Resolutions and approve committee funding levels.
- Create rules and regulations associated with administration of the reserve fund for unexpected oversight activities of committees.

IMPLEMENTATION OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

- Monitor implementation of the Congressional Accountability Act of 1995 (Public Law 104-1).
- Review regulations adopted by the Office of Compliance and make recommendations on their approval by the House.
- Evaluate resources available to the Office of Compliance and House Employing Offices to facilitate implementation of the Act.
- Provide oversight for the Office of Compliance.

FRANKING COMMISSION AND OFFICIAL MAIL ALLOWANCE

- 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.
- Review structure and use of Official Mail Allowance.

GOVERNMENT PRINTING OFFICE

- Consider legislation to reform government printing by eliminating redundancies, increasing efficiency, and enhancing public access to government publications.

- Gather information on the restructuring of government printing and the dissemination of government information to the public, especially in electronic form.

HOUSE OFFICERS AND HOUSE OPERATIONS

- Conduct a comprehensive review of the House Employees Position Classification Act, 2 U.S.C. § 291 *et seq.*, and recommend changes which further the purposes of the Act.

Chief Administrative Officer

- Review of procedures for processing contracts with the House that exceed the threshold of $100,000.
- Continue to review implementation of new financial management system.
- Review the long-term structure of House Information Resources and determine long-term organizational direction.
- Oversee progress towards successful implementation of the Information Systems Plan adopted by the Committee on November 15, 1995.
- Review and evaluate the process for approving equipment purchases by members and committees.
- Continuing review of functions and administrative operations assigned to the CAO.
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.

Clerk of the House

- Review and assist in policy decisions regarding the administration of the audio and visual transmission on the House floor.
- Review and approve contracts and requests for proposals for the Clerk which exceed the $100,000 spending threshold.
- Review and approve program plans for the implementation of the document management system.
- Review and approve progress on defining a standard for the electronic exchange of legislative information among Congress and legislative branch agencies.
- Continuing review of functions and administrative operations assigned to the Clerk
- Review of semi-annual financial and operational status reports; recommend changes in operations to improve services and increase efficiencies.

Sergeant at Arms

- Review of security operations in the House, including the House chamber, the galleries, the Capitol, House Office Buildings, and Capitol Grounds.
- Review of 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.
- Continuing review of functions and administrative operations assigned to the Sergeant at Arms.
- Review the security operation of the House's parking facilities, its regulations and allocation of parking spaces.

Inspector General

- Review and evaluate proposed audit plan and audit reports.

OVERSIGHT OF LEGISLATIVE BRANCH ENTITIES

Information and Technology Coordination:

- **LBITE**: Oversee, in conjunction with the Senate, implementation of the Legislative Branch Information Technology Exchange (LBITE) a forum for the sharing of technology plans and capabilities among the legislative branch agencies.
- **LBTN**: Oversee, in conjunction with the Senate, the Legislative Branch Telecommunications group.

Library of Congress

- Oversee the remedial measures taken by the Library in response to the audit conducted in the 104th Congress.
- Consider the Library's proposals regarding restructuring of the Gift and Trust funds.
- Conduct a review of the progress that the Library has made in providing public access to government information, especially in electronic form.
- Continuing review and oversight of Library and Congressional Research Service operations.

Smithsonian Institution

- Receive and review the Inspector General's reports on the status of the Smithsonian.
- Consider recommendations to authorize funds for repair and maintenance of the Smithsonian buildings.
- Continuing review and oversight of Smithsonian operations.

Architect of the Capitol

- Review the operations of the office of the architect, consider a systems and financial audit of the operation as a whole to provide a baseline for the administration of the new Architect.
- Conduct a review of the electronic and procured services provided by the Architect.

TECHNOLOGY USE BY THE HOUSE

Document Management

- Continuing oversight of House Information Resources and other technology functions of the House to ensure timely, accurate electronic information dissemination.
- Oversee implementation of new House Rule XI 2(e)(4) requiring committee documentation to be made available electronically, to the maximum extent feasible.

ELECTIONS, VOTER REGISTRATION, AND CORRUPT PRACTICES

- Conduct a review of current operations of the Federal Election Commission and evaluate possible changes to improve efficiency, strengthen enforcement of the Federal Election Campaign Act, and improve procedures for the disclosure of contributions and expenditures.

- Review state and federal activities and costs in connection with the National Voter Registration Act. Examine reforms that could cut costs and improve voter registration procedures, particularly with regard to strengthening protection against fraud.

- Examine options for improvement of the contested elections process and amendments to the Federal Contested Election Act.

- Examine evidence of fraud in the conduct of federal elections and evaluate measures to improve the integrity of the electoral process.

- Examine evidence of possible corruption and evasion of election laws in campaign fundraising, including contributions from prohibited foreign sources.

- Examine the role of involuntary contributions used for expenditures that influence political campaigns.

- Examine current federal election financing laws, consider legislative changes as necessary.

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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
WASHINGTON, DC 20515-6415

Room H-405, U.S. Capitol
(202) 225-4121

MARIE M. LOWENTHAL, STAFF DIRECTOR
LOUIS H. DUPART, CHIEF COUNSEL
MICHAEL W. SHEEHY, DEMOCRATIC COUNSEL

House Permanent Select Committee on Intelligence: Oversight Plan, 105th Congress

The following is the oversight plan for the House Permanent Select Committee on Intelligence (HPSCI) for the 105th Congress. We have shared responsibilities in some areas with the Committees on Appropriations, Internal Relations, National Security and the Judiciary. The resolution establishing this Committee (H. Res. 658, 95th Congress) recognized this and provided that some HPSCI members are drawn from those Committees. This remains the case in the 105th Congress (with the exception -- at least as of the date of this report --of International Relations) and is a major means of coordination, as are the daily activities of Committee staff with their counterparts.

Much of the work done by this Committee is highly classified and extremely sensitive. However, we intend to seek every opportunity to hold hearings that are open.

Full Committee

1. *Intelligence Community Budget Authorization.* HPSCI is responsible for producing an authorization bill, including a classified budget schedule, for all elements of the Intelligence Community. This affords us a major opportunity to review current activities and future plans of the Intelligence Community. We expect to have our first authorization bill reported by early May 1997 and to meet the same deadline in 1998.

2. *LA Crack Cocaine.* At the direction of the Speaker, the Committee undertook this investigation in 1996. It is expected that this full scope investigation will last for most of 1997. The Committee's ability to complete its work will depend, in part, on the completion of a report on this matter by the CIA's Inspector General. It is HPSCI policy not to render final judgments until relevant IG reports are available so as to be assured that all relevant material has been considered.

3. *Huang Investigation.* In coordination with other relevant committees, this Committee will continue the work begun in 1996 regarding Department of Commerce practices in the granting of clearances and access to classified national security information.

4. IC21: The Intelligence Community in the 21st Century. This will be a continuation of a major activity from the 104th Congress, seeking ways to modernize the Intelligence Community so that it will be more responsive to likely future national security needs. Among the areas that may be investigated are: creating an Intelligence Community Reserve; enhancing the role of the Community Management Staff and the Director of Military Intelligence Staff; designating the Director of the Defense Intelligence Agency as the *de jure* Director of Military Intelligence. Since many on these issues represent shared areas of jurisdiction, we expect to work closely with the National Security Committee.

5. "Nice Spies." This issue concerns current rules/limits on recruitment of assets overseas who have criminal or human rights problems in their background. This issue arose in 1996, when DCI Deutch argued that his rules were permissive and some Members expressed the view that these were seen as being restrictive. This issue goes to the heart of our ability to collect vital human intelligence.

Subcommittee on Human Intelligence, Analysis & Counterintelligence

1. *DCIDs 1/7 and 5/6.* These are proposed changes in classification practices, essentially eliminating NOFORN largely to make it easier to share intelligence with foreign nations. It raises serious questions about safeguarding sources and methods and about how analysis will be packaged for U.S. policy makers. This also relates to the broader issue of how the Clinton administration has treated clearances, security, classified information, etc.

2. *DOJ Controls over Intelligence.* This is a recent but recurring problem. In brief, Justice is asserting greater control over what intelligence it "allows" to be briefed to us out of concerns that the cases at hand *may* involve prosecution at some point. This will require coordination with the Judiciary Committee for their perspective on an admittedly complex problem.

3. CIA Personnel. Both CIA senior officials and we agree that is necessary to address the problem of why as many talented CIA officers leave early in their careers as appears to be the case.

4. *BW/CW Verification.* Although treaty action is entirely a Senate prerogative, all Members have an interest in our ability to monitor and verify compliance by other states, especially re these relatively easily obtained weapons of mass destruction. It would be useful to have a hearing re U.S. intelligence capabilities in this area and perhaps issue a short unclassified report of findings, concerns, etc. This issue will be coordinated with National Security and International Relations.

5. Counterintelligence Coordination. In light of the most recent espionage cases (Nicholson, Pitts), we will continue to look at the issue of FBI/CIA coordination and cooperation and the ongoing lessons learned.

Subcommittee on Technical and Tactical Intelligence

1. Future Satellites. We will continue to focus on the important gains made in the 104th Congress, particularly the role of small satellites and the future array of intelligence satellites.

2. Processing and Exploitation. We expect to continue to focus attention on these too neglected but crucial parts of the intelligence process. Simply put, collection is meaningless -- and even wasteful -- unless the data can be processed and exploited.

3. Collection Synergy. Continue to monitor progress and emphasize the utility of synergy among the technical collection disciplines, including more centralized management.

4. Requirements and Acquisition. Examine the relationships among requirements, acquisition, management, operations and intelligence reporting as they affect the relationship between national and tactical collection systems.

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Chairman

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RICHARD J. GARON
Chief of Staff

ONE HUNDRED FIFTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

TELEPHONE: (202) 225-5021

February 11, 1997

LEE H. HAMILTON, Indiana
Ranking Democratic Member

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TOM LANTOS, California
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BOB CLEMENT, Tennessee

MICHAEL H. VAN DUSEN
Democratic Chief of Staff

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

By direction of the Committee on International Relations, I hereby transmit to the Committee on Government Reform and Oversight, in compliance with clause 2 of Rule X of the Rules of the House of Representatives, the Oversight Plan of the Committee on International Relations for the 105th Congress.

The Committee's Oversight Plan was adopted by unanimous consent on February 11, 1997, at a meeting of the Committee on International Relations that was open to the public.

I look forward to working with you as the Committee on Government Reform and Oversight reviews this Plan. Please let me know if I or the staff of this Committee can be of any assistance in your efforts.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN
Chairman

cc: The Honorable Lee H. Hamilton
Ranking Democratic Member

Adopted by the Committee,
February 11, 1997

COMMITTEE ON INTERNATIONAL RELATIONS

OVERSIGHT PLAN

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

This is the oversight plan of the Committee on International Relations for the 105th Congress. It includes the areas in which the Committee hopes to conduct oversight during this Congress. As the Committee's priorities change, the oversight work of the Committee may change. The fact that an issue is listed here does not mean that the Committee will necessarily hold a formal meeting devoted solely to that issue. The Committee, in the course of its oversight work, may also rely on briefings, 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.

I. General

A. Meetings with foreign political leaders. The Committee's ongoing program of informal and formal meetings with foreign political leaders gives it the opportunity to explore the effectiveness of United States foreign policy.

B. Meetings with Administration officials. The Committee's informal meetings with Administration officials allows Members and staff to explore the effectiveness of the Administration's implementation of foreign policy.

C. Review of matters relating to the possible influence on American foreign or economic policy arising out of donations apparently originating from foreign sources;

review of security, confidentiality, and conflict-of-interest procedures and related matters.

II. International Security/UN/Peacekeeping/General

A. Review of Chemical Weapons Convention & implementing legislation.

B. Oversight of arms transfer procedures and legislation, including implementation of H.R. 3121. Review of specific major proposed arms sales, such as F-16 sales to Indonesia or Saudi Arabia.

C. Peacekeeping oversight including command and control issues; special attention to the status of the international peacekeeping effort in Haiti, and to the U.S. military involvement in Bosnia..

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

E. Nunn-Lugar program -- Review implementation of program aimed at dismantlement and destruction of nuclear, chemical, and biological weapons in the Former Soviet Union.

F. Review of START I implementation, START II ratification, and the prospects for START III.

G. Review of Demarcation and Multilateralization Agreements to Anti-Ballistic Missile Treaty.

H. Review of Conventional Forces in Europe Treaty and possible revisions thereof.

I. Review of Nonproliferation Sanctions Regimes

J. Other Nonproliferation and disarmament topics:
1. Effectiveness of International Atomic Energy Agency.
2. Status of Fissile Material Production Ban.
3. Review Effectiveness of existing and proposed nuclear weapon free zones in Latin America, the South Pacific, Africa, South Asia, and Southeast Asia.
4. Status of land mine ban negotiations.

5. Compliance with arms control agreements.
6. The disposition and elimination of excess weapons-grade plutonium stores worldwide.

K. Security Assistance -- Review effectiveness and implementation of security assistance programs including foreign military financing, economic support fund, international military education and training, and non-proliferation and disarmament fund and other "spigots".

L. UN Reform/Arrearages.

M. International crime issues
1. Russian organized crime, and the international response to it, as well as its impact on American and other investment in the Russia and elsewhere.

N. Oversight of agency implementation of the Government Performance and Results Act ("GPRA").

O. Narcotics oversight.
1. The emerging heroin crisis and the Administration's plans for dealing with it.
2. Source nations strategy, with special attention to Colombia and Peru.
3. Eradication efforts and their effectiveness; alternative development.
4. The "certification process" in the light of the Colombian experience.
5. Plans for riverine interdiction progam.

P. Terrorism/espionage oversight.
1. The AMIA (Buenos Aries Jewish Community building) bombing and the emerging threat of Islamic-fundamentalist based terrorism in Latin America.
2. Effectiveness of the US technological response to terrorism (GAO report expected Spring, 1997).
3. Overseas Visa lookout system in the light of the new provisions of law relative to the exclusion of aliens on membership in foreign terrorist organizations.
4. Security of US government facilities abroad, especially in the Former Soviet Union.

Q. Multilateral Export Controls: post-COCOM (Coordinating Committee on Multilateral Export Controls).

III. State Department and related agencies operations

A. Oversight/Legislation on personnel & contractor misconduct and on the Foreign Service (update Foreign Service Act) (possibly as part of an item under (1))

B. Management of the foreign affairs agency workforce; assignment process; utilization of the civil service; size of the senior foreign service and senior executive service.

C. Review of Administration's planning for constrained budgets.

D. Legislation regularizing consultative mechanisms between the Administration and Congress.

E. Problems in the administration of foreign affairs.

F. Review of smaller international organizations to which the U.S. belongs.

G. Review of duplication, lack of coordination in exchange/visitor programs.

H. Review of foreign affairs inspectors general.

I. Review of the implementation of the ICASS (International Cooperative Administrative Support Services) system.

J. Overseas property management.

K. Implementation and development of staffing models.

L. American Institute in Taiwan (general oversight).

M. International Commissions.

IV. Foreign Assistance Oversight

A. Review cost, management, donor coordination and impact of U.S. foreign assistance programs. Special emphasis will be given to major aid programs in:

1. Eastern Europe,
2. the Newly Independent States of the former Soviet Union,

3. Drug-producing countries,
4. Haiti, and
5. Africa.

B. Review size, purpose and effectiveness of FY98 and FY99 International Affairs Function 150 budgets. Special emphasis will be given to expected Administration initiatives, such as:

1. Increased aid to the NIS,
2. Increases in the Economic Support Fund program, and
3. UN reform and arrears payments.

C. Conduct special review of programs with noted problems focusing on activities highlighted in AID Inspector General and GAO reports. Special emphasis will be given to AID --

1. Missions and Operations,
2. Credit Programs,
3. AID's New Management System,
4. Strategic Objectives,
5. Enterprise Fund Management, and
6. The "R4" ("Review of Resources, Requirements, and Results") process.

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

1. Voluntary Family Planning, and
2. Child Survival

V. Europe

A. Periodic reviews of the region with the Assistant Secretary of State for European Affairs, subject to his or her availability.

B. Review of US Policy towards Russia and other States of the Former Soviet Union.

C. Oversight of SEED Act assistance programs

D. Enterprise Funds in Eastern Europe and the NIS

E. Developments in the Baltic Region (to assess U.S. interests and events in the Baltic states and the surrounding region.)

F. Developments in Serbia & Montenegro and in the Former Yugoslav Republic of Macedonia (At least one hearing will likely be in order to assess developments in those countries that could have important effects on the entire Balkans region.)

G. New Independent States:

1. Oversight of FREEDOM Support Act assistance program, Nunn-Lugar Assistance program, and other programs of assistance by agencies such as USIA and DOE in the New Independent States.

2. US-Russian Relations

3. Russian Relations with China

4. Developments in the Western Newly Independent States of the former Soviet Union -- Ukraine, Belarus and Moldova

5. Developments in Central Asia

6. Developments in Armenia

7. Developments in Russia

H. Review of NATO Enlargement process and related legislation, as well as other NATO-related issues, including internal restructuring of the Alliance.

I. US-E.U. relations (political, security, trade and financial issues; European monetary union, and the process of European integration).

J. Review of Bosnia.

K. Review of Cyprus.

L. Review of Northern Ireland.

VI. Middle East

A. Periodic reviews of the region with the Assistant Secretary of State for European Affairs, subject to his or her availability.

B. Review of U.S. policy toward Iraq.

C. Review of U.S. policy towards Iran.

D. Review of Turkey's role in the Middle East.

E. Review of Middle East Peace Process & Aid to the Palestinians.

F. Review of Gulf Policy [Saudi Arabia and Gulf Cooperation Council states].

G. Review of Iranian foreign policy designs in the Middle East.

H. Impact of fundamentalism in the Middle East and its impact on U.S. interests.

I. Review of U.S. policy towards North Africa, with special attention to Libya.

J. Review of U.S. assistance to Egypt.

K. Review of U.S. economic interests, and economic development in the Middle East and North Africa.

VII. Asia

A. US - China Economic and Political Relations; options for U.S. policy toward China.

B. Overview of US interests in East Asia.

C. Overview of South Asia.

D. AID activities in Asia.

E. N. Korean Political Instability, KEDO, Foreign Aid to N. Korea; North-South dialogue; trading with N. Korea.

F. Hong Kong as it reverts to PRC Control.

G. U.S.-Vietnam Relations - POW-MIA issues, MFN Status, Consulate in Ho Chi Minh City; US business developments, etc.

H. US-Burma Relations.

I. US-Indonesia Relations; Potential Instability in Indonesia.

J. Agricultural exports to Asia.

K. Three Gorges Dam Project.

L. Democratization in South Asia.

M. Military-to-military relations in Asia (The U.S. relies on a network of relationships to maintain its forward presence in Asia; this is supplemented by training and education).

N. U.S. democracy promotion activities in Asia.

O. Religion in South and Southeast

P. Economic and demographic change in the PRC.

Q. American Energy Development Business potential in Asia.

R. Free trade in Asia: implementing the APEC vision.

S. The Great Power Game in Asia: China, Japan, Russia, and the U.S.

T. US Relations with ASEAN.

U. Taiwan's relations with the PRC.

V. The situation in Cambodia.

W. US - Philippine relations.

X. Regional Cooperation in Southeast Asia.

Y. Sex Trade and Child Abuse in Asia.

Z. Resource sharing issues between India, Bangladesh, and Nepal.

AA. Review of the CINCPAC, East-West Center, Asia-Pacific Center, and Joint Task Force Full Accounting.

BB. Chinese nonproliferation practices.

CC. The Chinese People's Liberation Army: Its goals, influence, and commercial ties.

DD. Taiwan's effort to be admitted to the United Nations.

EE. The Civil War in Afghanistan

FF. US Interests in the Central Asian republics.

VIII. Western Hemisphere

A. In General -- Importance of political stability and economic growth to U.S. Interests, democracy (including corruption, appropriate role of the military, etc.), Summit of the Americas follow-up, and efforts to control drugs and immigration.

B. Trade -- Evaluation of NAFTA, free trade in the Americas, Chile accession, importance of MERCOSUR and subregional agreements, Caribbean Basin enhancement.

C. Central America -- Consolidating democratic gains.

D. Security -- Advanced arms sales to Latin America, hemispheric security and confidence-building measures, cooperation against illegal drugs, guerrillas and "narcoterrorism", and future U.S. presence in Panama.

E. South America -- Mercosur, Argentina (intellectual property rights and terrorist bombings), Chile (NAFTA accession), Peru-Ecuador border dispute.

F. Cuba -- Implementation of Libertad Act, multilateral efforts, human rights and internal dissident movements, Cuba Broadcasting.

G. Mexico -- Drug cooperation and corruption, NAFTA Implementation, economy, political reforms, elections, and Mexico's efforts to control illegal immigration.

H. Haiti -- Strengthening/professionalizing democratic institutions (incl. police), human rights and extrajudicial killings, and jump-starting sustainable investment/jobs.

I. Other -- Caribbean (drug cooperation, economic stability, & CBI enhancement), Canadian unity, role of the OAS, and Inter-American Development Bank.

IX. Africa

A. Review of Africa Human Rights policy.

B. Review of Democratization in Africa.

C. Review of US Trade and Investment in Africa.

D. Review of U.S. policy toward countries of special interest: Nigeria, South Africa, Algeria, Zaire, and Sudan.

E. Slavery in Africa

F. Organized crime in Africa

G. U.S. support for a proposed Africa peacekeeping force

H. US efforts to end the Angolan civil war

I. US public broadcasting to Africa

J. Review of the African Development Bank

K. Review of peacekeeping in the Western Sahara.

L. Review of the Rwanda/Burundi crisis

X. Human Rights

A. Review of human rights country reports.

B. Torture Victims Relief issues

C. Child Labor

XI. Economic Policy and the Environment

A. Enterprise Funds.

B. Overview of global trade situation.

C. 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").

D. OPIC/TDA Oversight

E. EAA Oversight; encryption issues.

F. Implemenation of Iraq, Iran and other sanctions regimes by State and Treasury.

G. Global Environmental Trends: International Instability and National Security.

H. The U.S. government position on Global Warming.

I. How environmental cooperation can enhance bilateral relations and U.S. interests abroad.

Oversight Plan

Committee on the Judiciary

105th Congress

January 21, 1997

FULL COMMITTEE

I. Antitrust Enforcement The Full Committee will be conducting hearings on the operations and activities of the Antitrust Division of the Justice Department and the Bureau of Competition of the Federal Trade Commission. (Spring /Summer 1997)

II. Hart-Scott-Rodino Act The Committee will conduct oversight of the operation and implementation of the Hart-Scott-Rodino pre-merger notification statute. Review will include consideration of the appropriateness of the current filing fee schedule. (Summer/Fall 1997)

III. Robinson-Patman Act The Committee will review the Robinson-Patman Act, which makes it unlawful for a seller to discriminate in price between different purchasers of goods, where the discrimination may result in a substantial lessening of competition. Of particular interest will be whether the statute requires modernizing amendments. The Committee will also consider the application of the Act to the small business community. (Fall 1997/Winter 1998)

IV. Health Care Policy Statements The Committee will review and evaluate the implementation of the "Statements of Antitrust Enforcement Policy in the Health Care Area" -- guidelines jointly issued by the Federal Trade Commission and the Antitrust Division on September 15, 1993, revised September 27, 1994 and once again revised on August 28, 1996. As part of this oversight effort, the Committee will analyze whether legislation is still needed to ensure the appropriate application of the antitrust laws to various health care industry practices. (Fall 1997)

V. Telecommunications The Committee will examine the implementation of the Telecommunications Act of 1996, including its electronic publishing and alarm monitoring provisions. As part of its review, the Committee will be looking at the Department's policy with respect to mergers in the telecommunications industry. These mergers now fall under the Hart-Scott-Rodino Act by virtue of the repeal of Section 221(a) of the Communications Act of 1934. The Telecommunications Act of 1996 repealed this anachronistic provision. The Committee will also consider whether the Federal Communications Commission is properly following the Administrative Procedure Act in its settlement of cable rate disputes under the 1992 Cable Act. (Spring/Summer 1997)

VI. International Antitrust Enforcement The Committee will examine the Division's implementation of the "International Antitrust Enforcement Assistance Act," enacted in 1994 (Public Law 103-438). (Fall 1997)

VII. Encryption The Committee will examine the Administration's latest executive order and implementing regulations relating to the encryption of digital communications. (Spring/Summer 1997)

VIII. The Internet The Committee will continue its review, begun in the last Congress, of whether current copyright law is adequate to address new technologies, including the Internet. The Committee will also consider pending constitutional challenges to, and implementation of, the Communications Decency Act, which prohibits indecent communications over the Internet. (Summer/Fall 1997)

IX. Mass Torts The Committee plans to conduct hearings on the special procedural issues and problems presented by complex litigation, such as those involving mass torts. In connection with this hearing, the Committee will consider proposed amendments to Rule 23 of the Federal Rules of Civil Procedure. (Spring 1998)

X. Medical Malpractice The Committee will examine the impact of enactment of the "Health Coverage Availability and Affordability Act," P.L. 104-191, on health care liability actions. In the event that Congress has adopted amendments to Medicare before the time of these hearings, the impact of those amendments will also be considered. (Summer/Fall 1998)

XI. Implementation of AntiTerrorism Legislation The Committee will conduct oversight of the implementation of the "AntiTerrorism and Effective Death Penalty Act of 1996," P.L. 104-132, and certain provisions of the Continuing Resolution for Fiscal Year 1997 which relate to AntiTerrorism. In particular, the Committee will evaluate information to be provided pursuant to that legislation regarding the feasibility of the use of taggants in explosives, and the constitutionality of restrictions on the dissemination over the Internet of information regarding the making of explosives. (Spring 1998)

XII. Electric Utilities Deregulation The Committee will conduct a hearing on the antitrust implications of proposed deregulation legislation related to the electric utility industry. (Winter 1997/Spring 1998).

XIII. Government Performance and Results Act The Committee will engage in consultation with the Department of Justice, the Federal Trade Commission, the Patent and Trade Office, and other government agencies within its jurisdiction, regarding the preparation and implementation of strategic plans and performance plans as required under the Government Performance and Results Act. Each of the Subcommittees will engage in such consultation with the particular divisions of agencies which fall within their respective jurisdictions. (Ongoing)

SUBCOMMITTEE ON COURTS AND INTELLECTUAL PROPERTY

I. The Federal Judicial System

The Subcommittee will continue to devote considerable time and resources to improving the delivery of justice by Federal and State Courts.

The Subcommittee has oversight responsibility for three entities located within the Federal Judicial Branch: (1) the Judicial Conference of the United States; (2) the Administrative Office of the U.S. Courts and (3) the Federal Judicial Center. The Subcommittee also has jurisdiction over the Federal Rules Enabling Act and the Advisory Committees on Civil Rules, Appellate Rules and Rules of Evidence.

A. Judicial Misconduct and Judicial Activism The Subcommittee receives complaints against federal judges. Congress enacted the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980. The 1980 Act established a mechanism allowing any person to file a complaint regarding the alleged misconduct or disability of a federal judge. The Subcommittee anticipates conducting oversight of judicial discipline and judicial ethics matters in the 105th Congress. In addition, the subcommittee will hold hearings on the judicial interpretation of federal statutes. (Fall 1997)

B. The Judicial Conference of the United States In 1922, Congress created a Conference of Senior Circuit Judges which today is known as the Judicial Conference of the United States. The Conference is the policy making body of the Federal Judiciary. The Subcommittee plans to hold oversight hearings on the Judicial Conference's role and that of the U.S. Supreme Court in developing recommended changes under the Rules Enabling Act. One issue is whether the U.S. Supreme Court should play a meaningful part in that process. (Summer 1998)

C. Administrative Office of the U.S. Courts The Administrative Office of the U.S. Courts was created by Congress in 1939, and assigned the responsibility for administrative duties for the Federal Courts, including preparation of the Judiciary's budget, gathering of statistics for the judicial branch, and implementing the policies of the Judicial Conference. The Subcommittee plans an oversight hearing on the Federal Judicial Branch, and the functioning of the Administrative Office. (Summer 1998)

D. Federal Judicial Center In 1967, the Federal Judicial Center was established within the judicial branch of government and given the responsibilities over research, judicial education and system development. The Subcommittee plans an oversight hearing on the research, support and automation plans of the Federal judiciary. (Summer 1998)

E. Arbitration in the Federal Courts Currently, there are ten mandatory and ten voluntary court annexed arbitration pilot programs operating in the Federal judiciary. Given the success of arbitration and the recognition that exclusive reliance on traditional adjudication can no longer adequately serve the goal of providing a just, speedy and inexpensive determination of every civil action filed in the district courts the Subcommittee may explore the existing programs with a view toward expanding the use of arbitration. (Fall 1997)

F. The Federal Judiciary's Courthouse Construction Program There has been a substantial increase in Federal Courthouse construction, often accompanied by what is thought of to be excessive spending. 43% of GSA's courthouse construction contracts had cost overruns of 10% or more. The Fogey Square courthouse project had $103.3 million in change orders above the original contract budget estimate. (Summer 1997)

G. Investigation of the Number of Unused Federally Maintained Courthouses Throughout the United States Over the years, the Subcommittee has passed legislation authorizing the use of new places of holding court. In most instances this legislation resulted in the use and maintenance of an existing court structure. Sometimes this legislation resulted in the building of new courthouses. The Subcommittee has never reviewed the status and use of these courthouses throughout the country. (Summer 1997)

H. The National Center for State Courts The National Center for State Courts, which is located in Williamsburg, Virginia, is a nonprofit organization dedicated to modernizing court operations and improving the administration of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standard of fair and expeditious judicial administration, and attempts to find and disseminate answers to the problems of state judicial reform.

The Subcommittee intends to accumulate and work with the National Center for State Courts to exchange ideas on how we can best improve our system of justice at both the state and Federal level. (Summer 1998)

II. The U.S. Copyright System

The Subcommittee will continue to devote considerable time to oversee the operation of the copyright system in a world of ever changing technology. It is vital to the protection of our copyright industry that the Subcommittee be vigilant in its exercise of its jurisdiction to carry out its constitutional mandate to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to

their respective writings and discoveries[.]" (Art. I, Sec. 8, cl. 8)

A. The U.S. Copyright Office The Subcommittee has oversight responsibilities over the operation of the U.S. Copyright Office, which is part of the Library of Congress. The Copyright Office has a number of responsibilities, from collecting and distributing copyright royalties to registering and granting certificates of copyrights to thousands of people each year. The Subcommittee will conduct an oversight hearing on the changing needs and efficient operation of that office. (Winter 1997-1998)

B. ASCAP Licensing The licensing of musical works by ASCAP and BMI to bars, restaurants, and others has been the subject of numerous complaints. The issue has not been examined in the 15 years since the last revision to the Copyright Act. The Subcommittee plans to hold oversight hearings on these practices. (Spring 1998)

III. U.S. Patent and Trademark Systems

A. U.S. Patent and Trademark Office (PTO) is part of the Department of Commerce and the Subcommittee has oversight responsibilities for its authorization and its operation. The PTO is responsible for the examination and issuance of U.S. Patents and Trademarks. It is also responsible for the international negotiations with other intellectual property authorities, such as the European Patent Office and the Japanese Patent Office. The Subcommittee will hold oversight hearings on the implementation of the computerization of the Patent and Trademark operations. A GAO report criticized the operation, implementation and cost of the computer operations. This will be part of a continuing review of operations. (Winter 1997-1998)

B. Single, Low-Cost World Patent The cost to U.S. companies and inventors of applying for and obtaining separate patents in each of 150 or more countries is prohibitive. In developing countries and even in Europe, patent fees are at such high levels that they constitute a tax on innovation. European government fees to obtain and maintain a patent are more than ten times the fees in the U.S. In addition, the expense of retaining separate patent attorneys or agents in each foreign country is burdensome and expensive. The United States could take a leadership role in negotiating an agreement under which countries would give full faith and credit to patents granted by an international organization or one of the three largest patent offices in the world -- the U.S. Patent Office, the European Patent office, or the Japanese Patent Office. Countries giving full faith and credit would charge a minimal fee for patenting in that country, and it would be unnecessary to retain separate patent attorneys or agents to obtain a patent in that country. The obstacles to negotiating and implementing such an arrangement would be formidable, but a single low-cost world patent is the best long-term approach to obtaining effective world-wide patent protection for U.S. companies and inventors. (Spring 1998)

SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW

I. Agencies

A. Congressional Review of Agency Rulemaking The 104th Congress enacted the Small Business Regulatory Enforcement Fairness Act, Title II of Public Law 104-121. Subtitle E amended Title 5, U.S.C. by inserting a new chapter 8 in the Administrative Procedure Act, which provides for congressional review of agency rulemaking. Under this new procedure, federal agencies are to submit new rules to Congress for review, prior to their going into effect. The statute establishes timetables for both Houses of Congress to consider resolutions of disapproval for such rules. The subcommittee expects to conduct hearings early in the 105th Congress to determine whether the Administration (including both the agencies and the Office of Management and Budget) is complying with the Congressional review requirements. (Winter 1997)

B. Agency Adherence to Administrative Law and Procedure The subcommittee expects to engage in extensive oversight of various federal agencies to determine and evaluate the level of their compliance with the requirements of administrative law, practice and procedure. This will entail investigation and hearings as the evidence warrants, and will include oversight to determine the level of compliance by agencies with the Regulatory Flexibility Act, a provision which was designed to alleviate the regulatory burden on small businesses and entities. (Spring/Summer/Fall 1997).

C. Legal Services Corporation The subcommittee has authorization responsibility for the Legal Services Corporation which makes federal grants to local recipients who provide legal services to the poor. Considerable controversy over the years has prevented an authorization from being enacted since 1978. It is anticipated that the subcommittee will be extensively involved again in the reauthorization effort. This is expected to require considerable oversight involving hearings, staff investigation and monitoring. (Summer/Fall 1997).

D. Other Agencies The subcommittee has authorization responsibility for several federal agencies, including the Legal Services Corporation, the Office of the Solicitor General, the bankruptcy courts, the Executive Office for U.S. Trustees, United States Attorneys, and the Environment and Natural Resources Division of the Department of Justice. The subcommittee would anticipate considerable oversight of these entities during the 105th Congress, including staff investigation, monitoring, and hearings. (Summer 1997 through Summer 1998)

II. Interstate Compacts

The subcommittee expects to engage in active oversight of interstate compacts. The

Constitution requires Congressional approval of compacts between two or more states. The subcommittee anticipates oversight to determine how strictly that requirement is being adhered to by the various states. (Winter 1997)

III. Bankruptcy Code

The subcommittee anticipates substantial oversight of the Bankruptcy Code, over which it has jurisdiction, in order to determine whether it is functioning as Congress intended. One area the subcommittee may examine is municipal bankruptcy, exemplified by the recent case of Orange County, California. The subcommittee anticipates a hearing to examine progress by the National Bankruptcy Review Commission in meeting its responsibility to recommend reforms in the bankruptcy system. (Summer 1997)

IV. Specific Statutory Oversight

A. Federal Debt Collection The subcommittee has jurisdiction over federal debt collection and anticipates oversight in this area of responsibility, including the operation of the Federal Debt Collection Act of 1990 and other related aspect of federal debt collection, such as the utilization of private firms by the Department of Justice to assist in the collection of such debt. (Winter 1998)

B. Contract Disputes Act The subcommittee has jurisdiction over the Contract Disputes Act (41 U.S.C. 601 et seq.), enacted into law in 1978 in response to recommendations made by a federal commission on procurement. The subcommittee anticipates oversight of the operation of the Act to determine how well it has achieved its purpose and to evaluate the performance of the Boards of Contract Appeals. (Summer 1998)

C. Federal Arbitration Act The subcommittee has jurisdiction over the Federal Arbitration Act (9 U.S.C. 1 et seq.) and anticipates conducting oversight of its operation to determine whether it has achieved its intended purpose. Hearings would be scheduled as evidence warrants. (Winter 1998)

D. Independent Counsel Act The subcommittee has jurisdiction over the Independent Counsel Act (28 U.S.C. 591 et seq.) and anticipates conducting oversight, to include hearings to evaluate the effectiveness of the Act, the performance of those appointed independent counsel thereunder, and further determine whether changes in the statute are warranted. (Summer/Fall 1997)

E. Negotiated Rulemaking Act The subcommittee has jurisdiction over the recently reauthorized Negotiated Rulemaking Act (5 U.S.C. 581 et seq.) and anticipates conducting hearings to determine how effectively the statute is operating and the level of its utilization by agencies. (Spring 1998)

F. Administrative Dispute Resolution Act The subcommittee has jurisdiction over the Administrative Dispute Resolution Act (5 U.S.C. 571 et seq.), which was recently reauthorized by the Congress. It anticipates hearings to determine the effectiveness of the dispute resolution procedures authorized under the statute, particularly arbitration (which was the subject of recent amendments aimed at encouraging its use).

SUBCOMMITTEE ON IMMIGRATION AND CLAIMS

I. Immigration Oversight

A. General Management Oversight The Subcommittee expects to hold numerous hearings to examine the organizational structure, training programs, computerization efforts, financial management systems and other related management and programmatic changes instituted by the Immigration and Naturalization Service (INS) Commissioner. The Subcommittee will also review program management systems in the consular and refugee bureaus within the Department of State. These hearings will commence in February or March of 1997 and will continue on a periodic basis throughout the 105th Congress.

The Immigration and Naturalization Service has received significant budget increases over the last two Congresses. The Subcommittee expects to examine whether or not the resources of the INS are being used as effectively as possible and whether its ability to implement the law has increased in accordance with those increases.

The oversight will include hearings and other investigation regarding progress in implementing the Illegal Immigration and Immigrant Responsibility Act of 1996 ("IIRIRA"). The IIRIRA includes requirements for a number of reports to be submitted to Congress. Our efforts will include ensuring that these reports are filed on time and that they are responsive to the criteria set forth in the legislation.

B. Levels of Legal Immigration and Illegal Immigration, and Projections The Subcommittee expects to conduct investigation and hearings regarding current levels of legal and illegal immigration, including projections for future levels. These hearings will take place in the spring or summer of 1997.

C. Border Control The Subcommittee expects to continue its examination of border control initiatives, such as "Operation Hold the Line" in Texas and "Operation Gatekeeper" in California. This examination will include the implementation of border control initiatives in Title I of the IIRIRA and the sufficiency of the number of border agents, equipment and structures. This oversight will be on an ongoing basis, with hearings scheduled during the spring and summer of 1997.

D. Employer Sanctions Enforcement The Subcommittee expects to examine current staffing levels, policy and initiatives to enforce the law prohibiting the employment of illegal aliens, including the use of new personnel and enforcement authority authorized in Title IV of the IIRIRA. This oversight will be on an ongoing basis, with hearings scheduled during the summer of 1997.

E. Illegal Immigration field hearings The Subcommittee expects to conduct field

hearings to examine the impact of illegal immigration on various communities and the effectiveness of INS enforcement efforts in those communities. Such hearings will take place in the summer or fall of 1997.

F. Removal of Illegal Aliens The Subcommittee expects to examine the implementation of new procedures established in Title III of the IIRIRA to remove illegal aliens, including the administrative and judicial appeals process, as well as the sufficiency of the resources currently available. This oversight will be on an ongoing basis, with hearings scheduled during the winter and spring of 1997.

G. Removal of Criminal Aliens The Subcommittee expects to examine the procedures used to remove criminal aliens, including new procedures and limitations on relief from deportation established in Title III of the IIRIRA, the Institutional Hearing Program (under which deportation hearings are conducted in the prisons prior to the release of criminal alien), and the possible obstacles to the execution of removal orders. This oversight will be on an ongoing basis, with hearings scheduled during the winter and spring of 1997.

H. Alien Smuggling The Subcommittee expects to examine current methods of detection and apprehension of, and efforts to prosecute and punish alien smugglers. This will include examination of the use of new enforcement authorities and resources authorized in Title II of the IIRIRA. This oversight will be on an ongoing basis, with a hearing scheduled during the summer or fall of 1997.

I. Document Fraud The Subcommittee expects to examine and identify the extent of the manufacture, distribution and use of fraudulent documents for immigration benefits, unauthorized work, and unauthorized public benefits and examine current detection and prosecution efforts. The examination will include consideration of the new enforcement authority established in Title II of the IIRIRA. This oversight will be on an ongoing basis, with a hearing scheduled during the fall of 1997 or the winter of 1998.

J. Visa Overstays The Subcommittee expects to examine the methods of identifying and removing illegal aliens who enter the U.S. legally but who stay beyond the expiration of their visas, including statistical estimates of the proportion of the resident illegal alien population that consists of visa overstays and other characteristics of that population. This oversight will be on an ongoing basis, with hearings scheduled during the spring or summer of 1997.

K. Attempted Entry by Undocumented Aliens at Ports of Entry The Subcommittee expects to conduct hearings regarding the implementation of provisions in the IIRIRA directed to the problem of entry of undocumented aliens into the U.S. through ports of entry, both land border and airports. These hearings will take place in the spring of 1997.

L. Border Inspections The Subcommittee expects to examine the process of inspecting persons entering the U.S. via the U.S.-Mexican and U.S.-Canadian borders via land ports of entry. (Summer/Fall 1997).

M. Arrival and Departure Record-keeping The Subcommittee expects to examine the system of identifying the entry into and exit from the U.S. by non-citizens, including the implementation of the requirements in the IIRIRA for establishment of an automated departure control system. (Spring/Summer 1997).

N. Refugee Selection Process The Subcommittee expects to examine the method by which the Executive branch determines the number and nationalities of refugees selected for admission each year and the methods by which Congressional input into that process can be enhanced. (Summer 1997).

O. Use of Parole Authority The Subcommittee expects to examine the Attorney General's use of her discretionary parole authority to admit persons otherwise not eligible to enter the country, including the implementation of restrictions on the use of such authority included in section 602 of the IIRIRA. (Spring/Summer 1997).

P. Naturalization The Subcommittee expects to examine the procedures by which aliens become citizens, the current requirements for citizenship, and the incentives and disincentives in current law to becoming a citizen. The examination will include a close appraisal of the operation of the INS initiative, "Citizenship USA," particularly regarding allegations that persons ineligible to citizenship were naturalized. The examination also will include INS proposals to "re-engineer" the naturalization process. (Spring 1997).

Q. Asylum The Subcommittee expects to review the effectiveness of the asylum regulations which went into effect in January, 1995, and the implementation of statutory asylum reform provisions adopted in section 604 of the IIRIRA. (Summer 1997).

R. Nonimmigrant Visas for Health Care Professionals The Subcommittee expects to examine the use of temporary visas for doctors and nurses by health care institutions in the United States. (Fall 1997).

S. Foreign Students The Subcommittee expects to examine the numerous programs for admitting foreign students. (Summer/Fall 1997).

T. Marriage Fraud The Subcommittee expects to examine the effectiveness of current procedures intended to minimize the use of sham marriages to gain immigration benefits. (Fall 1997 or 1998).

U. Nonimmigrant Visas for Professionals The Subcommittee expects to examine new regulations on temporary visas for professionals. (Fall 1997 or 1998).

V. Visa Waiver Program The Subcommittee expects to re-examine the pilot program (expiring in 1997) which allows nationals of certain countries to enter the U.S. for short periods without tourist visas. (Spring/Summer 1997).

W. Verification of Eligibility for Public Benefits The Subcommittee expects to examine the effectiveness of the System for Alien Verification of Eligibility (SAVE) program which is intended to verify an alien's eligibility for benefits, as well as to explore other possible methods of verifying an alien's eligibility for benefits. This examination will include the enforcement of restrictions on eligibility for public benefits included in the 1996 welfare reform legislation. (Spring/Summer 1997).

X. Enforcement of Requirements for Sponsorship Affidavits The Subcommittee expects to examine the implementation of new requirements established in Title V of the IIRIRA relating to the content and enforceability of affidavits of financial support executed by those who sponsor family members for admission as immigrants into the United States. (Spring 1997).

Y. Public Charge Grounds for Exclusion and Deportation The Subcommittee expects to examine the methods used to enforce the current ground for prohibiting the entry of aliens likely to become a public charge and the current ground for deporting aliens who have become a public charge. (Fall 1997 or 1998).

Z. INS Service to the Public The Subcommittee expects to examine methods by which the INS can improve its ability to provide effective service to those applying for benefits while preserving the integrity of the process of adjudicating eligibility for such benefits. (Fall 1997 or 1998).

II. Claims

A. Civil Division, Department of Justice General oversight for authorization purposes. (Spring 1997).

B. Foreign Claims Settlement Commission The Subcommittee expects to conduct general oversight over the Foreign Claims Settlement Commission. (Spring 1997).

C. Federal Tort Claims Act The Subcommittee may examine possible waiver of the *Feres* doctrine in unique circumstances. (Fall 1997).

D. False Claims Act The Subcommittee may example possible abuse of the Act's *qui tam* provisions and the efficacy of those provisions. (Summer 1997).

E. Claims Against the U.S. Government The Subcommittee may examine existing compensation programs established by the Civil Liberties Act, Aleutian and Pribilof

Restitution Act, and the Radiation Exposure Compensation Act, as well as examine any new compensation program proposed in the 105th Congress. (1998).

III. Federally Chartered Organizations

The Subcommittee expects to conduct general oversight over existing federally chartered organizations. (Continuing).

SUBCOMMITTEE ON THE CONSTITUTION

The Subcommittee on the Constitution has oversight responsibility for the Civil Rights Division and the Community Relations Service of the Department of Justice, the U.S. Commission on Civil Rights and the Office of Government Ethics.

In the 105th Congress, the Subcommittee on the Constitution plans the following oversight activities:

I. Civil Rights Division, U.S. Department of Justice

Hearings will be necessary to consider the enforcement record, priorities and authorization request of the Civil Rights Division. The Subcommittee will focus on the Division's activities in the areas of education, employment, voting, credit, housing, public accommodations and federally funded and conducted programs. (Spring/Summer 1997)

The Subcommittee will examine the implementation/enforcement and impact of the Fair Housing Act Amendments of 1988, the Americans with Disabilities Act, the Voting Rights Act, the National Voter Registration Act of 1993, the Civil Rights Act of 1991 and the Religious Freedom Restoration Act. (Summer/Fall 1997, 1998)

II. Community Relations Service

The Subcommittee will consider the enforcement record, priorities and authorization request of the Community Relations Service.

III. United States Commission on Civil Rights

The Subcommittee plans to examine the priorities, structure mission, and authorization request of the Civil Rights Commission. (Spring/Summer 1997)

IV. Office of Government Ethics

The Subcommittee will consider the priorities, operation and authorization request for the Office of Government Ethics.

SUBCOMMITTEE ON CRIME

I. The War on Drugs

A. Interdiction The Subcommittee on Crime will continue its review of the U.S. drug interdiction effort. There is growing evidence that trafficking in the eastern Caribbean transit zone has increased substantially in recent years. Consequently, particular attention will be focused on the adequacy of current interdiction efforts in this geographical area. (Spring and Summer of 1997)

B. Marihuana Laws The Subcommittee will conduct a review of the adequacy of federal law controlling marihuana production and distribution. The subcommittee will examine the consequences of the California and Arizona state referenda legalizing marihuana for medicinal use, and the sufficiency of the proposed federal response to these referenda. (Spring 1997)

C. International Drug Traffickers The Subcommittee will examine the federal law enforcement effort at identifying and apprehending those who conspire to import controlled substances into the U.S. (1997)

II. Prisons

A. The Prison Litigation Reform Act (PLRA) The Subcommittee will review the implementation of the PLRA as it is enforced, and litigated, around the country. (1997)

B. Federal Assistance to Build State Prisons The Subcommittee will continue to monitor the Justice Department's distribution of Violent Offender Incarceration grants to the States. (1997 and 1998)

III. Federal Assistance to State and Local Law Enforcement The Subcommittee will continue to monitor the Justice Department's implementation of the Local Law Enforcement Block Grant Program and the COPS Grant Program. (1997 and 1998)

IV. Brady Act The Brady Handgun Violence Prevention Act of 1994 requires the FBI to develop and operate a national, point-of-sale, criminal background check system for all firearms purchases. The system must be operational by November, 1998. The Subcommittee will conduct oversight activities to ensure that these requirements are fulfilled. (Spring/Summer 1997)

V. The Federal Bureau of Prisons (BOP) The Subcommittee will conduct extensive oversight of the management practices of the BOP in the 105th Congress. Attention will be given to issues relating to privatization of prison operations, the observance of religious practices by inmates, and drug trafficking by federal prisoners. Special attention will be given to issues relating to the Federal Prison Industries program operated by BOP. (1997 and 1998)

VI. The Federal Bureau of Investigation (FBI) As the largest federal law enforcement agency, the FBI will be the subject of much of the Subcommittee's oversight activities. Among the areas of inquiry will be expansion of the FBI's presences overseas through its legal attache offices, its new organizational structures to enforce anti-terrorism laws, the need for additional wiretap authority, and issues relating to the implementation of the Communications Assistance for Law Enforcement Act of 1994. (1997 and 1998)

VII. The Federal Law Enforcement Training Center (FLETC) As the principal training ground for such federal law enforcement agencies as the Bureau of Alcohol, Tobacco, and Firearms; the Secret Service; the U.S. Marshals Service, and the Federal Bureau of Prisons, FLETC is an important aspect of the federal crime-fighting effort. The Subcommittee will conduct oversight into the activities of FLETC to determine how it might better train federal law enforcement and corrections officers. (Fall 1997)

VIII. The Nature, Extent, and Proliferation of Federal Law Enforcement The Subcommittee will continue its series of hearings begun in the 104th Congress concerning the nature, extent, and proliferation of federal law enforcement agencies. Among the issues to be considered are the possible consolidation of all or parts of one or more federal law enforcement agencies into other agencies and the reduction of redundant enforcement efforts through more clearly defined lines of authority. (1997 and 1998)

IX. Victim Restitution Because of the importance of restitution and fines to victims of crime, the Subcommittee will be closely examining this issue with particular attention to the basis for court orders and follow-up efforts. (Fall 1997)

X. Witness Protection The Subcommittee will continue its review of state witness protection programs and the interstate relocation of witnesses. (Winter/Spring 1997)

XI. U.S. Sentencing Commission The Subcommittee will review the mission and operations of the U.S. Sentencing Commission. The Subcommittee will focus particularly on the

Commission's process for amending the guidelines and the Commission's ongoing guidelines simplification project. (Summer 1997)

XII. The Organized Crime and Racketeering Section of the Justice Department The Subcommittee will follow-up on its review in the last Congress of the Justice Department's anti-racketeering efforts. (1997 and 1998)

BOB STUMP, ARIZONA
DUNCAN HUNTER, CALIFORNIA
JOHN R. KASICH, OHIO
HERBERT H. BATEMAN, VIRGINIA
JAMES V. HANSEN, UTAH
CURT WELDON, PENNSYLVANIA
ROBERT K. DORNAN, CALIFORNIA
JOEL HEFLEY, COLORADO
JIM SAXTON, NEW JERSEY
RANDY "DUKE" CUNNINGHAM, CALIFORNIA
STEVE BUYER, INDIANA
PETER G. TORKILDSEN, MASSACHUSETTS
TILLIE K. FOWLER, FLORIDA
JOHN M. MCHUGH, NEW YORK
JAMES TALENT, MISSOURI
TERRY EVERETT, ALABAMA
ROSCOE G. BARTLETT, MARYLAND
HOWARD "BUCK" MCKEON, CALIFORNIA
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WALTER B. JONES, JR., NORTH CAROLINA
JAMES B. LONGLEY, JR., MAINE
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PATRICIA SCHROEDER, COLORADO
IKE SKELTON, MISSOURI
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JOHN M. SPRATT, JR., SOUTH CAROLINA
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LANE EVANS, ILLINOIS
JOHN TANNER, TENNESSEE
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ANDREW K. ELLIS, STAFF DIRECTOR

COMMITTEE ON NATIONAL SECURITY

U.S. House of Representatives

Washington, DC 20515–6035

ONE HUNDRED FOURTH CONGRESS

FLOYD D. SPENCE, SOUTH CAROLINA, CHAIRMAN

February 12, 1997

Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
House of Representatives
Washington, DC 20515

Dear Chairman Burton:

Pursuant to House Rule X, I am forwarding you an electronic and paper copy of the House National Security Committee's Oversight Plan for the 105th Congress, as approved by the Committee on Wednesday, February 5, 1997.

Thank you for your attention to this important matter, and I look forward to working with you in the 105th Congress.

With warm personal regards, I am

Sincerely,

Floyd D. Spence
Chairman

FDS: HH

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON NATIONAL SECURITY

Oversight Plan

105th Congress

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

Introduction

The oversight responsibilities of the Committee on National Security will be conducted primarily within the context of the committee's consideration of the annual defense authorization bill. This legislation covers the breadth of the operations of the Department of Defense (DOD) as well as a significant portion of the annual operating budget of the Department of Energy. The DOD's annual budget in excess of $260 billion involves millions of military and civilian personnel, thousands of facilities, and hundreds of agencies, departments, and commands located throughout the world. The committee will continue to perform general oversight on the structure and management of the Department of Defense and related topics.

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

The jurisdiction of the committee, pursuant to clause 2(k) 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 the 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 military dependents' education pursuant to clause 3(a) of rule X of the Rules of the House of Representatives.

During the 104th Congress, H. Res. 5, adopted by the House on January 4, 1995, granted the Committee on National Security additional legislative and oversight authority over merchant marine academies, national security aspects of merchant marine policy and programs, and interoceanic canals. At that time, H. Res. 5 also codified the existing jurisdiction of the committee over tactical intelligence matters and the intelligence related activities of the Department of Defense. Each of those matters were integrated fully into the committee's oversight activities. For the 105th Congress, H. Res. 5, adopted by the House on January 7, 1997, made no alterations to the jurisdiction or oversight authority of the committee.

Oversight Agenda

The committee will continue its oversight and assessment of threats to U.S. national security and U.S. interests. The committee will regularly assess national security threats and challenges as it begins consideration of the fiscal year 1998 and fiscal year 1999 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, regional Commanders-in-Chief, other officials of the Department of Defense and the military departments, officials of the Central Intelligence Agency and other defense-related intelligence agencies, and officials of the Department of Energy. In addition, the committee will invite the views and perspectives of outside experts in academia, industry, associations and those in private life on these matters.

The oversight agenda below, unless otherwise noted, is designed to serve primarily in support of the committee's and the House's consideration of the annual authorization bill. The issues identified below are expected to be on-going areas of oversight activity throughout the 105th Congress. In addition, the committee will pay particular attention to the mandates placed

on executive departments and agencies by Public Law 103-62, the Government Performance and Results Act of 1993. Public Law 103-62, among other requirements, mandates the use, beginning in fiscal year 1998 and fiscal year 1999, of performance-based budgeting techniques, and the development of five-year strategic plans and annual performance indicators prior to fiscal year 1998. The committee will examine closely the progress of the Department of Defense, the military departments, and the Department of Energy in implementing the legislation for programs within its jurisdiction.

Given the unique nature of national security oversight, the committee believes that a qualifier is once again necessary with regard to the ability to plan comprehensively and predict all oversight activities. Much of the committee's most demanding oversight will be, by definition, event-driven and not subject to prior planning. Such oversight requirements significantly complicate the ability to prescribe with great accuracy or specificity the committee's entire oversight agenda.

For instance, Congressional oversight of defense activities has historically involved in-depth assessments of military operations and other major events that are generally difficult to predict in advance. Past examples of this category of oversight include the bombing of the Marine barracks in Beirut, Lebanon, the reflagging of Kuwaiti tankers in the Persian Gulf, Operation Just Cause in Panama, the Desert Shield/Storm deployment and operation, the peacekeeping deployment to Somalia to name just a few. During the 104th Congress, areas of intensive oversight conducted by the committee that could not have been reasonably anticipated at the outset of the Congress included the deployment of U.S. ground forces to Bosnia and the terrorist attack against U.S. military facilities in Dhahran, Saudi Arabia. The breadth and demands of such reviews are such that can dominate committee and staff resources, sometimes at the expense of other pre-planned activities. The continuing unsettled nature of the post-Cold War world is such that the committee fully expects that this type of event-driven oversight will continue to be required and will inevitably have an impact upon other planned oversight activities.

In addition, the committee has a long tradition of translating oversight activities into prescriptive legislative action as reflected in past comprehensive efforts to reform the military retirement system, the Goldwater-Nichols Department of Defense Reorganization Act, the Federal Acquisition Workforce Improvement Act, and the Federal Acquisition Streamlining Act of 1994, and the Federal Acquisition Reform Act of 1996. 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 105th Congress:

Accountability

The committee will continue its review of the Khobar Towers bombing tragedy and the related investigative and disciplinary proceedings in an effort to assess the adequacy of the Department's response to this and similar such incidents.

Acquisition Reform

With the enactment of two landmark acquisition reform initiatives within the past three years, the Federal Acquisition Streamlining Act of 1994 and the Federal Acquisition Reform Act of 1996, the committee will give particular attention to the proper and full implementation of this legislation. In addition, the committee will continue to evaluate proposals to further reform the military procurement process to achieve greater efficiencies and economies. The committee will continue to cooperate and coordinate fully with the Committee on Government Reform and Oversight in these matters of shared jurisdiction and interest.

Base Closure and Realignment

Particular attention will be given, but not limited, to the following: examination of the cost and savings associated with base realignment and closure actions taken in 1988, 1991, 1993, and 1995; examination of the impact of base realignment and closure actions on affected local communities, including the effects of Administration policy and statutory requirements concerning base reuse, disposal, and community adjustment assistance; examination of previous base realignment and closure actions and their impact on readiness and future force modernization; continuing oversight of the management of the base realignment and closure process by the military services.

Environmental Programs

Particular attention will be given, but not limited, to the following: assessment of current federal, state, and local environmental compliance, remediation, and restoration requirements imposed on the Department of Defense, the military services and the Department of Energy; examination of current and planned funding requirements for environmental programs of the DOD; and examination of the diversion of military training and operations and maintenance funds to meet unfunded environmental requirements and the impact such diversion may have on training and readiness. Additionally, the committee will continue to cooperate and coordinate fully with the Committee on Commerce and other committees of jurisdiction on reauthorization of the Superfund program.

Force Readiness

A continuing principal focus of the committee during the 105th Congress will be the readiness of the armed services and the adequacy of the Administration's defense spending priorities to support sustained readiness and modernization of our military forces. Particular attention will also be given, but not limited, to the following: an examination of the current state of readiness of the armed services; an assessment of the utility of current methods of measuring the readiness of military units; a continuing examination of the training required for the maintenance of a high state of readiness and whether training requirements are properly funded; examination of the impact of the high pace of deployments on service personnel and their families; reevaluation of current policy supporting officer and enlisted recruiting, accessions, training, promotions, separations, and retirements; assessment of pay, compensation, and other benefits of military service; and an assessment of the condition of wartime medical readiness.

Industrial and Technological Base

Particular attention will be given, but not limited, to the following: assessment of current budget and policy priorities on the maintenance of the defense industrial and technology base; assessment of the ramifications of mergers and acquisitions in the defense industry on the development of future weapons systems; assessment of dual use technology programs; examination of the current defense laboratory system; assessment of the role of defense funding for university research in the maintenance of the technology base.

Intelligence

The committee will continue to cooperate and coordinate with the Permanent Select Committee on Intelligence on tactical intelligence matters and intelligence-related activities of the Department of Defense in the course of its annual oversight of the intelligence community and the authorization of appropriations for intelligence activities shared by the two committees.

Merchant Marine

Particular attention will be given, but not limited, to the following: examination of current programs to maintain the U.S. flag merchant fleet and its role in strategic and sustainment sealift; the condition of the National Defense Reserve Fleet and its capability to meet surge requirements, and oversight of the implementation of Public Law 104-239, the Maritime Security Act of 1996 by the United States Maritime Administration and the United States Transportation Command; examination of the ability of U.S. shipyards to transition to a combination of defense and non-defense ship construction and the role of the trade agreement concerning shipbuilding among member states of the Organization on Economic Cooperation and Development in affecting that transition.

The committee will also continue its oversight of the Panama Canal Commission and the transfer of its functions and assets to the Republic of Panama as specified by treaty. The

committee will continue to give particular attention to the status of bilateral negotiations on issues related to a continuing military presence by the United States in the Republic of Panama after December 31, 1999.

Military Applications of Nuclear Energy

Particular attention will be given, but not limited, to the following: continuing modernization and maintenance of U.S. defense nuclear structure in support of national security requirements; assessment of possible effects of a nuclear test ban, in whole or in part, on the safety and reliability of the U.S. nuclear deterrent; examination of the restructuring of the nuclear facility workforce; assessment of options concerning the disposition of plutonium and highly enriched uranium; examination of future national stockpile requirements for tritium; and oversight of organizational issues affecting the Department of Energy.

Military Modernization

Particular attention will be given, but not limited to the following: examination of projected military equipment modernization on military capability; tactical aviation and bomber force structure, including review of on-going assessments by the Department of Defense on the appropriate mix of deep attack weapons; attack submarine force structure; strategic lift; oversight of research and development and procurement of major weapons systems. The committee will also devote particular oversight attention to current plans for conducting research and development on missile defense systems; plans for deploying national missile defenses and advanced theater missile defenses for forward deployed U.S. military forces and those of our allies.

Morale, Welfare and Recreation Programs

Particular attention will be given, but not limited, to the following: oversight of Morale, Welfare, and Recreation programs; examination of military exchanges and commissaries oversight of nonappropriated fund construction programs and other nonappropriated fund instrumentalities.

National Military Strategy and Force Structure

Particular attention will be given, but not limited, to the following: continuing oversight and examination of the Quadrennial Defense Review (QDR), including the strategic and tactical assumptions supporting the QDR and the force structure designed to support the national military strategy of the United States; examination of initiatives to enhance Guard and Reserve forces and the integration of active and reserve components, including a review of active and reserve general officer authorizations and distributions; review of the Chairman of the Joint Chiefs of Staff-combatent commands military requirements, examination of roles and missions of the armed services, and their implications for modernization requirements and the development of major weapons systems.

Organization and Management of the Department of Defense

The committee will continue its review of the Department of Defense infrastructure and bureaucracy with the goal of downsizing and streamlining unnecessary and duplicative management. The committee will pursue these issues aggressively in light of the Department's lack of compliance with prior Congressional guidance to develop reorganization plans to achieve such goals. Specifically, the committee will review options to downsize the Office of the Secretary of Defense, Defense agencies and support activities, the staffs of the military departments, and unified commands. The committee will similarly pursue options to decrease the cost associated with the defense service support infrastructure in an effort to redirect these budgetary resources to underfunded modernization and readiness accounts.

People and Quality of Life

The committee will continue to address critical issues and programs supporting the quality of life for military personnel and their families and the effect of those programs ultimately on military readiness. Particular attention will be given, but not limited to the following: assessment of the cost, accessibility, and quality of peacetime military health care, including the adequacy and relevance of military health care facilities construction to the health care objectives of the Department of Defense; examination of research and health care issues related to the care of veterans of the Persian Gulf War; assessment of the policies, procedures and systems of the Department of Defense and the military departments related to sexual misconduct; examination of family support programs, including child care and dependent education; review of the current quality and adequacy of the military family housing supply; review of the current quality and adequacy of barracks, bachelor enlisted quarters, and dormitories; oversight of the implementation of the Military Housing Privatization Initiative (section 2801 of Public Law 104-106, the National Defense Authorization Act for Fiscal Year 1996); and examination of the backlog in the repair and maintenance of military housing.

DON YOUNG, CHAIRMAN

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

February 11, 1997

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

Pursuant to House Rule X, 2.(2)(d)(1), I submit the Oversight Plan for the 105th Congress for the Committee on Resources. The Oversight Plan was adopted in open session on February 5, 1997.

Sincerely,

Don Young

DON YOUNG
Chairman

Enclosure

COMMITTEE ON RESOURCES
OVERSIGHT PLAN FOR THE 105TH CONGRESS

ADOPTED FEBRUARY 5, 1997

Pursuant to House Rule X, 2.(2)(d)(1), each standing committee of the House must adopt an oversight plan prior to February 15. The attached document constitutes the oversight plan for the consideration of the Committee on Resources. This plan covers oversight matters for the Full Committee and for the Committee's five subcommittees. This plan is merely a plan and is subject to change. It is based on current knowledge and anticipated oversight needs to ensure laws are being properly administered by the executive branch. It is based on adequate funding to carry out needed oversight activities during the 105th Congress. Actual oversight activities of the Committee may expand or change as circumstances evolve.

Full Committee

Trans-Alaska Pipeline: As of the 104th Congress, the Committee on Resources expanded its jurisdiction over the Trans-Alaska Pipeline System (TAPS). The Committee will continue its thorough oversight of the operation and safety of the pipeline. The Committee is particularly concerned that the repairs and maintenance upgrades agreed to by the operator of the pipeline (Alyeska Pipeline Service Company) as a result of federal and internal audits, be sufficiently completed. The Committee will closely follow implementation of Alyeska's Quality Plan and the Native Utilization Agreement. Regular briefings and consultation will be required from Alyeska and the regulating agencies through the Joint Pipeline Office. In addition, Committee staff will perform field inspections of Alyeska equipment and facilities at least once a year to assess compliance and Alyeska's efforts and planning to manage declining crude oil throughout. A Member field inspection of the pipeline may occur as part of an Alaska issues field trip in mid-1997.

Alaska Public Lands: In addition to the Trans-Alaska Pipeline, the full Committee retains jurisdiction over public lands in Alaska. The enormous mineral reserves, including petroleum, are of interest to the Committee. As the situation warrants, the Committee may hold one or more hearings on issues related to potential petroleum production in the Arctic National Wildlife Refuge. The National Petroleum Reserve Alaska is the subject of renewed interest by the State of Alaska and the oil and gas industry. During this Congress, the Committee may hold an oversight hearing on the Department of the Interior's planning study of this area and any further development restrictions the Administration may pursue and to ensure that lease decisions are not overly process-oriented.

Matters Related to the Tongass National Forest: The Forest Service is expected to release its revision of the Tongass Land Management Plan in early 1997. Extensive oversight on the land management planning process used to compose the plan is needed. Criticisms of the draft plan and the planning process include the very expensive nature of the plan, the length of time taken to compose the plan, the questionable procedures used to gather information on the plan, the shallow scientific basis for the plan, and the lack of study on the community economic effects associated with options under the draft plan alternatives. Each of these may be reviewed in oversight proceedings during 1997.

Arctic National Wildlife Refuge: Lease sales for oil exploration in the portion of the Arctic National Wildlife Refuge (ANWR) that is known as the "1002 Area" or the "Coastal Plain" (an area reserved for oil exploration) was authorized in the Balanced Budget Act of 1995, but the Act was vetoed by the President. The Committee intends to conduct further oversight hearings on the strong justifications for authorizing such oil lease sales and appropriate environmental safeguards when exploration and production of oil begin in ANWR. Hearings expected to be held both in 1997 and 1998.

Endangered Species Act Reauthorization: The Endangered Species Act (ESA) was last reauthorized in 1988 for four years. During the 104th Congress, the Committee on Resources focused a great deal of oversight on the implementation and administration of the ESA. The Chairman of the Resources Committee appointed a Task Force on the Endangered Species Act on February 9, 1995, which was chaired by Congressman Richard Pombo (R-CA). The Task Force held ten hearings and made a number of recommendations for legislation. On September 7, 1995, H.R. 2275, the Endangered Species Conservation and Management Act of 1995, was introduced by Chairman Don Young and 94 Members of Congress. On October 12, 1995, the Committee on Resources voted to report H.R. 2275 favorably with amendments to the House of Representatives. No further legislative action was taken on the ESA in the House of Representatives. However, the Committee on Resources held an additional five oversight hearings on the implementation and administration of the ESA.

During the 105th Congress, the Committee plans to continue to hold oversight hearings on the Endangered Species Act. It is expected that legislation will be introduced during the 105th Congress to address many of the concerns raised in H.R. 2275 and as a result of oversight hearings.

Major issues that continue to be of concern include the credibility of the science used to list species, greater inclusion of States and local governments in ESA decision making, protecting the rights of private property owners, ensuring that the goals of the ESA are reached through greater landowner incentives, determining whether the recovery goals of the ESA are being achieved, ensuring that the ESA does not impede important federal laws and missions, particularly those designed to protect public health and safety, ensuring greater public involvement, greater consideration of socio-economic impacts, and others.

UNESCO World Heritage Sites and Biosphere Reserves: On September 12, 1996, the Committee held an oversight hearing on designation of United Nations' World Heritage Sites and Biosphere Reserves in the United States. The Committee found that these designations can result in further centralization of policy-making authority at the federal level, particularly in the Executive Branch. They also result in less chance for input into land use decisions by individuals and affect the use and market value of private lands adjacent to or intermixed with federal lands. The Committee plans a field hearing in New York and another in Wyoming to further examine problems associated with these land use designations. It is anticipated that legislation will be sent to the House to correct the problems identified with these programs after these hearings are concluded. The hearings will be held in the Spring and Summer of 1997.

Environmental Matters in General: The Full Committee retains jurisdiction over environmental measures and matters generally. Many such measures are costly and may not produce tangible environmental benefits. The Committee may conduct oversight on the National Environmental Policy Act, particularly as it relates to project level Environmental Impact Statements for timber sale activities conducted in National Forests and Bureau of Land Management lands.

General Oversight: The Full Committee will conduct oversight in areas that are exclusively reserved to Full Committee jurisdiction such as Alaska Forests, Native issues, Indian issues, and insular areas. In addition, as in the 104th Congress and when needed, the Full Committee may conduct oversight activities in subcommittee issue areas.

ALASKA NATIVE ISSUES

H.R. 2505, Alaska Native Claims Settlement Act: Chairman Don Young expects to reintroduce H.R. 2505, Alaska Native Claims Settlement Act (ANCSA) technical amendments. The bill passed the House in the 104th Congress; however, the Senate took no action on the bill. Hearings may be needed to assist in formulating any modifications. No objections from Administration should occur with the last version of H.R. 2505. Reintroduction in February 1997.

Alaska Native Veterans Allotment Bill: Alaska Native Veterans who served in the military during the Korean and Vietnam eras missed their deadline to apply for native allotment lands. The Department of the Interior (DOI) first supported opening an allotment application process for veterans only, then did an about face. In Public Law 104-42, Congress directed the DOI and the Department of Veterans Affairs to determine how many Alaska Native veterans missed out in this application process, which lands are available for possible selections, etc. DOI had until August of 1996 to submit this report. However, they are late with the report to Congress. Oversight hearings will be held with input from the State of Alaska, Alaska Native veterans and DOI and will occur in late 1997.

Hazardous Waste Contaminants on Alaska Native Regional Corporation Lands: Public Law 104-42 directed DOI to conduct a study on hazardous wastes on lands transferred to Alaska Native Regional Corporations under ANCSA. DOI must submit its report to Congress by May 2, 1997. Based on the DOI report, legislation may be introduced to help Native Corporations clean up any contaminated lands previously owned/used by the federal government, then transferred to corporations under ANCSA. Oversight hearings on this issue will occur to examine liability issues, which are a major concern with cleanup efforts. Hearings should be expected in 1997.

Alaska Federation of Natives Annual Package to Alaska Delegation: The Alaska Federation of Natives (AFN) is expected to submit new recommended ANCSA, Alaska National Interest Lands Conservation Act (ANILCA) and Native Commission amendments packages once they have cleared their legislative board. Oversight hearings are expected on technical proposals of the AFN.

Alaska "Indian Country" Ruling: The Committee will closely monitor the effects of recent court rulings concerning the applicability of "Indian County" status within Alaska and the Committee may hold oversight hearings as needed.

Indian Child Welfare Act Amendments: An oversight hearing on the issues raised in H.R. 3828, the Indian Child Welfare Act Amendments, (which was introduced in the 104th Congress) and other aspects of the Indian Child Welfare Act (ICWA) may occur as needed before reintroduction of that bill. Hearings are possible in Spring or early Summer of 1997.

Alaska Native Commission Report Follow-up: Based on the study that AFN is expected to complete by the end of this fiscal year, Chairman Young may conduct oversight on social problems of alcoholism, drug abuse, unemployment and domestic issues concerning Alaska Natives. Spring 1998.

Interior Appropriations Requests for Alaska: Chairman Young receives annual Interior Appropriations requests from different Native entities in Alaska for the Bureau of Indian Affairs, Indian Health Service and other native programs funded within this appropriations bill. As needed, oversight hearings may be scheduled on matters related to authorizing language that forms the basis for the appropriations requests.

National Park System Management in Alaska Near Native Lands: The Committee plans to hold hearings to understand the way the National Park System is managed in Alaska and elsewhere in the U.S. and the role of Native Alaskans in the National Park System. Hearings may examine alternatives to present management that involve Alaska Native Regional Corporations. Hearings should occur throughout the 105th Congress.

NATIVE AMERICAN AFFAIRS

Budget Overview: Hearings will be held on that portion of the President's budget proposal which relates to Native Americans. Spring 1997 and 1998.

Indian Gaming: The Committee will oversee the many problems which plague the implementation of the 1988 Indian Gaming Regulatory Act, as well as the operation of the Indian Gaming Commission created pursuant to that Act in the Summer and Fall of 1997.

Restructuring of the Bureau of Indian Affairs: The Committee will review ongoing efforts to reorganize the Bureau of Indian Affairs (BIA). It is alleged that the BIA has suffered from a bureau-wide loss of experienced personnel. The Committee continues to hear from Tribes which contend that most of the funds appropriated to the BIA are spent on Washington bureaucrats instead of on the needs of Tribes. Fall 1997.

Mismanagement of Indian Trust Accounts: In the Summer of 1997 and again in the Spring of 1998, the Committee will review remedial steps taken by the Department of the Interior to terminate once and for all the mismanagement of Indian Trust Accounts. Funds which tribes and individual tribal members recover from land or water settlements, treaty provisions, oil or gas leases, hard rock mineral leases, timber sales, and so forth, are deposited in trust fund

accounts managed by the Office of Trust Fund Management (OTFM). As of January 1997, hundreds of thousands of these accounts could not be reconciled.

A strategic plan, formulated by the Special Trustee for Native Americans and to be implemented by the Secretary, will be reviewed in late 1997 and early 1998. Oversight hearings may occur subsequent to submittal of the plan.

Regulation Reform: The Committee will review, in the Summer of 1997 and again in the Summer of 1998, the need for and advisability of reducing and eliminating those federal rules and regulations falling within its jurisdiction which relate to Native Americans. Oversight may occur on this review in 1998.

INSULAR AFFAIRS

Resolving Puerto Rico's Political Status: The Puerto Rico Legislature, representing 3.8 million U.S. citizens in this American territory in the Caribbean, has requested the 105th Congress authorize a process to resolve their political status problem. Puerto Rico has successfully demonstrated the ability to operate under a local constitutional government first authorized and then conditionally approved by the Congress in 1950 and 1952, respectively. However, in spite of the decades of democratic changes of a republican form of local constitutional government under the U.S. Constitution, Puerto Rico has yet to achieve a permanent form of full self-government. Puerto Rico held a referendum in 1993 with locally defined status options in which an enhanced "commonwealth" received a plurality of 48 percent, statehood 46 percent, and independence 4 percent. The Committee on Resources considered and overwhelmingly rejected on a bipartisan basis the enhanced "commonwealth" ballot definition as unconstitutional and fiscally and politically inviable. The Puerto Rico Legislature's request makes it clear that permanent disenfranchisement is unacceptable, and that the U.S. must define the political status options of a final relationship of dignity to both parties.

The *United States-Puerto Rico Political Status Act*, reported by the Committee on Resources as H.R. 3024 and subsequently updated as H.R. 4281 in the 104th Congress, provides a bipartisan and balanced framework "to provide a process leading to full self-government for Puerto Rico." The legislation would have authorized a referendum in Puerto Rico before the end of 1998, in which the people would choose between separate sovereignty, statehood, or continuing the current Commonwealth of Puerto Rico structure of local self-government as a territory. The vote would be repeated every four years until a majority of the people are ready to proceed toward complete enfranchisement under separate sovereignty or statehood. A transition plan of 10-years is required with a majority vote for separate sovereignty or statehood. Both Congress and the people of Puerto Rico would have been required to approve the transition plan. Similarly, the bill would have required a final implementation act to be approved by both Congress and the people of Puerto Rico. The legislation would have been a self-determination process, as the people of Puerto Rico have the final say in each of the three stages after Congress acts. The proposed legislation would have required English to be the official language of federal

courts and federal agencies in Puerto Rico under statehood, required English language incentives in any statehood transition plan, and encouraged enhancement of the existing century old law in Puerto Rico establishing English as an official language while respecting the Tenth Amendment rights of the people and the state.

Hearings on the legislation are expected to be held by the end of April 1997 in Washington, D.C., and Puerto Rico to obtain views of the Administration, leaders of Puerto Rico, and individuals and organizations in Puerto Rico. A similar bill was introduced in the Senate in the 104th Congress and a bicameral effort is anticipated in the 105th Congress to enable the people of Puerto Rico to voice their preference in 1998 towards a final political status.

Enforcement of Federal Criminal Laws in American Samoa: The Department of Justice forwarded a proposal to Congress in October 1996 to establish for the first time federal court jurisdiction. A December 1994 report on white-collar crime in American Samoa from the Federal Bureau of Investigation indicated action was required by the federal government in order to prosecute alleged violations of federal law. However, without federal district court jurisdiction, the Department of Justice claimed there could be no enforcement. There exists strong concern from leaders in all three branches of the American Samoa Government that the Department of Justice and the Department of the Interior have not adequately sought local input for a solution. Given the unique land tenure system and extended family structures, which are primary factors in Samoan culture and are referenced in the original Deeds of Cession recognized by Congress, the Committee will obtain views from the leaders of American Samoa to develop appropriate measures to prosecute white-collar crime. A field hearing before the end of 1997 is important to gain the widest participation from the people of American Samoa as the Committee determines the best approach to enforce violations. By early 1998, the Committee expects to develop legislative recommendations with the Committee on the Judiciary.

Compliance with Inspector General Audit Recommendations: The Inspector General has conducted audits in the insular areas, citing numerous problems, some with estimated costs in the hundreds of millions of dollars. The recommendations contained in the audits are often ignored by the insular governments, even after repeated written and oral contacts. As the insular areas receive federal programs and funds, the misuse of funds or mismanagement of resources, whether local or federal, creates liabilities which are ultimately born by the U.S. taxpayers. The 104th Congress set conditions for the receipt of certain federal funds by an insular area. The Committee will examine alternative measures to condition the receipt of certain funding with compliance by insular areas with major Inspector General Audit recommendations. Discussions will be conducted with the Administration and the insular areas and hearings held in early 1998 on specific legislative approaches.

Self-Sufficiency Initiatives for the Virgin Islands and American Samoa: The Committee will consider the request of leaders of the Virgin Islands and American Samoa for the establishment of limited duration, non-paid, public-private commissions to identify specific economic development strategies and recommendations. Any such legislatively created

commissions to develop credible and effective fiscal and economic recommendations for private sector led development in these territories will require private sector input, consideration of the unique cultural and historical characteristics and geographic resources of the islands, and timely conclusion of the commissions. This will be accomplished through oversight hearings in the Spring and Fall of 1997.

Changes to the Organic Acts of Guam and the Virgin Islands: The Committee will review proposals from the elected leaders of the U.S. territories of Guam and the Virgin Islands to amend certain provisions of their respective organic acts which provide the legal basis for the governance of these areas. Congressional action is required in absence of the adoption of local constitutions which Congress has already authorized to advance the territories toward self-government but without limiting the territories' further progress towards full self-government. The Committee will consider legislative measures to effectuate the requested changes to the organic acts of Guam and the Virgin Islands in the first part of 1997.

Changes to the Hawaiian Homes Commission Act: The Committee will consider legislative action early in 1997 consenting to changes to the Hawaiian Homes Commission Act 1920 proposed by the State of Hawaii. The Hawaii State Legislature enacted measures to provide certain changes to the Hawaiian Homes Commission Act, which although they do not result in any increased cost to the federal government, are helpful to Native Hawaiians. One provision would permit grandchildren of a Native Hawaiian leaseholder to assume the remainder of the home lease should that individual die. Another provision would facilitate certain disaster relief bonds. Congress must act on any proposed change to the Hawaiian Homes Commission Act by the State of Hawaii pursuant to the 1959 Hawaii State Admissions Act.

Oversight of the Compacts of Free Association: The U.S. special free association relationship with the separate sovereign nations of the Republic of the Marshall Islands and the Federated States of Micronesia embodied in Compacts of Free Association requires the Executive Branch to enter into negotiations during the next Congress. The Committee will conduct discussions and oversight hearings in the freely associated states by the end of 1997 and in early 1998 to establish a record and gain input on the effectiveness of federal programs and funding to date and possible changes which will enhance the United States-Freely Associated States relationships. A joint hearing with the Committee on International Relations' Subcommittee on Asia and the Pacific is intended to build on the cooperative efforts of the 104th Congress of the two committees of jurisdiction for the Compacts of Free Association.

Consideration of Plan for Guam Excess Lands: The Committee will examine plans to dispose of federal land in Guam which the federal government has or will declare as excess to the needs of the military, who owns nearly one-third of the territory. An oversight hearing will be held by mid-1997 regarding the Government of Guam's plan for local public benefit use of certain federal excess land on Guam and the Administration's progress in completing appraisals of those parcels as required in Public Law 103-339. Also during the first half of 1997, the

Committee will also consider enacting legislation to establish a U.S. policy providing Guam with the initial opportunity to claim federal land declared as excess.

Advancing Hazardous Waste Clean-up Plans in the Northern Mariana Islands: The dynamic economy of the territory of the Commonwealth of the Northern Mariana Islands (NMI) requires timely implementation of hazardous waste clean-up and construction of a new landfill. Although an administrative compliance order is in effect regarding a phased hazardous waste clean-up schedule in Saipan, certain federal agencies have not committed to pay their respective part of the hazardous waste clean-up plan. By Spring 1997, the Committee will conduct discussions and oversight field hearings with federal agencies and the NMI government in the Marianas and in Washington, D.C., to advance the implementation of hazardous waste clean-up plans to ensure continuity in the increasingly self-sufficient economy. Follow-up oversight will be conducted in early 1998.

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

NATIONAL PARK SERVICE

Financial Management in the National Park Service: This issue is a high priority oversight issue for the Subcommittee during the 105th Congress. It is clear that the National Park Service's (NPS) budget has increased far in excess of inflation in recent years (52 percent above inflation from 1980-1995), the number of park personnel has increased (22 percent in the last decade), and visitation has remained flat. At the same time, it is also clear that visitor services are being curtailed, and that key park resources are at risk or deteriorating. What is not clear is why the increased funding and personnel provided have not successfully addressed these critical park problems.

There are repeated stories in the media about shortfalls in park funding. Recently, the Superintendent of Yellowstone National Park reported that despite a budget increase in excess of the amount requested by the President, the park was considering curtailing visitor services.

Congress has attempted to address this concern by authorizing NPS to keep increased fees and has examined other programs to raise funds for the agency. However, it is clear that these additional sources of funds will only provide limited funding increases. Therefore, it is critical that the agency direct its current funding to the highest priority needs. The General Accounting Office (GAO) and Department of the Interior Inspector General have both testified that the NPS has no process in place to ensure that its funds are allocated to the highest priority needs.

Similarly, the NPS has no accurate idea of how large its shortfall is, and therefore has no plan in place to address the shortfall. For example, in 1993 when GAO visited 16 park areas to review their reported shortfalls in funding for housing, not a single park could justify the numbers submitted to the Washington office.

In fact, NPS did not even have an accurate financial control system in place and had failed to balance its books for three years, until this fact was exposed through Subcommittee oversight hearings two years ago. The agency has worked hard to address this problem over the last year.

The Subcommittee intends to again hold joint hearings early in the year to examine the results of ongoing work by the GAO about the NPS budget and priority-setting process. The Subcommittee will also hold oversight hearings this Summer on another GAO report analyzing and comparing the effectiveness of State management of parks versus federal management of parks.

The Subcommittee is also considering holding oversight hearings on the implementation of the Government Performance and Review System by NPS later this year. It is possible that

this new budget allocation system could assist the agency in developing a priority setting system which could address some of these concerns. Spring 1997.

National Park Service Natural Resource Management Policy and Science Program: The NPS has never had a very strong research program. No less than 12 major reports since 1963 have called for the development of a stronger research program within the agency. The most recent major report, completed at the request of Congress in 1992 by the National Research Council, found the science program in need of substantial revision. Yet, two years after the release of that report, the NPS science program was abolished and relocated to the U.S. Geological Survey in order to "catalogue everything which flies, crawls, walks or swims." There are no biological scientists doing research for the agency today.

The effects of the elimination of the research program may place park resources at risk. In successive reports in recent years, the GAO has reported that the NPS has inadequate data on the condition of resources entrusted to its management. More than one-third of threats to park resources have yet to be scientifically evaluated. The lack of sound science within the agency may lead directly to policies which threaten the resources which the agency is charged to protect. Last September, *U.S. News and World Report* published an article which outlined how the NPS "natural regulation" policy is threatening to destroy Yellowstone National Park resources.

This lack of a sound science program and basic data on park resources is of greater concern because Congress is already allocating over $210 million per year to the agency for resource stewardship. In light of the amount of funding already allocated for this function and large increases to the NPS generally, it is unclear why the science and resource management program is so deficient.

The Subcommittee intends to conduct oversight of this issue. Spring 1997.

State Land and Water Conservation Fund Renewal: In the last two years, federal funding for the State Land and Water Conservation Fund program has been eliminated, in favor of dedicating all funds to federal land acquisition. At a time when the federal government already owns 30 percent of the land, and cannot adequately manage the lands under its jurisdiction, continued expansion of the federal estate is difficult to justify. In fact, three years ago, the Interior Inspector General recommended that the U.S. Fish and Wildlife Service discontinue all land acquisition until they could properly care for the lands already under their jurisdiction. Further, the need for public outdoor recreation space is greatest in urban and suburban areas of this country. For these reasons, continued exclusive focus on federal land acquisition cannot be justified.

Current law specifies that no less than 50 percent of the funds allocated from the Land and Water Conservation Fund Act must be spent on federal land acquisition; however, there is no cap on the amount which can be spent on federal land acquisition. During the Bush Administration, the Administration sought, and Congress provided, annual allocation of about

$25 million for the State Land and Water Conservation program. For the last two years, the Clinton Administration has recommended no funding. There has been a continuing record of bipartisan support for this program from the Resources Committee. The Subcommittee intends to hold hearings on where the greatest need for outdoor recreation opportunities are, and whether the existing funding allocation is targeted toward meeting that need. Fall 1997.

Land Exchange Promises: In the last four years, the Administration has announced a number of major land exchange "agreements." The total cost of these proposals is in the staggering hundreds of millions of dollars. These major exchange proposals include: the California Desert Protection Act (estimated cost: over $100 million); the Crown Butte Mine in Montana (estimated cost: $65 million); the Pacific northwest timber buy out (estimated cost: several hundred million dollars); and Headwaters Forest (estimated cost: $380 million dollars). Although each of these "deals" have been announced with great fanfare, none of them appear to be close to closure. Further, in every case, the government entered into these agreements with no idea of where the lands for these exchanges would come from.

The Subcommittee will work with the Subcommittee on Forests and Forest Health to examine the status of these agreements, and the prospects that they will be implemented in the near future. Summer 1997.

National Trail System Program: There are now over 35,000 miles of federally-designated trails in the country. National trails have proven to be popular designations, generally with little political opposition. However, there has been little consideration given to the long term consequences of these designations. For example, the federal government is now spending about $2 million per mile to acquire the viewshed along the Appalachian Trail. Further, while most of these trails are presented largely as volunteer efforts, there is increasing support within the trail-user community for these trails to be designated as units of the park system, and to receive an annual appropriation. Currently, there is a proposal to add a new category to the national trail system, and designate the 6,000 mile American Discovery Trail. It is important to examine and understand the long term consequences of the current program, before expanding the scope of the national trail system. Spring 1998.

Efficiency of Federal Land Management: The Subcommittee will continue its work into analyzing the efficiency of federal land management, with a particular interest in examining whether federal lands could be more efficiently managed. Following on with a hearing held last Congress comparing the efficiency of federal versus State management of lands, this Congress we expect the release of a major GAO report which will compare management of park, forest and multiple use lands between the State and federal governments. In addition, in another joint House-Senate effort, GAO is examining the magnitude of overlap and duplication between the various federal agencies. Both of these efforts are designed to identify cost savings which could be implemented in federal land management. Winter 1998.

BUREAU OF LAND MANAGEMENT

Grand Staircase - Escalante National Monument: On September 18, 1996, in the midst of his re-election campaign, President Bill Clinton utilized the 1906 Antiquities Act to create a 1.7 million-acre national monument in Southern Utah.

The creation of the monument was made by the President under powers given to him under the Antiquities Act of 1906. A national monument is the designation given to a particular area in order to protect "objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States." The 1906 Antiquities Act, has been used by previous Presidents to create some of the Nation's crown jewel preserves, but that was before modern federal land-use laws were enacted to give Congress and the public a voice in how the lands would be managed.

The decision to create the monument was done without Congressional oversight and input. Even the federal land managers, who are responsible for managing the lands for future generations were shut out of the process of developing the monument in order to accommodate the wishes of the Clinton/Gore '96 campaign.

The monument was created in an attempt to erase the possibility of mining 62 billion tons of the cleanest, most environmentally beneficial coal in the U.S. At least 16 billion tons of recoverable coal exists within the boundaries of the monument and could be extracted using underground mining techniques. The loss of revenue created by this action will cost the State of Utah an estimated $9.25 billion in lost mineral revenues.

Additionally, the monument imposes an obstacle to the possibility of generating an estimated $2 billion for schoolchildren in Utah. President Clinton during his remarks at the Grand Canyon establishing the monument proclaimed: "I know the children of Utah have a big stake in school lands located within the boundaries of the monument that I am designating today... I will say again, creating this national monument should not and will not come at the expense of Utah's children." Seeing that the President's promise is kept is an issue of central concern to all, and upmost on the priority list of Utah's Congressional Delegation and Governor, Mike Leavitt.

This national monument is the first in history for which management responsibility has been given to the BLM. The proclamation establishing the monument states that the monument is to be managed pursuant to applicable law, which includes but is not limited to the Federal Land Policy and Management Act (FLPMA). The proclamation withdraws federal lands within the monument for entry, location, selection, sale, leasing or other disposition. It mandates respect for valid existing rights, recognizes the State of Utah's responsibility and authority for fish and wildlife, maintains current grazing permits, and continues existing reservations.

The management plan for the monument is to be prepared over the next three years. Because of the way the monument was created and lack of specific information regarding the Proclamation's directives, many questions remain unanswered. The Subcommittee will hold oversight hearings on the establishment of the monument early in the 105th Congress. The hearings will be used to obtain further information concerning the monument.

An additional issue that may be addressed as part of the hearings on the monument is the 1906 Antiquities Act. Shortly after the establishment of the monument, legislation was introduced in both the House and Senate in the 104th Congress to limit the powers of the President to designate national monuments under the Antiquities Act. It is expected that this issue will be addressed either as part of the hearing on the monument or separately. Summer 1997.

Bureau of Land Management Law Enforcement Regulations: On November 7, 1996, BLM published in the *Federal Register* a proposed rule to revise and consolidate many of BLM's existing criminal law enforcement regulations. The rule according to BLM was designed to help the public understand and locate the regulatory provisions detailing the activities that are prohibited on BLM lands. Prior to this action, these provisions were contained in nearly a dozen separate parts dealing with recreation, cultural resources, minerals, etc.

Due to the timing and content of the regulations, many members of the public reacted negatively to the proposed regulations. In response to the controversy, the commend period was extended to February 5, 1997.

Additionally, the BLM briefed congressional staff in December of 1996 to answer questions regarding the proposed regulations. At the meeting, the BLM promised to supply information to Congress regarding the legislative authority to promulgate the new regulations.

On January 17, 1997, a second notice appeared in the *Federal Register* further extending the comment period to March 7, 1997.

Due to the controversial nature of the regulations and the many questions that remain unanswered, the Subcommittee intends to conduct oversight hearings on the BLM's law enforcement regulations in the Spring of 1997.

Effect of Public Land Policies on Rural Communities: How the public lands affect rural communities is a key to nearly every public lands issue from grazing to timber harvesting. Environmental groups have suggested that the public lands can benefit rural economies by increasing tourism. Some have suggested that tourism and recreation provide the "new" paradigm for rural development.

With regards to the Grand Staircase - Escalante National Monument, what will be the effect of transferring from a resource to a tourism based economy deserves attention. Several

studies including work done by the Political Economy Research Center have shown some of the effects. Although we can speculate that tourism can be a viable growth industry in rural areas, confirming the full impact of public lands policies should be explored.

Studies are currently being conducted by academia into the effects of public lands policies on rural economies. The Subcommittee is considering holding an oversight hearing to investigate the facts surrounding what the effects of changing public lands policies are on rural economies. Hearings on this issue should be in the Fall of 1997.

Access on Public Lands: Responding to a request made in 1992, GAO conducted a review of the adequacy of public access to land managed by the Department of Agriculture's Forest Service and the Department of the Interior's BLM. Specifically, GAO was asked to look at the extent and effects of, as well as the reasons for, inadequate public access and on the methods used by the Forest Service and BLM to resolve access problems.

The public continues to be frustrated by inadequate access to the public lands. Because the agencies do not maintain information at a central location on access problems, facts and conclusions regarding the question of access have been difficult to surmise.

Many complain that one of the reasons for inadequate public access to Forest Service and BLM lands has to do with private landowners' unwillingness to grant public access across their land. Factors contributing to inadequate access across private lands deal with concerns of landowners about vandalism and potential liability, and landowners' desire for privacy and exclusive personal use. The other main complaint heard is that the Forest Service and BLM, due to cost reduction and other reasons, have prevented access to the public lands.

The Subcommittee intends to conduct oversight hearing on access to public lands. Many questions regarding access to the public lands need to be answered before a solution can be properly fashioned. Spring 1998.

Current Status of Implementation of Rangeland Reform: On August 9, 1993, Secretary of the Interior Bruce Babbitt announced " Rangeland Reform '94." "Rangeland Reform '94" included proposed rangeland rules, including a proposal to more than double the grazing fee over three years and to substantially modify federal rangeland policy. The new rules proved extremely controversial producing several revisions and the rules were published in February 1995. Final rules went into effect August 21, 1995, but did not contain an increase in the grazing fee.

In an attempt to fight implementation of "Rangeland Reform '94" an industry led lawsuit was filed in the Wyoming tenth district court. On June 12, 1996, the Wyoming Federal District court under Judge Clarence Brimmer ruled in the suit brought by the Public Lands Council, et al., challenging "Rangeland Reform '94." Judge Brimmer ruled that Secretary Babbitt had violated the law with regard to four aspects of the regulations.

The four areas of the regulations held invalid were: 1) the elimination of statutory grazing preference rights and replacement of those rights with the term "permitted use"; 2) the regulations providing that the U.S. shall have full title to all future range improvements; 3) the regulations providing for conservation use permits; and 4) the regulations reducing the mandatory qualifications for a grazing permit.

The federal government filed an appeal to the case in August of 1996 and filed their appellate brief on November 15, 1996. Arguments on the appeal are expected to take place in 1997 with a decision around the Fall of 1998.

The implementation of "Rangeland Reform '94" continues to move forward with many of the State Resource Advisory Councils formed and advancing with their work. Concerns continue to be raised about the sweeping nature of the new Interior Department grazing management regulations. In light of the facts brought out by Judge Brimmer's decision and the controversial nature of the policy, the Subcommittee intends to conduct oversight of implementation of "Rangeland Reform '94" and to pursue necessary legislative solutions. Fall 1998.

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

Budget Review: In March of 1997, the Subcommittee will hold an oversight hearing on the President's Fiscal Year (FY) 1998 budget recommendations for the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and certain "wet" programs of the National Oceanic and Atmospheric Administration (NOAA). The Fish and Wildlife Service operates the National Wildlife Refuge System and NOAA implements the Coastal Zone Management Act, the National Marine Sanctuaries Act, the National Sea Grant College Act, and U.S. fishing laws. Both agencies implement the Endangered Species Act.

U.S. FISH AND WILDLIFE SERVICE

African Elephant Conservation Act of 1988: The major provisions of this landmark conservation law are: to require the Secretary of the Interior to evaluate the effectiveness of the elephant conservation program of each ivory-producing nation; to prohibit ivory imports from African countries unable to adequately protect their elephants; to require intermediary countries to stop selling illegally obtained ivory; and to provide up to $5 million per year to assist African nations in their elephant conservation efforts. Congress has previously reauthorized money for the African Elephant Conservation Fund. This authorization expires on September 30, 1998. During the 104th Congress, the Subcommittee conducted an oversight hearing (June 20, 1996) on this historic law. The Subcommittee will conduct a hearing in the Spring of 1997 on legislation to further extend the African Elephant Conservation Fund.

Coastal Barrier Resources System: The Coastal Barrier Resources Act of 1982 ended federal financial assistance on undeveloped coastal barriers included in the Coastal Barrier Resources System. Inclusion in the System does not prevent private development, but restricts the use of federal funds for flood insurance, highway construction, and water and sewer grants. During the 104th Congress, legislation was enacted that removed certain coastal barrier lands in Florida, New York, and South Carolina that were incorrectly incorporated within the System. Legislation may be introduced during the next two years to remove additional lands from the System. The Subcommittee will carefully examine, through public hearings, the merits of each of these proposals.

Federal Fish Hatcheries: There are currently 72 federal fish hatcheries, operated by the U.S. Fish and Wildlife Service, that produce various species of fish that are distributed as part of the Service's nationwide stocking programs in lakes, ponds, and streams throughout the U.S. During the 104th Congress, legislation was enacted that transferred title of eight federal fish hatcheries to State and local governmental entities. The Subcommittee will conduct an oversight hearing in 1997 on whether additional facilities should be transferred. Furthermore, it is likely that legislation will be introduced to transfer additional hatcheries in the 105th Congress. These bills will be carefully reviewed.

Marine Mammal Protection Act: The Marine Mammal Protection Act (MMPA) was enacted in 1972 for the purpose of ensuring that marine mammals are maintained at, or in some cases restored to, healthy population levels. This Act governs a variety of subjects including public display, scientific research, subsistence use of marine mammals, and the incidental take of marine mammals during commercial fishing operations. Jurisdiction over marine mammals under MMPA is divided between the U.S. Fish and Wildlife Service, which has responsibility for dugongs, manatees, polar bears, sea otters, and walrus, and the National Marine Fisheries Service, which has responsibility for all other marine mammals. In 1994, Congress enacted the Marine Mammal Protection Act Amendments (P.L. 103-238). This law reauthorized federal funding for the MMPA until September 30, 1999, and made a number of significant changes in the Act. The Subcommittee will conduct oversight hearings during the 105th Congress on the effectiveness of aspects of the MMPA.

National Wildlife Refuge System: This System is comprised of federal lands that have been acquired for the conservation and enhancement of fish and wildlife. Totaling about 91.7 million acres, the System provides habitat for hundreds of fish and wildlife species, including more than 165 species listed as threatened or endangered under the Endangered Species Act. At present, the System is comprised of 511 refuges, which are located in all 50 States and the five territories. During the last Congress, the Subcommittee conducted a number of legislative and oversight hearings on our Refuge System. In particular, the House of Representatives overwhelmingly adopted H.R. 1675, the National Wildlife Refuge Improvement Act, on April 24, 1996. This legislation is expected to be reintroduced in the 105th Congress and will be the subject of a Subcommittee hearing in March of 1997.

National Wildlife Refuge System -- Maintenance Backlog: During the 104th Congress, the Subcommittee conducted two oversight hearings on the growing maintenance backlog issue at our Nation's Wildlife Refuge System. According to the U.S. Fish and Wildlife Service, this backlog has now risen to $440 million. This backlog represents deferred maintenance at visitor centers, picnic pavilions, observation towers, public use buildings, roads, bridges, dams, canals, and other water management structures. The Subcommittee intends to hold a series of oversight hearings in Washington, D.C., and other places on this backlog maintenance issue. The purpose of these hearings will be to clearly identify the problem and to seek effective solutions so that the System can be revitalized before the 100th birthday of the National Wildlife Refuge System in 2003.

National Fish and Wildlife Foundation Act of 1984: This Foundation, which was established as a non-profit corporation, was created to encourage, accept, and administer private gifts of property for the benefit of the U.S. Fish and Wildlife Service and to conduct activities to further the conservation and management of the fish, wildlife, and plant resources of the U.S.. During the 104th Congress, the Subcommittee conducted an oversight hearing on the Foundation, whose authorization of appropriations expires on September 30, 1998. The Subcommittee will hold a legislative hearing in the Summer of 1997 on legislation related to reauthorization of the Foundation in the future.

Natural Resource Management on Military Lands Act of 1960: The Department of Defense (DOD) manages nearly 25 million acres at approximately 900 military bases nationwide. These lands contain a wealth of plant and animal life, they provide vital habitat for thousands of migratory waterfowl, and they are home for nearly 100 federally listed species. First enacted in 1960, the Sikes Act provides protection for threatened and endangered species of fish, plants, and wildlife on these military lands. The authorization of appropriations for the Act expired on September 30, 1993. During the last Congress, the House of Representatives overwhelmingly adopted H.R. 1141, the Sikes Act Improvement Amendments, which reauthorized funding until September 30, 1998. Regrettably, the Senate took no action on this bill. The Subcommittee will conduct a joint hearing with the Committee on National Security's Subcommittee on Military Installations and Facilities on legislation to reauthorize the Sikes Act. 1997.

National American Wetlands Conservation Act of 1989: The purpose of the North American Wetlands Conservation Act is to conserve wetland ecosystems and the species they support, which are primarily waterfowl. This Act also provides the financial assistance necessary for the implementation of the North American Waterfowl Management Plan, an agreement originally signed in 1986, to reverse the loss of wetlands and to stem the decline in populations of migratory birds. The authorization of appropriations for the Act expires on September 30, 1998. The Subcommittee will conduct a hearing on legislation to extend the Act. Fall 1997.

Sport Fish Restoration Programs:

(A) Federal Aid in Sport Fish Restoration Act of 1952 (Sport Fishing and Boating Enhancement Fund or the Wallop-Breaux Trust Fund): This fund is derived from fees, taxes, and duties imposed on fishing equipment, motorboat fuel, imported watercraft, and fishing tackle. The revenues are allocated to the States, on a formula basis, and are used to protect natural resources and enhance recreational opportunities for millions of Americans. Since its inception, more than $2 billion has been collected and allocated to the States.

(B) Federal Aid in Wildlife Restoration Act of 1937 (Pittman-Robertson): Nearly 60 years ago, hunters lobbied Congress to impose a tax on themselves. The money is derived from an 11 percent excise tax on sporting arms and ammunition; a 10 percent tax on pistols and revolvers; and an 11 percent tax on certain archery equipment. Hunters have now paid more than $2.6 billion into the Federal Aid in Wildlife Restoration Program. Federal aid money is distributed by the U.S. Fish and Wildlife Service to the States to fund wildlife conservation and hunter education programs. These funds have been largely responsible for the recovery of many species, including pronghorn antelope, white-tailed deer, wood ducks, and wild turkey. Many State wildlife agencies could not operate without this money.

(C) Capital Construction Fund: Section 607 of the Merchant Marine Act of 1936 was enacted to provide an incentive to build and document commercial and fishing

vessels in the U.S. by allowing companies to establish individual Capital Construction Fund (CCF) accounts funded by tax-deferred deposits. The commercial and fishing vessel programs are administered by MARAD and NOAA respectively. Overcapitalization of some U.S. fisheries has prompted calls for changes in the CCF regulations to allow early withdrawal or alternative uses of the funds rather than requiring the construction of additional new fishing vessels. These ideas will be examined, as well as attempts by the IRS to exert sole authority over the CCF program.

The Subcommittee intends to hold several oversight hearings in 1997 on these three funding proposals. The purpose of these hearings is to examine their effectiveness, how the money is allocated to the States, and whether these resources have been effectively spent.

"Teaming With Wildlife": The International Association of Fish and Wildlife Agencies and the National Association of State Park Directors have developed a new funding concept to raise additional revenues that would be allocated to the States for the more than 1,800 wildlife species for which no reliable funded conservation programs exist. These species include butterflies, frogs, herons, songbirds, turtles, and otters. Under this concept, a new excise fee of up to five percent of the value of a product would be placed on an extensive list of recreational items including backpacks, canoes, film, hiking boots, sport utility vehicles, and sleeping bags. The goal is to raise some $350 million in new revenues each year. The Subcommittee may conduct an oversight hearing on this issue in 1997.

Trinity River Basin Fish and Wildlife Management Act of 1984: This Act implemented eleven actions recommended by a federal/State Trinity River Basin Fish and Wildlife Task Force to restore the habitat of the watershed. These actions were necessary because 90 percent of the River's flow was diverted to the Central Valley of California for agricultural, municipal, and industrial uses. During the 104th Congress, legislation was enacted to extend the authorization of appropriations until September 30, 1998. The Subcommittee will conduct an oversight hearing on this issue and is likely to extend the authorization beyond its current deadline. Fall 1997.

NATIONAL MARINE FISHERIES SERVICE (NMFS)

Aquaculture: Each year, federal funds are appropriated to the National Marine Fisheries Service to promote the growth of marine aquaculture industry. The Subcommittee will hold an oversight hearing to evaluate the effectiveness of this program and whether continued investment by the federal government is warranted. An oversight hearing will be held in 1998.

Atlantic Tunas Convention Act of 1975: This is the implementing legislation for the International Convention for the Conservation of Atlantic Tunas, an international treaty for the conservation and management of highly migratory tuna and tuna-like species of the Atlantic Ocean and Gulf of Mexico. During the 104th Congress, the authorization of appropriations for this Act was extended until September 30, 1998. The Subcommittee will reevaluate the

effectiveness and whether there is an ongoing need for further federal funding of this program in the future. Fall 1997.

Artificial Reefs: In recent years, there have been several proposals to allow National Defense Reserve Fleet surplus ships to be sold for scrap or used for artificial reefs. The Subcommittee may hold an oversight hearing on the effectiveness of artificial reefs in building new fish and shellfish habitats. 1998.

Fish Passages Technology: The Office of Technology Assessment has issued a report on the state of technology of fish passages and other systems for transferring hatchlings around federal power projects. The Subcommittee will hold a hearing on this report during the 105th Congress.

Magnuson-Stevens Fishery Conservation and Management Act: This Act provides a national program for the conservation and management of our Nation's marine fishery resources within our 200-mile Exclusive Economic Zone. The Act established eight Regional Fishery Management Councils that have primary responsibility for managing the fishery resources outside of State waters. During the 104th Congress, landmark legislation was enacted to improve and extend the authorization of appropriations for the Magnuson Act. This authorization expires on September 30, 1999. The Subcommittee will conduct an oversight hearing on P.L. 104-297 in 1997.

Pacific Salmon Treaty: The U.S. and Canada signed the Pacific Salmon Treaty in 1985. Since then, the two countries have met numerous times to further negotiate outstanding issues related to the Treaty. While a series of yearly agreements have been successfully approved, a final resolution of these negotiations is still pending. The Subcommittee will hold an oversight hearing on these negotiations in the Winter of 1997.

Saltonstall-Kennedy Program: The Saltonstall-Kennedy Grant Program is administered by the National Marine Fisheries Service and is used to provide grants for fisheries research and development projects. Funding is provided by the Department of Agriculture as a percentage of the gross receipts collected on imported fish and fish products. All grant projects undergo technical and industry review and are encouraged to have a cost-sharing component. The Subcommittee will review the amounts received and granted under this program.

Seafood Safety and Inspection Programs: Legislation to develop an expanded, mandatory national seafood safety program has been introduced and debated at length in previous Congresses. There is an ongoing debate over who should be the lead agency for seafood safety -- the Food and Drug Administration, NOAA, or the Agriculture Department. The Subcommittee will hold an oversight hearing on this subject in 1998.

Tuna/Dolphin Issue: In October of 1995, twelve nations, including the U.S., completed negotiations on an international agreement to protect dolphins and other species in the eastern

tropical Pacific Ocean. During the 104th Congress, the House of Representatives approved legislation, the International Dolphin Conservation Program of 1996, to codify the international agreement. The U.S. Senate took no action on this issue. The Subcommittee may conduct further deliberations on this issue during the 105th Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Arctic Research: In 1995, Congress directed the National Science Foundation to submit a report on the relationship of those Federal resources used for Arctic and Antarctic scientific research. The statutory deadline for this report is February 20, 1997. The Subcommittee intends to conduct an oversight hearing on that report and on other Federal programs involving Arctic research, including NOAA's new Arctic Initiative. 1997.

Atlantic Striped Bass Conservation Act: This law, which was first enacted in 1984, requires that States implement conservation measures that are consistent with interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission. In the past twelve years, the resurgence of the Atlantic Striped Bass has been a major fishery management success story. During the 104th Congress, the House of Representatives overwhelmingly adopted legislation (H.R. 1139 and H.R. 4139) to extend this conservation law until September 30, 1997. The U.S. Senate took no final action on either of these proposals. The Subcommittee intends to hold a hearing on legislation to reauthorize the Act in 1997.

Coastal Zone Management Act: Enacted in 1972, the Coastal Zone Management Act (CZMA) encourages States to regulate land and water uses that affect their coastal zones. While the program is voluntary, States receive grant money to develop a plan which, when approved by NOAA, makes them eligible for further federal assistance to help manage their coastal programs. Last year, Congress enacted the Coastal Zone Protection Act of 1996 (P.L. 104-150), which reauthorized the CZMA funding programs until September 30, 1999. During the second session of the 105th Congress, the Subcommittee will conduct an oversight hearing on P.L. 104-150 to evaluate the ongoing effectiveness and need for future funding of CZMA programs as well as implementation of the CZMA amendments of 1996.

Mapping and Charting Program: In the last 15 years, advances in computer technology have caused dramatic leaps forward in marine navigation technology. Satellite-based Differential Global Positioning Systems and the ability to monitor real-time and current data hold the promise of significant economic efficiencies. Unfortunately, these efficiencies can only be exploited if we have accurate, up-to-date nautical charts. Many of the charts we use today are based on data collected in the last century. The accuracy of this information is totally insufficient for today's larger ships and advanced navigation capabilities. NOAA is preparing a plan on how it will update its charts and develop real-time tide and current information. The Subcommittee will hold an oversight hearing on this plan.

NOAA Corps: NOAA has under its jurisdiction a 358-person uniform corps that is trained in both science and vessel operations. The Corps, which operates 16 active ships and 10 aircraft, receives military type pay and benefits. The Subcommittee will hold an oversight hearing in 1997 to evaluate the purpose, role, and mission of the Corps in the future.

NOAA's Generic Laws: The Subcommittee will hold one or more oversight hearings on those programs and responsibilities under the jurisdiction of the Resources Committee. Hearings to be held in the Spring of 1998.

NOAA Fleet Modernization: As part of the NOAA Authorization Act of 1992, Congress approved a provision requiring NOAA to prepare and submit a fleet modernization plan for the agency's ongoing 16 research vessel fleet. While NOAA has submitted its plan, fundamental questions remain about whether these vessels should be replaced or if these functions could be effectively contracted out to private sector vessels.

National Marine Sanctuaries Program: The National Marine Sanctuaries Act of 1972 authorizes the Secretary of Commerce to designate areas of the marine environment with nationally significant aesthetic, ecological, historical, or recreational values as National Marine Sanctuaries. The primary objective of this law is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats, while allowing all compatible public and private uses of these resources. In short, marine sanctuaries are our Nation's underwater parks. During the 104th Congress, legislation was approved, the National Marine Sanctuaries Preservation Act of 1996 (P.L. 104-283), to reauthorize this landmark environmental law until September 30, 1999. During the 105th Congress, the Subcommittee will conduct an oversight hearing on the management of the National Marine Sanctuaries Program.

National Sea Grant College Program: The National Sea Grant College Program was established in 1966 to improve marine resource conservation, management, and utilization. The Program is patterned after the Land Grant College Program, which was created in 1862. There are currently 26 sea grant colleges and three smaller institutional programs which manage a network of over 300 universities and affiliated institutions. Authorization for the program expired on September 30, 1995. While the House Resources Committee approved a bill, H.R. 1175, the Marine Resources Revitalization Act of 1995, to extend the Program until September 30, 1998, no further action was taken on this legislation. The Subcommittee intends to make the reauthorization of the National Sea Grant College Program a top legislative priority and will hold a hearing on a bill to extend funding on February 27, 1997.

SUBCOMMITTEE ON WATER AND POWER

Budget Overview: The Subcommittee will hold a hearing each year on that portion of the President's budget proposal falling within its jurisdiction. March 1997 and 1998.

Water Technology Development: The Subcommittee will hold hearings on various aspects of water technology development which affect federal water management, reclamation activities, and how to assist the States in water resource planning. Fall 1997 and Summer 1998.

BUREAU OF RECLAMATION

Central Valley Project Improvement Act Implementation: The Subcommittee will continue to review actions taken by federal and State agencies to implement the various provisions of the Central Valley Project Improvement Act (CVPIA), that was enacted in 1992. Legislative proposals to amend the CVPIA will be considered during the Summer of 1997.

Oroville-Tonasket Irrigation District: The Subcommittee may mark up legislation to implement the pending settlement between the Oroville-Tonasket Irrigation District and the Department of the Interior. Oversight will be needed regarding the settlement. Spring 1997.

Garrison Diversion: The Subcommittee will review the status of the Garrison Diversion Unit and consider new proposals relating to water supply management in North Dakota. Oversight hearings, including possible field hearings, will be held in the Summer or Fall of 1997. Legislation, if necessary, will be considered by the Subcommittee during the second session.

California Bay-Delta Funding: The Subcommittee will examine the Administration's funding request for those funds authorized in the 104th Congress to carry out restoration activities in California's Sacramento-San Joaquin Bay-Delta, since the 1996 authorization did not specify how federal funds were to be allocated among the various federal agencies. The Subcommittee will also investigate how federal programs and expenditures are being coordinated with State funding for the Bay-Delta area. State funding for such restoration activities and other water-related activities was approved by the California Legislature and by voter referendum in 1996. Spring 1997.

Central Arizona Project: The Subcommittee will review the status of the Central Arizona Project (CAP), and the financial and management practices of the Bureau of Reclamation as they relate to CAP. The Subcommittee will also investigate the breakdown of negotiations between the parties to restructure the project's debt. Summer 1997.

Bureau of Reclamation Project Transfers: The Subcommittee will review the status of the Administration's initiative to transfer Bureau of Reclamation facilities out of federal ownership. Specific attention will be directed to case studies where project beneficiaries are

seeking such title transfers. Field hearings will be held in several locations during the Summer of 1997. Legislation will be considered in the Fall of 1997 and Winter of 1998.

Oversight of Colorado River Operations: The Subcommittee will hold hearings on the operation of the Colorado River, and its impact on the States in both the Upper and Lower basins. Summer 1997 and 1998.

Reclamation Reform Act Rules and Regulations: As required by the negotiated settlement to litigation, the Bureau of Reclamation recently promulgated new rules and regulations to implement the 1982 Reclamation Reform Act on a west wide basis. The Subcommittee will continue to monitor the enforcement of these rules by the various regional offices of the Bureau. The Subcommittee will also examine closely a related proposed rulemaking on the treatment of trusts, as that rulemaking moves forward.

Bureau of Reclamation Contracting Policies: The Subcommittee will evaluate the Administration's policies concerning water service contracts and operations and maintenance contracts between the Bureau of Reclamation and various water districts. The Subcommittee will examine the extent to which Reclamation is using contract renewals in an effort to reallocate water for other uses in light of State supremacy in the allocation of water rights. Fall 1997.

Western Water Policy Review Advisory Commission Report: The Western Water Policy Review Advisory Commission is scheduled to release a report on western water resource issues and problems in October 1997. A hearing will be held on the recommendations in the report which affect federal agencies under the Subcommittee's jurisdiction in the Fall of 1997 or the Winter of 1998.

Truckee River Issues: The Subcommittee will investigate the cumulative environmental impacts of implementation of the 1990 Truckee-Carson-Pyramid Lake Water Rights Settlement Act on the Lahontan Valley area in Nevada. The Subcommittee will also examine the impacts of the Act on irrigators who are dependent on Bureau of Reclamation facilities in the area for their water supply.

DEPARTMENT OF ENERGY - POWER MARKETING ADMINISTRATIONS

Cost Recovery by the Federal Power Marketing Administrations: The Subcommittee will review proposals to improve the management of the Department of Energy's power marketing administrations (PMAs), which market the electrical power produced at federal hydroelectric facilities. The Subcommittee will be particularly involved in proposals to ensure full cost recovery, aimed at correcting the revenue shortfalls identified by the Subcommittee and GAO in the Fall of 1996. Legislation, if needed, will be considered in the Fall of 1997.

The Comprehensive Review of the Northwest Energy System: The Subcommittee will hold hearings on the December 1996 Comprehensive Review of the Northwest Energy System,

which was prepared at the request of the Northwest governors. The central theme of the review concerns the management and restructuring of the Bonneville Power Administration. Hearings are anticipated in both sessions of the 105th Congress.

Proposals to Reduce Power Marketed by the Bonneville Power Administration: There are several proposals to reoperate John Day Dam on the Columbia, in an effort to enhance juvenile salmon migration on the Columbia River. The Subcommittee will examine the impact of these various proposals on hydropower production at the Dam, and will scrutinize the science on which these proposals are based. The Subcommittee may hold an oversight hearing on this issue in the Summer of 1997.

Operation and Maintenance of Facilities that Generate Power Marketed by the Federal Power Marketing Administrations: The Subcommittee will review proposals designed to ensure that adequate funding is allocated to, and spent for, the operation and maintenance of facilities that generate the power marketed by the PMAs. Summer of 1997.

U.S. GEOLOGICAL SURVEY - WATER RESOURCES DIVISION

Program Management Within the Water Resources Division of the U.S. Geological Survey: The Subcommittee will review the programs within the Water Resources Division to determine if there are areas where better coordination can be encouraged with other State and federal agencies. The Subcommittee will also be reviewing areas where State or university entities can supplement U.S. Geological Survey activity. Fall 1997 and Winter 1998.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Agency Budget Oversight: The Subcommittee oversees three Interior Department agencies in toto and programs in two others: U.S. Geological Survey (USGS), Office of Surface Mining (OSM), Minerals Management Service (MMS), the energy and minerals program of the Bureau of Land Management (BLM), and the minerals and geology program of the Forest Service (USDA). The Subcommittee will examine these agencies' programs for streamlining, privatization opportunities, contracting out work, and otherwise streamlining research programs. Outside witnesses familiar with the programs' output may be asked to testify regarding prioritizing programs/turning work over to State agencies and the private sector. Particular attention will be paid to proposed funding of traditional earth sciences programs versus biological studies to be performed by the new Biological Research Division. March 1997.

Hardrock Mineral Exploration and Development: At least one oversight field hearing will examine mining royalty issues. During these hearings, the Subcommittee will examine means of increasing the return to the taxpayer from mining on public lands in a way which preserves the long term viability of an important industry. Royalties must be structured so that they do not reduce mining activity. Summer 1997.

In the 104th Congress, a hearing was held to examine factual investment data for trend in capital flow with industry and environmental testimony explaining reasons for these trends. The Subcommittee may hold a hearing with testimony from foreign governments explaining how they balance attracting investment versus regulatory oversight of mining proposals. The purpose of this hearing is to explore ways to improve the U.S. business climate for development of mineral resources on lands within our jurisdiction. Summer 1997.

Coal Mining Regulatory Reform: The Subcommittee will likely address the issue of giving States exclusive jurisdiction to enforce the Surface Mining Control and Reclamation Act of 1977 (SMCRA), as was intended by Congress but which the federal Office of Surface Mining (OSM) has thwarted through improper implementation of State "primacy" for regulation of existing coal mine operations. State regulators interpreting federal standards are routinely second-guessed by OSM inspectors. Federal inspectors continue to penalize operators rather than conduct a broad-based statewide program to oversee the adequacy of a State's regulation of coal mining. In addition, the Subcommittee may hold field hearings to investigate OSM's recently issued regulations for use of ten-day notices. Summer 1997.

Regulatory Streamlining for Coal and Other Minerals: In the 104th Congress, H.R. 1975, a bill to incorporate equity and fairness into oil and gas royalty collection from federal lands, was signed into law (Public Law 104-185). The Subcommittee will pursue oversight hearings of MMS' ability and intent to broaden these streamlining measures to coal and other minerals. Fall 1997.

Abandoned Mine Lands Funding: The Subcommittee will investigate the recent and historical uses of the Abandoned Mine Lands (AML) funds, the annual funding level appropriated for the AML, and possibly the effect of taking AML funds off-budget. Spring 1998.

Energy Policy: In the 104th Congress, the Subcommittee held two oversight hearings on energy policy: the first examined the economic and employment implications of declining U.S. oil and gas production and a second reviewed the Nation's oil and gas resource base and federal initiatives for domestic oil and gas production. General oversight of the Administration's inadequate energy policy and resulting ever-increasing U.S. dependence on foreign sources of crude oil will remain a focus of the Subcommittee in the 105th Congress. Issues include access to public lands and the Outer Continental Shelf (OCS), which remain the areas most likely to provide significant new domestic discoveries of oil and gas. One element of this investigation will be to determine the total amount of federal acreage off-limits to oil and gas exploration and development and the impact of these restrictions on the U.S. domestic economy. Field hearings are planned for Summer 1997 to western States with significant oil and gas production from federal lands to investigate BLM's regulatory process for balancing environmental concerns, energy and mineral resource availability and economic factors. Summer 1997.

Outer Continental Shelf Oil and Gas Production-Boosting Initiatives: The OCS Lands Act of 1954 governs the leasing of tracts in federal waters off our coasts. This program is by far the biggest revenue raiser of all Department of the Interior programs and is likely the second biggest in all the federal government (after the Internal Revenue Service). MMS collects about $3 billion per year in bonus bids, rentals and royalties from oil and gas producers, of which a portion goes into the Land and Water Conservation Fund (LWCF) for federal and State land acquisition programs. The Subcommittee will examine the types and amounts of funds spent through the LWCF and how those expenditures relate to State and local policies for oil and gas development. Fall 1997.

The OCS leasing program has been subjected to numerous leasing and drilling bans via appropriations bills and executive order. In the 104th Congress, the Subcommittee held an oversight hearing on several bills introduced to provide for permanent moratoria on much of the U.S. coastline. The Subcommittee will explore the rationale for retention versus elimination of such bans on activity in various waters in an effort to find acceptable ways to increase production from the OCS. Spring 1998.

Onshore Federal Oil and Gas Initiatives: The Subcommittee will continue to investigate the Department of the Interior's progress on a proposal to transfer BLM's oil and gas inspection and enforcement functions to the States. The States have current programs which duplicate these functions and are anxious to assume these duties. Through the efforts of the Interstate Oil and Gas Compact Commission, the States fully support this proposal with appropriate funding. Following two hearings on this issue in the 104th Congress, the Subcommittee will likely invite the federal and State government agencies to bring us up to date on the status of the transfer negotiations. Spring 1997.

Royalty-In-Kind/Valuation: The Subcommittee will pursue oversight of MMS' ability to collect royalties "in-kind" as opposed to the cash value as is currently paid. The cumbersome and costly collection procedures associated with collecting the government's share of revenue from production on federal leases could be drastically reduced if the Agency were to take their royalty-in-kind (R-I-K). Using the R-I-K collection method would eliminate the controversial "valuation" issues surrounding the complicated oil and gas production and transportation systems. MMS conducted a one-year pilot program for gas only in the Gulf of Mexico. The FY 1997 Interior Appropriations legislation included instructions to the director of MMS to conduct further pilot studies. The Subcommittee will oversee MMS' initiation of these programs and the progress on its proposed crude oil valuation regulations and evaluate its effectiveness. Fall 1997.

U.S. Geological Survey Reorganization: The Subcommittee is planning oversight of the USGS's reorganization and its ability to meet its mission, especially regarding mineral resources and the traditional role of the federal survey to provide objective scientific data for land use decisions and the Nation's economic development. The Subcommittee is interested in the administration's mission for the Biological Research Division with respect to the "geosciences" mission, particularly with likely smaller budgets in the future. The Subcommittee will pay close attention to how USGS restores its reputation for doing objective science in the wake of the "unsanctioned" USGS Ward Valley hydrology report which prompted Interior Secretary Bruce Babbitt to seek National Academy of Sciences peer review of the official USGS study (and oppose transfer of the BLM land to California), as well as allegations that the Arctic National Wildlife Refuge (ANWR) oil and gas estimates were reduced for "political science" reasons. Fall 1997.

Disposition of Other Federal Minerals: The so-called fertilizer minerals, trona (a sodium carbonate mineral), phosphate and potash are produced from federal leases in California, Colorado, Wyoming, Idaho, and New Mexico. An oversight hearing will examine a number of associated issues including possible conflict between oil and gas production and potash development and oil and gas production and trona development. In addition, the Subcommittee may examine valuation methodology for these commodities. Summer 1998.

Compensation for Land Exchanges: The Subcommittee will evaluate the substantial value of public resources traded to meet the President's environmental agenda, i.e. Utah's Grand Staircase - Escalante National Monument designation, California's Headwaters Forest acquisition, and Montana's New World Project mining land exchange. The Subcommittee may hold an oversight hearing on the Secretary's ability to trade mineral rights that are subject to the Federal Land Policy and Management Act and other relevant federal statutes. Spring 1997.

U.S. Geological Survey Mapping and Data Programs: The USGS is often criticized for failing to update maps and other data in a timely manner and for taking an excessive amount of time to publish the results of its research. During the last decade, great advances have been made in geographic information science, and application of some of this new technology to USGS programs would potentially improve the quality of the database and shorten the time required

before publication, all at a lower cost. The Subcommittee will hold two hearings to examine this issue. One will be concerned with identifying the type, quality, and quantity of government geographic data needed and the other will identify useful new technologies and how they may be applied to USGS programs to achieve more timely dissemination of higher quality data at lower costs. The hearings will be held in the Fall of 1997 and Winter or Spring of 1998.

SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

Examine Administration Commitments Made for Land Exchanges: In the past year, President Clinton has committed to a number of major exchanges, without designating specifically any lands (or timber sales) to be exchanged. These include: a $65 million land swap to block a gold mine outside of Yellowstone National Park; establishment of the Grand Staircase-Escalante National Monument in Utah to block coal mining and protect 1.8 million acres of federal land (plus 200,000 acres of state/private land); a $380 million federal/State swap for "Headwaters Forest," including $250 million from the U.S. and $130 million from California; and 225 million board feet of timber for canceled old growth timber sales in the Pacific Northwest. In addition, the Forest Service has estimated it needs over $50 million to settle court adjudicated claims for other timber sales nationwide. The Subcommittee will work with the Subcommittee on National Parks and Public Lands to evaluate the potential opportunities and costs to fulfill each of the above land exchanges. March 1997.

Final "1995" Resources Planning Act Program and President's Statement of Policy: The Forest Service intends to complete its final Resources Planning Act (RPA) Program for the period 1995-2000 in March or April of 1997. At that time, Congress will have 90 consecutive days to review the Recommended Program and accompanying President's Statement of Policy and either approve, reject, or modify the Statement of Policy, as provided by the Resources Planning Act of 1974.

Completion of the 1995 Program was already far behind schedule when the Subcommittee on National Parks, Forests and Lands held an oversight hearing on the Draft Program on February 29, 1996. In response to concerns raised by Subcommittee Members prior to the hearing, on February 27, 1996, Secretary of Agriculture Dan Glickman promised to delay submitting the final RPA Recommended Program to Congress until after the 105th Congress convenes. In March 1996, Agriculture Secretary Dan Glickman also announced that the Forest Service would reopen the comment period on the Draft for a 30-day period. The agency completed that process and is now making changes to the draft program. The Subcommittee will conduct oversight to promptly review the Recommended Program and determine what action it wishes to take once the Forest Service delivers the document to Congress in the Spring. April 1997.

Forest Service Regulations on Land Management Planning: The Forest Service has proposed new regulations governing the land management planning process, and a final rule has been held in the Secretary's office for over two years. Agriculture Under Secretary Jim Lyons now says that completion of the final planning rules is a "top priority." When the final rule is released, the Subcommittee should hold a hearing to review the new forest planning regulations. If it appears a rule will not be released, the Subcommittee should proceed with a hearing to evaluate implementation of the current planning rules and whether there is a need for new regulations.

Forest Health: To support the introduction of forest health legislation, the Subcommittee may hold an oversight hearing on forest health issues, focusing on the Southwestern U.S. (In the 104th Congress, the Subcommittee on National Parks, Forests and Lands held a hearing on November 30, 1995, with witnesses from Virginia, Oregon, Idaho and Georgia and the Forest Service Chief). The Subcommittee will request information and testimony from other Forest Service regions regarding the problems resulting from forest overcrowding and increased insect/disease and fire risks.

The continued oversight should support the development and enactment of legislation to remove barriers and provide incentives for management of the national forests to improve forest health. To achieve this goal, the Subcommittee may also hold field hearings. Summer 1997.

California Spotted Owl Review: In August 1996, Secretary of Agriculture Dan Glickman blocked release of a revised draft Environmental Impact Statement (EIS) for management of California Spotted Owl habitat on the day the report was to be released for public comment. In response, Senator Larry Craig (Chairman of the Senate Subcommittee on Forests and Public Land Management) convened a review team of scientists which are currently evaluating the two documents. Meanwhile, Agriculture Under Secretary Jim Lyons initiated efforts to establish a Federal Advisory Committee Act (FACA) review team that will evaluate the draft owl EIS. As a result, the draft EIS remains delayed by agency and Administration officials.

The Subcommittee anticipates a hearing on the findings of the scientific team and on the progress-to-date of the Secretary's review. Until the owl EIS is completed, the affected forests in California must continue to operate under temporary management guidelines which severely limit forest management opportunities. These interim guidelines were established as short term guidance pending completion of the EIS. They have already been in effect for four years and preclude needed fuel reduction and other forest management activities to reduce the high risk of catastrophic wildfire. Summer 1997.

Forest Service Decisions Pending at Secretary's Office: Numerous decisions affecting National Forest management activities have been sent by the Forest Service to the Secretary of Agriculture for approval, where they remain stalled without any action. The Subcommittee will review the Secretary's role in Forest Service decision making and the effect of his involvement on National Forest management and agency accountability to Congress.

Forest Service Budget: The Forest Service's budget and accounting methods have been criticized by government officials and the public for a number of reasons. Issues include: accounting of the costs and benefits of Forest Service management programs and activities, "below-cost" sales, funding for Forest Service roads, funding mechanisms for firefighting and pre-suppression activities, etc.

The Subcommittee should conduct oversight on the Forest Service budget for its land management activities, possibly in joint hearings with the Budget Committee. Recent Inspector

General reports and GAO evaluations of the Forest Service budget and accounting methods should be addressed. Spring 1997.

Review of Federal Land Management Policies: After completing oversight on a number of specific land management issues, the Subcommittee should conduct a broad review of current legal authorities and administrative policies guiding management of the National Forest System lands. The Committee should explore conflicting as well as complementary statutory objectives, procedural requirements, and proposals for amending such authorities to clarify, streamline or otherwise modify the statutory direction. Winter 1997-1998.

Review Status of the Interior Columbia Basin Ecosystem Management Project: In December 1996, the Forest Service released its scientific findings for the Interior Columbia River Basin, covering Eastern Oregon and Washington, Idaho, and portions of Western Montana, Wyoming, Northern Nevada, and a small portion of California (along the State's Northern boundary). In June 1997 the Forest Service plans to release for public comment two draft EIS covering the assessment area. Both efforts are part of the Interior Columbia Basin Ecosystem Management Project (ICBEMP), scheduled for completion in 1998. The final decision document(s) will amend management direction for all land and resource management plans within the assessment area. The ICBEMP has cost $33 million, according to Forest Service testimony at an oversight hearing of the Subcommittee on National Parks, Forests and Lands in May 1996.

The Forest Service is already incorporating information from the scientific assessment into project planning documents for individual national forests within the assessment area. The Subcommittee will conduct additional oversight hearings to review how the information is being used by national forests and how the final decision documents will affect individual forest plans. Spring 1998.

Review the Forest Inventory and Analysis Program and Its Implications for National Forest Management: The Forest Service's Forest Inventory and Analysis program (FIA) has been in place since the early 1950's. This program provides fundamental resource information needed by agency managers and policy makers to make decisions regarding management of the National Forest System lands. There has been little, if any, Congressional review of this program since its early years. The Subcommittee should review the program and assess its effectiveness for agency land managers. Summer 1998.

GERALD B.H. SOLOMON, NEW YORK
CHAIRMAN

DAVID DREIER, CALIFORNIA
PORTER GOSS, FLORIDA
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SCOTT McINNIS, COLORADO
DOC HASTINGS, WASHINGTON
SUE MYRICK, NORTH CAROLINA

WILLIAM D. CHOISY, JR., CHIEF COUNSEL
DANIEL J. KENNY, STAFF DIRECTOR
(202) 225-9191

Committee on Rules
U.S. House of Representatives
H-312 The Capitol
Washington, DC 20515-6269

ONE HUNDRED FIFTH CONGRESS

JOHN JOSEPH MOAKLEY, MASSACHUSETTS
RANKING MINORITY MEMBER

MARTIN FROST, TEXAS
TONY P. HALL, OHIO
LOUISE M. SLAUGHTER, NEW YORK

GEORGE C. CRAWFORD, MINORITY STAFF DIRECTOR

MINORITY OFFICE
234 CANNON HOUSE OFFICE BUILDING
(202) 225-9486

February 12, 1997

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

Dear Dan:

I am enclosing a copy of the oversight plans adopted by the Rules Committee on February 11, 1997 pursuant to clause 2.2(d)(1) of House Rule X.

Sincerely,

Gerald B.H. Solomon
Chairman

cc: Rep. Denny Hastert
Rep. Bill Thomas

OVERSIGHT PLANS OF THE HOUSE RULES COMMITTEE FOR THE 105TH CONGRESS ADOPTED ON FEBRUARY 11, 1997

Committee Action: Pursuant to clause 2(d)(1) of House Rule X, the Committee on Rules met in public session on February 11, 1997, and, with a quorum present, by a non-record vote, adopted the following oversight plans for the 105th Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight.

OBJECTIVES

While the Rules Committee is most visible acting in its capacity as legislative "gatekeeper" by assisting in the scheduling of legislation for floor consideration, it also has important oversight responsibilities as outlined in House Rule X.

The Rules Committee has general oversight over the rules of the House, the House's internal organization, the Congressional budget process, relations between the Congress and the Executive Branch and relations between Congress and the Judicial Branch.

The Committee played a central role in the comprehensive restructuring of the rules and organization of the House that occurred in January of 1995. In addition, the Committee took leading roles in implementing the Unfunded Mandate Reform Act and the Line Item Veto, and developing the Deficit Reduction Lock-Box. The Committee also initiated several important internal changes, including the establishment of the Corrections Calendar and new restrictions on the acceptance of gifts and book royalties. The Committee conducted extensive oversight of those changes throughout the 104th Congress and developed further refinements of internal procedure that were put into place on opening day of the 105th Congress. All of these efforts have been undertaken to effectuate a more responsive, innovative, and flexible legislative process that enhances public participation as well as the ability of Congress to operate effectively in the information age.

The Rules Committee intends to continue this work in the 105th Congress, using its two subcommittees -- the Subcommittee on Legislative & Budget Process and the Subcommittee on Rules & Organization of the House -- to take the lead in proactive oversight efforts.

Accordingly, this oversight plan of the Committee on Rules for the 105th Congress includes the areas in which the committee expects to conduct oversight during this Congress, but it does not preclude oversight of additional matters as the need arises.

OPENING DAY RULES CHANGES

The rules changes adopted by the House on the opening day of the 105th Congress, while not as comprehensive as those adopted in the 104th Congress, are significant in that they continue to move the House in the direction of greater accountability and openness. In particular, these additional changes will effectuate a more responsive, innovative, and flexible legislative process that enhances public participation, as well as our ability to operate effectively in the information age. For example:

- allowing committees to adopt rules or motions to permit designated majority and minority members to question witnesses for more than five-minutes will enable lengthier and more focused questioning of witnesses during investigative hearings;
- to the greatest extent practicable, requiring non-governmental witnesses to submit in advance, as part of their written testimony, a curriculum vitae and a disclosure by source and amount of Federal grants and contracts received by them and the organizations they represent will bring greater openness to the legislative process by making Members of Congress and the American public aware of the interests of individuals and groups testifying before Congress;
- including dynamic scoring estimates in Ways and Means reports on major tax legislation will provide additional information on which Members may rely to assess the revenue impact of tax measures;
- authorizing committees to file joint investigative and oversight reports with other committees will reduce printing costs and concentrate all relevant information on a topic in one report, rather than several;
- requiring committees to put their publications on the Internet to the maximum extent feasible will ensure wide and timely public access electronically to information about legislative issues and activities;

- prohibiting the distribution of campaign contributions on the House floor and rooms leading thereto (cloakrooms and Speaker's Lobby) will enhance public confidence that only the people's business is being conducted on the House floor and in its adjoining rooms; and
- developing a system for drug testing in the House that is comparable in scope to the present system for drug testing in the Executive Branch will require Members to live under the same rules as executive branch officials and workers in the private sector with respect to drug testing.

The Committee will undertake an active review of both new and existing House rules to ensure their effectiveness. Specific issues the Committee may examine in the context of H.Res. 5 include (but may not be limited to):

- o the progress made by committees toward compliance with the requirement that they make their publications available in electronic form;
- o ensuring that the new Truth in Testimony rule does not weaken the quality of public testimony or undermine the ability of citizens to exercise their right to petition the government via the House of Representatives;
- o the implementation of the House drug testing rule;
- o maintaining the effectiveness of the Corrections Calendar rule and the bipartisan nature of the Corrections Day process;
- o Congressional procedures with respect to hunger and humanitarian issues, including fragmented committee jurisdictions, differences in jurisdiction between House and Senate committees, the appropriations process, entitlements, and the oversight process as they relate to these issues; and
- o ensuring the suitability of House procedures governing compliance with the Unfunded Mandate Reform Act of 1995.

RECODIFICATION OF HOUSE RULES

On January 8, 1997, the Rules Committee established a bipartisan, ad hoc committee task force on the recodification of House Rules to recommend a more logical, orderly and comprehensive set of House rules without substantive policy changes.

The House of Representatives has not undertaken a comprehensive revision of its rules since the 1880s. The Senate adopted a resolution in November 1979 (S. Res. 274), the purpose of which was to begin to "revise and modernize" its rules. However, the report went on to observe that "the House has shown little movement toward changing its rules which are, in many respects, obsolete, confusing, misleading, incomplete and poorly organized. The precedents by which these rules have been interpreted and applied are often inconsistent, cumbersome, difficult to apply, and are only available through a group of sources. The resul. is that the legislative process and the activities of the House frequently prove difficult to learn and understand, much less master."

In 1984, House Speaker Tip O'Neill established a bipartisan group of four Members to review a draft recodification proposal presented by the Parliamentarian. However, the group's effort to present a final package to the Rules Committee and the full House stalled in 1985 when a group of committee chairmen reacted negatively to some of the proposed changes. Most recently, the House Members of the Joint Committee on the Organization of Congress in the 103rd Congress recommended the following in their final report: "The Parliamentarian of the House should prepare a recodification of the Rules of the House...with the goal of completing the project by the beginning of the 105th Congress." (House Report 103-413, Vol. I, p. 18.)

The Parliamentarian's Office has been asked to prepare a proposed recodification, without substantive change, for review by the bipartisan ad hoc task force. The goals of the recodification effort will include:

- Cleansing House rules of obsolete and archaic provisions;
- Reorganizing rules to bring related provisions together in an orderly fashion;
- Rewriting rules to clarify their meaning, as necessary, and to minimize obscurities and ambiguities;

- Revising rules to bring about conformity with accepted and established House practices;
- Developing a composite index of all House rules and precedents to assist Members and staff in locating needed information; and
- Making available electronically an index of the rules and precedents to make them more accessible and convenient to all Members and staff and public researchers.

THE LINE ITEM VETO

The Rules Committee took a leading role in developing the Line Item Veto that was enacted into law on April 9, 1996 and took effect on January 1, 1997. Given this historic delegation of deficit reduction authority by the Congress to the President, the country will be watching the implementation of this new law with much interest.

The procedures and requirements specified in the Ac. for the use of the Line Item Veto and the options for Congressional response were carefully and explicitly defined. Nonetheless, as the law charts new ground in the budget relationship between the Executive and Legislative branches of government, there will undoubtedly be questions raised about its reach and application.

On January 2, 1997 the Rules Committee issued a committee print entitled "The Use and Application of the Line Item Veto," a document designed as a users' guide for members, staff and the public. Throughout the 105th Congress, the Rules Committee intends to conduct ongoing and thorough oversight into all aspects of the application of this new law.

THE CONGRESSIONAL BUDGET PROCESS

Those who are studied in the quirks and complexities of the Congressional budget process generally conclude that the process cannot be held solely responsible for the failure to achieve the desired policy result of a balanced federal budget. It is a widely held view that no combination of procedural mechanisms can substitute for the will of legislators to make decisions necessary to achieving that goal.

However, many people believe that the current overly complex, cumbersome and convoluted process does not help, and in fact often hinders, progress toward a balanced budget.

The Congressional budget process we have today is the result of a series of efforts to impose fiscal discipline, efforts that, while well-intentioned, have resulted in layers of procedures and requirements that are hard to understand and even harder to explain and justify.

The Rules Committee began a comprehensive review of the budget process with three broad joint subcommittee hearings in the 104th Congress. In the 105th Congress the Committee intends to build on the groundwork set by those hearings, examining specific process changes and developing proposals for the full House to consider, perhaps in the context of comprehensive budget process reform.

The Committee will seek to work closely with the Budget Committee, with which it shares jurisdiction over the budget process. Using the leadership of both of these important House committees, it is the intention of the Committee that meaningful budget process reform can be achieved without distracting from the ongoing effort to implement policy choices to lock in a balanced budget by the year 2002.

In this effort the Committee will review the procedures established by the Congressional Budget Act, the Balanced Budget and Emergency Deficit Control Act and the Budget Enforcement Act with an eye toward streamlining and simplifying procedures, improving controls for fiscal discipline and strengthening direct accountability for budget decisions.

A host of specific budget process reform proposals have been made by Members and outside experts. The Committee intends to review all suggestions for change, with the belief that an opportunity now exists to explore budget process reform as a comprehensive effort.

Specific Process Changes

In the 104th Congress, the Committee played a primary role in advancing certain targeted process changes, including crafting an effective and workable Deficit Reduction Lock-box proposal, which passed the House with strong bipartisan majorities on three separate occasions.

While Lock-box supporters will focus early efforts on achieving a similar level of support in the Senate, the Rules Committee stands ready to once again address the issue at the appropriate time.

Other specific reform proposals that will be explored include:

- o Enforcement tools for implementing the Balanced Budget Amendment;
- o A joint budget resolution;
- o Biennial budget cycles:
- o A permanent, or automatic, continuing resolution for the prevention of government shutdowns;
- o Supermajority requirements for enforcement of Budget Act points of order;
- o A "rainy day" contingency fund for emergencies.

THE ETHICS PROCESS

In the 104th Congress, the Rules Committee established for itself the goal of reviewing the ethics process in the interest of improving its credibility with the public and members. However, pending business before the Committee on Standards of Official Conduct (the Ethics Committee) and disagreements among majority and minority Members resulted in delay.

In recent weeks, the ethics process has been on public display, generating much commentary and criticism. Observers inside and outside the Congress have proposed changes to the process designed to reduce the level of partisanship and restore public confidence in the peer review system.

There have been several published reports that the leadership of both parties is seeking to establish a bipartisan task force to review the process (as established in Rule X, clause 4 as amended by the Ethics Reform Act of 1989), including the manner in which its members are chosen and required to serve, and recommend changes to the House.

As in previous reform efforts (1989), the Rules Committee intends to assist in this effort, and exercise its original jurisdiction over this issue, as appropriate.

FAST TRACK PROCEDURES FOR CONSIDERATION OF TRADE AGREEMENTS

Section 151 of the Trade Act of 1974 establishes a "fast track" procedure for the consideration of legislation implementing trade agreements negotiated by the President. Section 1103(b) of the Omnibus Trade and Competitiveness Act of 1988 provided the last "broad" extension of trade negotiating authority with "fast track" procedures.

This extension applied to implementing bills submitted with respect to trade agreements entered into before June 1, 1991, and was further extended until June 1, 1993, through operations of provisions of section 1103(b).

Following the expiration of "fast track" authority on June 1, 1993, Congress provided an additional extension of "fast track" procedures solely for an agreement concluding the Uruguay Round of multilateral trade negotiations through H.R. 1876 (P.L. 103-49). This "narrow" extension provided for "fast-track" consideration under Section 151 of the Trade Act of 1974 for a bill implementing the Uruguay Round of multilateral trade negotiations, if an agreement was reached by December 15, 1993. An agreement was reached within that time frame, and the Congress overwhelmingly enacted legislation implementing the Uruguay Round Agreements in December 1994. The Administration has been without "fast track" authority since Dec. 15, 1993.

Fast track procedures limit the capacity of Congress to amend legislation implementing trade agreements. In order to offset this limit on congressional authority once implementing legislation is introduced, the Administration is directed by statute to undertake significant consultation and cooperation with Congress during trade negotiations.

In the 104th Congress, the Subcommittee on Rules and Organization of the House and the Ways and Means Subcommittee on Trade began a comprehensive review of Section 151 of the Trade Act of 1974. The subcommittees held public hearings focusing on policies, conditions, and negotiating objectives of fast track, as well as on fast track procedures. The subcommittees also began investigating Administration plans to undertake trade negotiations under a new grant of "fast track" authority, as well as the implementation of trade agreements recently enacted under "fast track" procedures. This will help to determine if the "fast track" process has led to successful trade negotiations, and if "fast track" authority should be further granted to the Administration. In the 105th Congress, the subcommittees will likely examine the prospects for either a broad extension of "fast track" or a narrow extension relating to a potential free trade agreement with Chile.

TECHNOLOGY AND CONGRESS

Emerging technologies with congressional applicability such as the Internet, e-mail, video conferencing, databases, talk radio and digitized television will have a dramatic impact on the customs, culture, procedures and operations of the House and Senate. In the 104th Congress, the Subcommittee on Rules and Organization of the House began a long-term examination of how technology may transform the institution, and what it will mean for our Federal system of representative government. Issues the Committee will continue to examine in the 105th Congress and beyond include:

- how technology utilization has transformed the legislative process in state legislatures;
- the institutional and public policy trends driving Congress' investment in information technology;
- the impact of technology on the role and responsibilities of committees;
- the dissemination of information electronically and the impact on procedures governing the dissemination of information; and
- the impact on deliberation as the institution becomes more accessible to the public.

INTELLIGENCE OVERSIGHT AND THE SECURITY OF CLASSIFIED INFORMATION

In recent Congresses, changes have been proposed in the structure of the Select Committees on Intelligence, including changes in the size of the committee, its party ratios, length of service of its members, the potential for combining the House and Senate committees into one joint body and the clear need to provide better management and control of sensitive information.

In the 104th Congress, the Committee heard some testimony on these subjects during its hearings on reform proposals. In the 105th Congress, the Committee intends to continue this review of House Rules, including Rule XLVIII, examining the methods and procedures now in place for Congressional oversight of the Intelligence community.

BIPARTISAN CONGRESSIONAL RETREAT

In 1996, a bipartisan group of 86 Members cosigned a letter to House Speaker Newt Gingrich and Minority Leader Richard Gephardt calling on them to set aside a weekend early in 1997 for the entire House membership to meet together informally at an appropriate site near Washington, D.C. The letter was initiated in response to a growing concern that Congress has become too contentious and partisan. The Speaker and Minority Leader responded by creating an 8-member Bipartisan Retreat Planning Group (which was later expanded to 10 Members to ensure representation by the 105th Congress freshman class).

The purpose of the retreat, which will be held March 7-9, 1997, is to seek a greater degree of civility, mutual respect and, when possible, bipartisanship among Members of the House of Representatives in order to foster an environment in which vigorous debate and mutual respect can coexist. Following the event, the Rules Committee will examine the findings generated at the retreat, and will be working closely with the Bipartisan Retreat Planning Group to develop a long-term process of improving civility and the overall work environment in the House of Representatives.

GOVERNMENT PERFORMANCE AND RESULTS ACT

In 1993, Congress passed the Government Performance and Results Act (P.L. 103-62), which requires the federal government to develop measurable performance goals for its agencies and programs. When fully implemented, the GPRA has the potential to transform government by changing the focus of federal programs from inputs (money) to outputs (results). Unfortunately, measuring agency and program performance is often difficult because the goals or objectives of a statute may be vague, imprecise, or so general in character that it is difficult for committees and others to assess whether an agency, program, or intergovernmental grant is working to achieve its intended purpose.

GPRA requires Federal agencies to consult with congressional committees in developing their performance goals and other criteria. The success of agency compliance with GPRA will depend heavily on the ability of committees to define Congressional intent with respect to the missions and goals of agencies and programs, particularly those subject to overlapping committee jurisdictions. Therefore, the Rules Committee will be monitoring the implementation of GPRA not from a management process perspective, but from the perspective of its impact on the duties and jurisdictions of the standing committees of the House.

F. JAMES SENSENBRENNER, Jr., Wisconsin, CHAIRMAN

GEORGE E. BROWN, Jr., California
Ranking Minority Member

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE
SUITE 2320 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6301
(202) 225-6371
http://www.house.gov/science/welcome.htm

February 12, 1997

The Honorable Dan Burton, Chairman
Committee on Government Reform & Oversight
U.S. House of Representatives
Washington, DC 20515

The Honorable William Thomas, Chairman
Committee on House Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Gentlemen:

In accordance with House Rule X (2)(d) "not later than February 15 of the first session of a Congress, each standing committee of the House shall in a meeting that is open to the public and with a quorum present adopt its oversight plans for that Congress."

As of this writing, the Committee on Science has not had its organization meeting because no Democrats have been elected to the Committee by the House. Consequently, we are unable to meet the February 15 deadline for an "open" meeting "to adopt its...plans."

Nonetheless, the Majority and Minority staffs of the Committee have been working to formulate an oversight plan that is comprehensive and reflects the concerns of all the members of the Committee. We are enclosing a copy of this plan which we will jointly place before the Committee at its organizational meeting. Although this plan is perforce, only a draft, we are forwarding it to you in a good faith effort to show that the Science Committee intends to take its oversight responsibilities in a serious manner.

Sincerely,

F. JAMES SENSENBRENNER, JR.
Chairman

GEORGE E. BROWN, JR.
Ranking Democrat Member

cc: The Honorable Gerald Solomon
The Honorable Joseph Moakley
The Honorable Sam Gejdenson
The Honorable Henry Waxman

COMMITTEE ON SCIENCE
OVERSIGHT AGENDA FOR THE 105TH CONGRESS

Science Research And Policy Issues

Topic	*Agency*	*Description*	*Target Date*
Supercomputers	NSF	Review of NSF's National Supercomputer Centers	Spring 1997 and ongoing
Federal R&D Infrastructure	NSF, NASA, EPA, DOC, DOE	Restructuring federal science agencies	Ongoing
Science Priority Setting/Budgeting	OSTP and federal science agencies	The Committee will examine the role of OSTP and the federal science agencies in the formulation of science priorities and funding	Spring 1997 and ongoing
National Earthquake Hazards Reduction Program (NEHRP)	FEMA, NIST, NSF, USGS	Oversight on the goals and expectations of NEHRP	Spring 1997, and ongoing

NSF - National Science Foundation
NASA - National Aeronautics and Space Administration
DOE - Department of Energy
DOT - Department of Transportation
EPA - Environmental Protection Agency
USGS - United States Geological Survey
DOJ - Department of Justice
NSA - National Security Agency
NIH - National Institutes of Health

OSTP - Office of Science and Technology Policy
DOC- Department of Commerce
NIST - National Institute of Standards and Technology
DoEd. - Department of Education
FEMA - Federal Emergency Management Agency
DOS - Department of State
NWS - National Weather Service
FAA - Federal Aviation Administration

Science Research and Policy Issues (cont.)

Federal Fire Research and Development Support	US Fire Administration/National Fire Academy	Continuing oversight of the Federal fire program	February 1997, and ongoing
Merit Review	All federal science agencies	Review of new proposed criteria	Spring 1997
Alternative approaches to promoting research and development	All federal science agencies	Review the possibility of using the tax code (capital gains reduction, the R&D tax credit and accelerated depreciation); legal tort reform; anti-trust reform; intellectual property, and regulatory reform as alternative methods of stimulating R&D and technology development.	1997 and ongoing
National R&D Summits	All federal science agencies	Several outside efforts are being proposed/implemented to examine the role of government in R&D, as well as evolving government-university -industry relationships	Ongoing

Committee Areas Of Jurisdiction Under All Federal Agencies

Topic	***Agency***	***Description***	***Target Date***
Federal-State R&D roles	All federal agencies	Review of ongoing studies	Summer 1997
International Science	All federal science agencies	Status of R&D and S&T policies in foreign countries, including support of science education and research and technological innovation and growth of particular advanced economic sectors. International cooperation and funding of science and engineering projects (large and small) and programs with other nations in a continuing oversight activity. Review the negotiation and execution of international scientific cooperation agreements as well as the activities of international science offices in Federal agencies.	Summer 1997 and ongoing
Risk Assessment	All federal agencies	Review and monitor all risk assessment activities of the federal government.	1997 and ongoing
Scientific Basis of International Environmental Agreements	All federal agencies	Review and monitor, the scientific bases of international environmental agreements, such as the Framework Convention on Climate Change and the Montreal Protocol.	1997 and ongoing

Committee Areas of Jurisdiction Under All Federal Agencies (cont.)

High Performance Computing and National Information Infrastructure	All federal agencies	With over $1 billion annual budget, this multi-agency program is of interest with regard to both the Federal Government's role in policy setting and funding.	Spring 1997, and ongoing
Federal Technology Transfer	All federal agencies	Review the implementation and effectiveness of statutory and regulatory provisions relating to federal technology transfer, including Cooperative Research and Development Agreements	Ongoing
Math, science, engineering, environmental education and educational technologies	All federal science agencies	The Federal role in funding K-12, undergraduate and graduate math, science, engineering, and environmental education, and associated education technologies, will continue to be reviewed.	February 1997, and ongoing
Year 2000	All federal agencies	Review government and private sector efforts to address millennium compliance.	1997 and ongoing

Management, Overview, Reports, Acts

Topic	Agency	Description	Target Date
Inspector General (IG) Reports	DOE, DOC, EPA, NASA, NSF, DOT	Review all agency IG reports.	Ongoing
General Accounting Office (GAO) Reports	DOE, DOC, DOT, EPA, NASA, NSF	Review all GAO reports.	Ongoing
Mandated Agency Reports	DOE, DOC, EPA, NASA, NSF OSTP	Review of existing legislatively mandated reports to identify costly, time-consuming, and obsolete reporting requirements.	1997 and ongoing
Financial Management	NSF, NASA, DOE, DOT, DOC, EPA	Improve financial management of R&D activities	Spring 1997 and ongoing
Government Performance and Results Act of 1993 Implementation	DOE, DOC, DOT, EPA, NASA, NSF	Review of R&D strategic plans, goals, performance measures, and budget formulations required by the Act.	Spring 1997 and ongoing
Federal Laboratory Missions and Management	DOE, NASA, DOC, EPA	GAO, DOE and other agency reports point to the need for clear mission statements and better management of the federal laboratory system.	1997 and ongoing
Contractor Personnel	DOE, EPA, DOC, DOT, NSF, NASA	Review of use of contractors to perform agency functions.	1997 and ongoing

Management, Overview, Reports, Acts (Cont.)

Topic	Agency	Description	Target Date
Laboratory Funding	DOE, EPA, DOC, DOT, NSF, NASA	Monitor agency funding of federal laboratories.	1997 and ongoing
Regulations and the Regulatory Process	DOE, EPA, DOC, DOT, NSF, NASA	Ongoing review of regulations and the regulatory process	1997 and ongoing
Noncompetitive Awards of Financial Assistance	DOE, EPA, DOC, NSF, DOT, NASA	Monitor agency noncompetitive awards of financial assistance.	1997 and ongoing
Out-Year Funding Projections	DOE, EPA, DOC, NSF, DOT, NASA	Monitor out-year R&D funding projections.	1997 and ongoing
Trade Associations, and Professional and Environmental Organizations	DOE, EPA, DOC, NSF, DOT, NASA	Monitor R&D-funding of trade associations, and professional and environmental organizations.	1997 and ongoing
Support Service Contracts	DOE, DOC, DOT, NASA, EPA, NSF	Monitor R&D-funded support service contracts	1997 and ongoing
Travel	DOE, DOC, DOT, NASA, EPA, NSF	Monitor R&D-funded travel	1997 and ongoing
University Funding	DOE, DOC, DOT, NASA, EPA, NSF	Monitor agency funding of universities	1997 and ongoing
Unobligated Balances/Use of Prior Year Balances	DOE, DOC, DOT, NASA, EPA, NSF	Monitor agency unobilgated balances/.use of prior year balances	1997 and ongoing
Advisory Boards	All science agencies	Review and monitor the activities of Science Advisory Boards.	1997 and ongoing

Energy Research Program Issues

Topic	Agency	Description	Target Date
Electric and Magnetic Fields Research and Public Information Dissemination Program (Section 2118 of the Energy Policy Act of 1992)	DOE	Review and consider amendments, as appropriate, to Section 2118 of the Energy Policy Act of 1992 (Electric and Magnetic Fields Research and Public Information Dissemination Program).	1997 and ongoing
Electric Utility Industry Deregulation and Implications for Electricity-related R&D Funding	DOE	Review of proposed deregulation of the electric utility industry and implications for electricity-related R&D funding.	Summer/Fall 1997
Energy Conservation R&D Programs	DOE	Review program funding, goals, and accomplishments	1997 and ongoing
Environmental Restoration and Waste Management Program	DOE	Review technological, compliance and management problems in the multi-billion dollar program that have led to missed milestones and escalating costs. Review of all contain and control approaches	1997 and ongoing

Energy Research Program Issues (Cont.)

Environment, Health and Safety Program	DOE	Review, on a continuing basis, program funding, goals, and accomplishments, as well as pros and cons of OSHA and NRC oversight of DOE facilities	1997 and ongoing
Fossil Energy and Clean Coal Programs	DOE	Review program funding, goals, and accomplishments	1997 and ongoing
High Energy and Nuclear Physics	DOE	Monitor priority setting; competition between "big" and "small" science, alternatives to conventional acceleration; and international cooperation	1997 and ongoing
Human Genome Project	DOE, NIH	Review of ongoing, multi-year, multi-billion dollar program. Winter 1997 and ongoing	1997 and ongoing
International Thermonuclear Experimental Reactor (ITER)	DOE	Review of proposed multi-billion dollar project.	1997 and ongoing
Large Hadron Collider (LHC)	DOE	Review of proposed multi-billion dollar project.	1997 and ongoing
Radioactive Waste	DOE	Review procedures DOE uses in transporting, handling, and disposing of radioactive waste.	1997 and ongoing

Environmental Research Issues

Topic	Agency	Description	Target Date
Clean Water Act Reauthorization	EPA	Review and consider amendments, as appropriate, to the research provisions of the Clean Water Act.	1997 and ongoing
Resource Conservation and Recovery Act (RCRA) Reauthorization	EPA	Review and consider amendments, as appropriate, to the research provisions of the RCRA	1997 and ongoing
Science and Research Management	EPA	Review of the quality of science and research management at EPA.	1997 and ongoing
Science and Technology Program	EPA	Review, on a continuing basis, program funding, goals, and accomplishments	1997 and ongoing
Superfund Reauthorization	EPA	Review and consider amendments, as appropriate, to the research provisions of Superfund legislation.	1997 and ongoing

Environmental Research Issues (Cont.)

Topic	Agency	Description	Target Date
Environmental Technologies	DOE, DOC, EPA	Review agency environmental technology programs to determine degree of innovation duplication, overlap, and consistency with the agencies' missions	1997 and ongoing
Global Climate Change Research	DOE, NOAA, EPA, NASA, NSF	Review of the implementation of the Global Change Research Act of 1990 (PL. 101-606)	1997 and ongoing
Clean Air Act: the Ozone and Particulate Matter Standard	EPA	Review the science underlying the Ozone and Particulate Matter Standard	Spring of 1997
Inhibitions to Technology Innovation in Environmental Remediation	EPA	Review efforts at EPA to encourage the use of innovative technologies	Summer of 1997
PCB Importation Rule	EPA	Review EPA's recent PCB importation rule established under the provisions of Toxic Substances Abuse Act (TSCA)	Summer 1997 and ongoing

Oceanic And Atmospheric Research Issues

Topic	Agency	Description	Target Date
Atmospheric Research Programs	NOAA	Review, on a continuing basis, program funding, goals, and accomplishments	1997 and ongoing
Weather Satellite Programs	NOAA	Review NOAA's weather satellite programs	1997 and ongoing
Marine Research Programs	NOAA	Review, on a continuing basis, program funding, goals, and accomplishments.	1997 and ongoing
National Sea Grant College Program Act Reauthorization	NOAA	Review and consider amendments, as appropriate, to the National Sea Grant College Program Act.	1997 and ongoing
National Weather Service (NWS) Modernization/Privatization	NOAA	Review the implementation of the NWS Modernization program and examine options for privatizing all or part of NWS	1997 and ongoing
NOAA Fleet	NOAA	Examination of opening the NOAA fleet to public and private competition to bolster the aging fleet.	1997 and ongoing
NOAA Corps Elimination	NOAA	Review the Administration's proposal to eliminate the NOAA Corps	1997 and ongoing
Ocean Research Programs	NOAA	Review, on a continuing basis, program funding, goals, and accomplishments.	1997 and ongoing

Space Issues

Topic	Agency	Description	Target Date
International Space Station	NASA	Review schedule and cost; international and commercial participation	Spring 1997 and ongoing
Space Shuttle	NASA	Review Shuttle safety and the Space Flight Operations Contract	Spring 1997 and ongoing
Reusable Launch Vehicle Program	NASA	Review schedule, technology development, and indemnification	Spring 1997 and ongoing
Mission To Planet Earth (MTPE)	NASA	Review schedule, cost, science, and outyear funding levels	Spring 1997 and ongoing
Space Science	NASA	Review ongoing/planned missions and outyear funding levels	Spring 1997 and ongoing
Life and Microgravity Science	NASA	Review the research component that goes to the International Space Station; current funding transfers and future repayment schedule	Spring 1997 and ongoing
Aeronautics	NASA	Review consolidation of aircraft at Dryden Flight Research Center	Spring 1997 and ongoing
Space Technology	NASA	Review the dismantling of the Office of Space Access and Technology to determine whether the programs continue to survive in other offices	Spring 1997 and ongoing

Space Issues (Cont.)

Topic	Agency	Description	Target Date
Office of Commercial Space Transportation	DOT	Review the licensing authority and track the progress of proposed new regulations	Spring 1997 and ongoing
Office of Space Commerce	DOC	Review the office's ability to promote the commercial space industry	Spring 1997 and ongoing
Global Positioning System	NASA	Review commercial access to and use of system	1997 and ongoing
Land Remote Sensing Policy Act of 1992 (15 USC 5601 et seq.)	NASA, DOC	review implementation to determine whether the federal government is aiding or hindering the commercial remote sensing satellite industry.	1997 and ongoing
International Cooperation and Competition in Space	NASA	Review, across programs, competition and cooperation in space flight, launch and space science	Spring 1997 and ongoing
FAA/NASA Aeronautical Programs cooperation	NASA, DOT	Review implementation of the cooperative agreement entered into between the agencies	Summer 1997 and ongoing

Technology Development Issues

Topic	Agency	Description	Target Date
Technology Transfer	DOE, DOC, NIST, EPA, DOT, NASA, NSF	Review the implementation and effectiveness of statutory and regulatory provisions related to federal technology transfer, including Cooperative Research and Development Agreements.	1997 and ongoing
Quality Standards	NIST	Review Malcolm Baldridge Quality Awards program.	1997 and ongoing
Medical & Biomedical Technologies	DOC, NIH, NASA, DOE	Review innovations in medical and biomedical technologies and barriers to development.	1997 and ongoing
Medical Protocols	NIH, NIST	Review the accuracy of measurement standards for selected medical testing protocols.	1997 and ongoing
Transportation Research and Development	DOT, DOC, DOE	Review ground transportation R&D programs to assess effectiveness.	1997 and ongoing
FAA Research & Development	DOT	Review FAA R&D programs to assess effectiveness.	1997 and ongoing
NIST operations	NIST	Review NIST budget and programs to assess effectiveness.	1997 and ongoing

Technology Development Issues (Cont.)

NIST Grant Programs	NIST	Review ATP and MEP programs to assess effectiveness.	1997 and ongoing
Aviation Safety and Security	FAA, NWS	Review programs designed to improve air traffic safety and security to assess effectiveness.	1997 and ongoing
Computer and Information Security	DOC, DOJ, DOS, NSA, Treasury	Assess impact of federal regulations on, and federal agency needs for development of improved computer security; examine access, privacy and authenticity issues raised by the growing commercialization of the Internet and the spread of databases containing personal information.	1997 and ongoing
Standards	DOC	Review U.S. standard setting process and its impact on technology development.	1997 and ongoing
Metric Conversion	DOC	Review impact of metric conversion on U.S. businesses	1997 and ongoing
Technology Administration	DOC	Review budget and programs of the Technology Administration to ensure effectiveness.	1997 and ongoing

JAMES M. TALENT, MISSOURI
CHAIRMAN

JOHN J. LAFALCE, NEW YORK

Congress of the United States
House of Representatives
105th Congress
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6315

February 13, 1997

Hon. Dan Burton
Chairman
Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Committee on Small Business, with a quorum present, approved its Oversight Plan for the 105th Congress earlier today, February 13, 1997.

In accordance with Rule X, clause 2(d)(1), of the Rules of the House, I am hereby transmitting our Oversight Plan to the Committee on Government Reform and Oversight.

Sincerely,

James M. Talent
Chairman

JAMES M. TALENT, Missouri
Chairman

JOHN J. LAFALCE, New York

Congress of the United States
House of Representatives
105th Congress
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6515

OVERSIGHT PLAN FOR THE COMMITTEE ON SMALL BUSINESS
105TH CONGRESS
U.S. HOUSE OF REPRESENTATIVES
CONGRESSMAN JAMES M. TALENT, CHAIRMAN

Rule X, clause 2(d)(1), of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committees on Government Reform and Oversight and House Oversight not later than February 15 of the first session of the Congress.

The oversight plan of the Committee on Small Business includes areas in which the Committee expects to conduct oversight activity during the 105th Congress. However, this plan does not preclude oversight or investigation of additional matters as the need arises.

OVERSIGHT OF THE SMALL BUSINESS ADMINISTRATION

The Committee will conduct hearings on all the major programs of the Small Business Administration to determine their effectiveness and possible options for improvements.

FINANCIAL AND MANAGEMENT/TECHNICAL ASSISTANCE PROGRAMS

The Committee will conduct hearings on the effectiveness and efficiency of the SBA's major programs. Particular emphasis will be placed on improving the economic efficiency of these programs. A number of the SBA's key programs will be the subject of oversight hearings by the Committee. These include:

7(a) General Business Loan Programs (Spring, 1997)

Certified Development Company Program (Spring, 1997)

SBIC/SSBIC Programs (Summer, 1997)

Microloan Program (Summer, 1997)

SBDC (Summer, 1997)

Disaster Loan (Fall, 1997)

Surety Bond (Winter, 1998)

ADVOCACY

The Office of Advocacy was created to provide small business with an effective voice inside the Federal government. The Committee will conduct hearings on how to strengthen this voice and make sure that the Office of Advocacy continues to effectively represent the interests of small business. (Summer, 1997)

TECHNOLOGY AND RESEARCH ASSISTANCE

Small Business Innovation and Research

The Small Business Innovation and Research (SBIR) program aids small businesses in obtaining federal research and development funding for new technologies. (Summer, 1997)

Small Business Technology Transfer

The Small Business Technology Transfer program authorization will expire on September 30, 1997. Committee oversight will focus on the program's success at helping small business access technologies developed at federal laboratories and put that knowledge to work. (Summer, 1997)

* * *

FEDERAL PROCUREMENT

The Committee will examine changes in federal procurement. The Committee will investigate the implementation of the changes and the effect they are having on small businesses involved in government contracting. (Fall, 1997)

GOVERNMENT & NON-PROFIT COMPETITION

The Committee will be conducting hearings on the extent to which non-profit organizations and the federal government itself compete with small business. Our focus will include activities in both the private sector and government procurement. (Winter, 1998)

REGULATORY FLEXIBILITY

The Committee will continue its oversight of agency implementation of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. (Ongoing)

SBREFA

The Committee will be conducting oversight hearings on agency implementation of the Small Business Regulatory Enforcement Fairness Act (SBREFA), which was enacted during the second session of the 104th Congress. (Ongoing)

PAPERWORK REDUCTION

The Committee will continue its oversight of agency implementation of the Paperwork Reduction Act, as amended. (Ongoing)

GOVERNMENT REGULATION

The Committee will continue to examine the regulatory activities of various federal agencies and assess the impact of regulations on the small business community. (Ongoing)

TAXATION

The Committee will continue to conduct oversight hearings into ways to reduce the tax burden on small business. These hearings will include not only the fiscal but the paperwork burden of the federal tax system and federal enforcement efforts. (Spring, 1997 through Fall, 1997).

ELECTRIC UTILITY DEREGULATION

The Committee will conduct oversight hearings on the potential effects of electric utility deregulation on small business. (Summer,1997 through Fall, 1997)

GOVERNMENT PERFORMANCE AND RESULTS ACT

The Committee will continue consultations with the SBA regarding the preparation and implementation of strategic plans and performance plans as required under the Government Performance and Results Act. (Ongoing)

EMPOWERMENT

The Committee will conduct oversight hearings over regulations and licensing policies that impact small businesses located in high risk communities. Additionally, the Committee will examine the promotion of business growth and opportunities in economically depressed areas, and will examine programs targeted towards relief for low income communities. (Ongoing)

Congress of the United States

Washington, DC 20515

February 13, 1997

The Honorable Dan Burton
Chairman
Government Reform and Oversight
Committee
2157 Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

Pursuant to House Rule, I am enclosing the Committee's Oversight Plan for the 105th Congress.

Sincerely,

James V. Hansen
Chairman

Enclosure

Congress of the United States
House of Representatives
Washington, DC 20515

OVERSIGHT ACTIVITY REPORT

105th Congress

February 12, 1997

Pursuant to House Rule X(1)(p)(1), the Committee on Standards of Official Conduct has jurisdiction over measures relating to the Code of Official Conduct (House Rule XLIII).

The Committee also has oversight jurisdiction with respect to the following matters as applicable to Members, officers, and employees of the House, as well as certain Legislative Branch agencies: (1) the financial disclosure statements filed pursuant to Title I of the Ethics in Government Act (the Committee's jurisdiction on this matter also includes financial disclosure statements filed by candidates with the House); (2) the outside earned income limitation, and the limitations on outside employment set forth in Title V of that Act; (3) the prohibition on gift to superiors set forth in 5 U.S.A. Section 7351; (4) the prohibition on soliciting things of value and accepting gifts set forth in 5 U.S.A. Section 7353; (5) the Foreign Gifts and Decorations Act (5 U.S.A. Section 7342); and (6) the post-employment restrictions set forth in 18 U.S.A. Section 207.

The Committee provides informal advice and issues formal advisory opinions to assist Members, officers and employees in complying with the Code of Conduct, as well as other laws, rules and standards applicable to their conduct in the performance of their duties. The Committee also investigates and acts upon allegations of improper conduct of Members, officers and employees of the House.

The Committee will continue to exercise its oversight jurisdiction of House Rule LI, the gift rule, as provided in clause 6 of that rule.

The responsibilities of the Committee may be reshaped by the bipartisan task force on ethics in which case, the Committee shall exercise that additional oversight as provided.

James V. Hansen
Chairman

Howard L. Berman
Ranking Minority Member

Committee on Transportation and Infrastructure

Congress of the United States
House of Representatives
Room 2165, Rayburn House Office Building
Washington, DC 20515
Telephone: Area Code (202) 225-9446

February 12, 1997

Honorable Dan Burton, Chairman
Committee on Government Reform and Oversight
2157 Rayburn House Office Bldg.
Washington, D. C. 20515

Dear Mr. Chairman:

This letter transmits the Oversight Plan of the Committee on Transportation and Infrastructure for the 105th Congress, as required by Rule X, clause 2(d) of the Rules of the House. This plan was approved by the Committee on Februrary 5, 1997.

With warm regards, I am

Sincerely,

Bud Shuster

BUD SHUSTER
CHAIRMAN

OVERSIGHT PLAN
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
105th CONGRESS

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

This is the oversight plan of the Committee on Transportation and Infrastructure for the 105th Congress. It includes the areas in which the Committee expects to conduct oversight during this Congress, but does not preclude oversight or investigation of additional matters as the need arises.

FULL COMMITTEE

1. BUDGETARY TREATMENT OF TRANSPORTATION TRUST FUNDS

Over time, billions of dollars in cash balances have grown in four transportation trust funds as spending out of the funds failed to keep pace with trust fund receipts. These four trust funds-Highway, Aviation, Harbor Maintenance, and Inland Waterway-are entirely user fee financed, support infrastructure investment programs, and are subject to annual authorization and appropriation controls. The failure of spending to match trust fund receipts has meant that the trust funds are being used to mask the size of the general fund deficit and are not being used to pay for urgently needed infrastructure investments. The Committee will consider legislation to take the trust funds off-budget to restore faith with taxpayers who pay the dedicated taxes into these trust funds. (Winter-Spring, 1997)

2. GOVERNMENT PERFORMANCE AND RESULTS ACT

The Government Performance and Results Act (GPRA) requires each agency of the federal government to measure its performances and report on the results. Specifically, each agency must develop 5-year strategic plans, prepare annual performance plans that set out the agency's performance goals, and report annually on actual performance. The Committee plans to do comprehensive oversight of the implementation of GPRA at each of the agencies under the Committee's jurisdiction.

AVIATION SUBCOMMITTEE

1. FUNDING OF THE FEDERAL AVIATION ADMINISTRATION

Taxes which fund the FAA have expired. A legislatively mandated commission is being formed to evaluate FAA funding needs and how to meet those needs. The Subcommittee is concerned that the current on-budget status of the Trust Fund provides no assurance that the user taxes that aviation users pay are actually returned to them in the form of aviation infrastructure improvements as required by law. Hearings will examine an interim user fee proposal suggested by the seven largest airlines and overall FAA funding needs. (Winter 1997 and again when the Commission reports)

2. **WAR RISK INSURANCE**

This program ensures that commercial aircraft can obtain insurance when they fly into dangerous areas at the request of the U.S. government. The program expires at the end of this fiscal year and needs to be reauthorized. (Winter 1997)

3. **SAFETY PROGRAMS**

The Subcommittee held several safety hearings last year and will continue its oversight in the new Congress. Issues to be addressed include the need for collision avoidance systems on cargo aircraft, the need for improved medical kits on passenger aircraft, improved cargo compartment fire detection, the regulation of hazardous materials on aircraft, and the training and allocation of FAA's inspector workforce. (Throughout the year)

4. **FAA ORGANIZATION**

Some reforms of the FAA were made in the last Congress. Most notable were changes in the agency's personnel and procurement systems. Oversight of the implementation of these reforms is planned. (Spring 1997)

5. **EVALUATION OF FAA'S FACILITIES AND EQUIPMENT PROGRAM**

Since the early 1980's, the FAA has been trying to modernize the computers, radars, and navigation systems that make up the air traffic control system. This effort has been behind schedule and over budget. This hearing will examine the FAA's air traffic control facilities and equipment program known as the Capital Investment Plan with a focus on air traffic control modernization, the Global Positioning System (GPS), and free flight. (Summer 1997)

6. **REVIEW OF FEDERAL AGENCIES AIRCRAFT MANAGEMENT PROGRAMS**

Recent studies by the General Services Administration and Departmental IGs indicate continuing safety and management problems in

the federal public aircraft field, which is not directly regulated by the Federal Aviation Administration. Hearings will review the number of such public aircraft and ways to make improvements in the management and safety of federal civilian aircraft operations. (Summer 1997)

7. **OVERSIGHT OF OFFICE OF THE SECRETARY**

The Office of the Secretary within DOT inherited several aviation functions when the Civil Aeronautics Board was abolished. The hearings will evaluate various DOT programs affecting aviation including slots and international air service. (Fall 1997)

8. **EVALUATION OF THE AIRPORT IMPROVEMENT PROGRAM**

The Airport Improvement Program (AIP) makes grants from the Aviation Trust Fund for airport development. The program was reauthorized last year and expires September 1998. This series of hearings will consider changes in the program including the formulas for allocating the grants and innovative financing methods. (Winter 1998)

COAST GUARD AND MARITIME TRANSPORTATION SUBCOMMITTEE

1. **OVERSIGHT OF THE U.S. COAST GUARD'S ROLES AND MISSIONS**

During the 104th Congress, the Subcommittee on Coast Guard and Maritime Transportation conducted a series of hearings to consider whether any Coast Guard missions should be performed differently, or even eliminated, to improve the overall level of Coast Guard service to the public. The Subcommittee will continue this series of oversight hearings during the 105th Congress, including hearings on the Coast Guard's maritime law enforcement program (especially fisheries law enforcement and illegal migrant interdiction), the search and rescue program, the boating safety program, the aids to navigation program, and the military readiness and Coast Guard Reserve programs.

2. **EFFECTIVENESS OF THE NATIONAL DRUG CONTROL STRATEGY**

During the 104th Congress, the Subcommittee held two oversight hearings to examine the effectiveness of the President's National Drug Control Strategy in controlling the importation and use of illegal drugs in this country. Because several recent studies have shown an alarming increase in the use of illicit drugs by American teenagers, the Subcommittee will closely follow the Coast Guard's drug interdiction efforts to ensure that Coast Guard resources are used effectively in the country's war on drugs.

3. **OVERSIGHT OF THE COAST GUARD'S COMMERCIAL VESSEL SAFETY PROGRAM**

Commercial vessel safety is a primary Coast Guard responsibility. Recent commercial vessel safety accidents, including the collision of the freighter BRIGHT FIELD with a pier in New Orleans, LA, have raised concerns about the effectiveness of Coast Guard commercial vessel safety requirements. The Subcommittee plans to conduct hearings which will focus on several aspects of the commercial vessel regulatory regime, including vessel inspection, manning, licensing, and documentation, as well as examine whether existing regulatory requirements are effective in preventing accidents in U.S. waters.

4. **OVERSIGHT OF THE COAST GUARD'S MARINE ENVIRONMENTAL PROTECTION AND ENVIRONMENTAL COMPLIANCE PROGRAMS**

The Coast Guard enforces many domestic and international environmental laws and agreements, including those related to oil pollution, plastics pollution, and ocean dumping. The Coast Guard also has a program to ensure that the agency itself complies with all applicable state and Federal environmental laws and regulations at Coast Guard units. The Subcommittee will hold hearings on the effectiveness of these Coast Guard programs in preventing and responding to environmental pollution in U.S. waters and at Coast Guard facilities.

5. **OVERSIGHT OF THE U.S. ROLE IN THE INTERNATIONAL MARITIME ORGANIZATION**

This hearing will examine the role of the U.S. in the International Maritime Organization (IMO), through which all international maritime agreements are negotiated. Current international agreements being negotiated include a convention on hazardous and noxious substances, which establishes a worldwide system of liability and compensation for discharges of certain substances.

6. **OVERSIGHT OF THE U.S. DEPARTMENT OF TRANSPORTATION STUDY OF THE NON-CONTIGUOUS DOMESTIC TRADES**

The Interstate Commerce Commission (ICC) Termination Act of 1995 (Public Law 104-88) was enacted into law during the 104th Congress. Title IV of ICC Termination Act includes a requirement for the Secretary of Transportation to complete a study of the non-contiguous domestic trades within six months. This study is required to analyze the competition and rate structure in the domestic trades, the impact of tariff filing on these trades, the problems of parallel pricing and its impact in the domestic trades, whether additional protections are needed to protect shippers from the abuse of market power, and whether additional legislative changes are necessary. The Subcommittee will review this study when it is submitted to Congress.

7. **OVERSIGHT OF THE PASSENGER SERVICES ACT**

Section 8 of the Act of June 19, 1886, as amended by section 2 of the Act of February 17, 1898 (46 App. U.S.C. 289), commonly referred to as the Passenger Services Act, provides that no foreign vessel shall transport passengers between ports or places in the United States. This law is interpreted as applying the same restrictions to the transportation of passengers between U.S. ports as currently apply to the transportation of merchandise, that is, only U.S.-built, U.S. owned, and U.S. crewed vessels may transport passengers between U.S. ports or places. Several U.S. ports would like to encourage passenger vessel traffic among U.S. ports and have suggested easing this restriction. The Subcommittee will examine the need for change in this area during the upcoming Congress.

8. OVERSIGHT OF THE MARITIME ADMINISTRATION'S PORT AND INTERMODAL DEVELOPMENT PROGRAM

This hearing will consider the current economic state of the U.S. public port industry, focusing on facility financing, environmental regulation, dredging, intermodal access, and Federal user fees. The Subcommittee will also examine the concerns expressed by several East Coast ports that an increasing amount of U.S. cargo is being diverted to foreign ports.

PUBLIC BUILDINGS AND ECONOMIC DEVELOPMENT SUBCOMMITTEE

1. ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)

The enabling legislation for EDA has not been amended since 1980. Since then, program funding levels have shrunk and EDA has taken on additional responsibilities, including assisting communities responding to the economic dislocation resulting from defense cutbacks and the base closure process. Furthermore, long-standing issues, such as the percentage of the nation that is eligible for EDA assistance, need to be addressed. Reauthorization legislation affords an opportunity to review EDA programs and draft appropriate reauthorization legislation to modernize and tighten the focus of its programs. The Subcommittee will consider utilizing innovative financing techniques to further leverage EDA funds. (Spring 1997).

2. APPALACHIAN REGIONAL COMMISSION (ARC)

Like the EDA, the ARC has not been reauthorized since the early 1980s. With its unique commission structure, the ARC is often held up as a model Federal-state partnership. Reauthorization offers an opportunity to evaluate the success of this partnership and tighten the focus of ARC's programs. Additionally, the underlying statute

would benefit from an update of available authorities and a focus on regional goals. Finally, both the ARC authorization and the ISTEA reauthorization afford an opportunity to evaluate the Appalachian Development Highway System (Spring 1997).

3. **GENERAL SERVICES ADMINISTRATION (GSA)**

A. Evaluation of the capital improvement program to include construction as well as financing and long term acquisition strategies. This evaluation would be in conjunction with GSA reform legislation intended to improve government-wide management of real property and address the need to construct new government-owned buildings instead of leasing space for Federal workers. A new issue of concern is the recently revealed shortfall of the Federal Building Fund which pays for operation, maintenance and repair of Federal buildings, as well as paying for the construction of new Federal buildings, the alteration and modernization of Federal buildings, and the leasing of space for Federal workers. The fund is maintained by payments from tenant agencies, and rents charged by GSA are not keeping pace with expenditures. The Subcommittee will also continue to review and assess further contracting out for real estate services by GSA, such as leasing, and other real estate activities. Finally, the Subcommittee will review the expenditures for security in Federal buildings. (Spring 1997)

B. Evaluation of GSA's court construction program. This evaluation would also be a part of the GSA reform legislative effort, and would focus on the cost of court projects and long term needs. This review would also examine the different techniques of job bidding--design-bid-build vs. design-build. There will be a continuation of the review of the current program, with emphasis on practices that may have contributed to excessive cost in court projects, including the U.S. courts Design Guide. At the request of the Committee, GAO has undertaken two studies of the courthouse construction program. The Subcommittee will hold hearings on these reports which assess the court's five-year plan for construction and a review of actual courtroom usage at existing courthouses (Spring 1997).

C. Evaluation of specific lease actions. The Subcommittee will complete review of the Department of Navy Exchange Service Command (NEXCOM) lease for headquarters space in Virginia Beach, Virginia. The issue to be resolved is the use of appropriated funds to pay for a nonappropriated fund instrumentality (NAFI). Also the Subcommittee will review relevant legal opinions on NAFI's lease authority and make appropriate recommendations. The Subcommittee will also review the Environmental Protection Agency (EPA) use of a contractor to lease space for a computer facility, which circumvented GSA leasing procedures. (Summer 1997).

D. Review of management of U.S. real property overseas. The subcommittee will review whether U.S. real property overseas would be

better managed by GSA. This review will be conducted in coordination with the Committee on International Relations and the Committee on Government Reform and Oversight. (Spring 1997)

4. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Legislation passed in the 103rd Congress (PL 103-279) authorized funds for repair, maintenance, and capital improvement of the Kennedy Center. As part of the legislation, there is a requirement that the Board report to the Committee to discuss the long term plan for capital improvements, and the projects completed to date. The Committee will continue its review of the 1996 master plan and may consider legislation to revise the Capital improvement program authority for Fiscal Years 1999 and beyond. Also the Subcommittee will review GAO's audit of Kennedy Center compliance with section 7 of PL 103-279 which prohibits the use of Federal money for the performing arts functions of the Kennedy Center (Summer 1997).

5. ARCHITECT OF THE CAPITOL

The Architect of the Capitol proposed a visitor's center be constructed under the east plaza of the U.S. Capitol. This proposal has received Congressional attention for the past six years. The Architect may ask for authority to proceed with the construction of this center. This proposal will be reviewed against other budget considerations. Also, the Architect proposes to construct new chiller capacity to take advantage of low electric rates at night and generate chilled water for use during the day to serve the Capitol complex. PEPCO will rebate part of the cost of installation. The financial, programmatic and other considerations will be reviewed (Summer 1997).

6. FEDERAL TRIANGLE BUILDING

The Subcommittee will continue its review of the Federal Triangle building project in Washington, D.C. This assessment will cover the housing plan and cost of the structure. The Chairman of the Subcommittee requested GAO to review the housing plan and financing of the project, and is prepared to present its findings to the Subcommittee (Fall 1997).

RAILROADS SUBCOMMITTEE

1. AMTRAK AND INTERCITY PASSENGER RAIL

Amtrak has been unauthorized since the end of fiscal year 1994. The House passed legislation in the 104th Congress that would have substantially reformed Amtrak and allowed it to operate more like a business. However, the Senate never acted on counterpart legislation. Since the House legislation was developed two years ago, Amtrak's

financial status has deteriorated further. Oversight hearings on Amtrak's fiscal crisis and quality of service, as well as on various alternatives to Amtrak are planned.

2. INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

A. Evaluation of the rail infrastructure components of ISTEA. The ISTEA legislation, enacted in 1991 to reauthorize a wide variety of transportation programs, primarily in highway and transit-related fields, also included revisions to rail-related infrastructure programs. These programs, initially established in Title V of the Railroad Revitalization and Regulatory Reform (4R) Act of 1976, include permanent programs for the provision of guaranteed loans and other federal support for rail infrastructure improvements. The 1991 revisions to these programs (legislated under the Energy and Commerce Committee's rail jurisdiction) were relatively minor, and did not comprehensively update the existing rail infrastructure programs. Oversight over these programs focused on ways they can be updated and made more useful is planned by the Rail Subcommittee as part of the ISTEA reauthorization process.

B. Oversight on high-speed rail components of ISTEA. A small program for research and development of high-speed rail technologies was also included in ISTEA. In addition, the Swift Rail Development Act of 1994 established a pre-construction high-speed rail program, which is limited to planning, corridor selection, and other non-construction activities. The authorization for both of these programs expires at the end of fiscal year 1997. The Subcommittee plans oversight on the future needs for high-speed rail research and the possibilities for folding the high-speed rail program into the infrastructure program mentioned above.

3. THE RAILS-TO-TRAILS PROGRAM

The Trails Act provides for the preservation of railroad right-of-way that is proposed for abandonment through the establishment of recreational trails. The Subcommittee held two hearings during the 104th Congress on the Trails Act. The first hearing covered the Surface Transportation Board and Federal Highway Administration implementation of the Trails Act. The second hearing focused on the conversion and reconversion of railbanked rail-trails. The Subcommittee plans additional oversight on this program to explore ways that the program can be improved to better serve all interested parties.

4. OVERVIEW OF RAILWAY LABOR ACT

The Railway Labor Act governs labor relations in the railroad and airline industries. There are several issues that merit oversight during the 105th Congress. One important area is the treatment of commuter railroads under the Railway Labor Act. Currently, commuter rail operations, owned and operated by state agencies and staffed by

state employees, are required to adhere to all Railway Labor Act requirements, including Presidential intervention and the possibility of strikes, even where otherwise applicable state law forbids strikes for public employees. In addition, the unique process for mediation and Presidential Emergency Boards that applies to commuter railroads is lengthier than the freight counterpart and is considered by some to be less effective in producing settlements.

5. RAILROAD RETIREMENT SYSTEM

Since the 1930s, rail workers have been covered by a separate Railroad Retirement system, which includes both a Social Security twin ("Tier I" benefits) and a federally administered industry-wide pension fund ("Tier II" benefits). Because of the severe reductions in railroad employment in the 1970s and early 1980s, the retirement system had to be rehabilitated through substantial payroll tax increases in the early 1980s. The Railroad Retirement Board, an independent federal agency, administers the Railroad Retirement system.

The Subcommittee plans oversight of this $8 billion-a-year system. Possible issues for review include the long-term solvency of the system, alleged managerial problems at the agency, and the effect of continued railroad mergers on railroad retirement.

6. PROPOSED MERGERS OF CSX AND NORFOLK SOUTHERN WITH CONRAIL

The Committee on Transportation and Infrastructure held a hearing on November 19, 1996, on the standards and procedures employed by the Surface Transportation Board (STB), the successor to the Interstate Commerce Commission, in evaluating rail merger applications, including situations where multiple carriers seek approval to acquire the same railroad. The hearing also focused on the various federal laws still in force that are limited in their application solely to CONRAIL. Any merger with CONRAIL could produce several ambiguities with regard to these CONRAIL-specific statutes, and that legislation to eliminate these statutes could be acted on while the merger applications are still pending or after they have been completed. The Committee may hold additional hearings on the merger proposals as the process moves forward at the Surface Transportation Board.

7. RAILROAD SAFETY OVERSIGHT

A series of major railroad accidents in early 1996 sparked concern over the effectiveness of the Federal Railroad Administration's safety program. In response, the FRA has introduced of couple of new initiatives aimed at increasing the participation of interested parties in the safety process. In preparation for the reauthorization of the rail safety program in 1998, the Subcommittee will conduct oversight of these new initiatives, as well as over FRA's traditional safety programs.

8. **SURFACE TRANSPORTATION BOARD**

In December, 1995, the Congress passed the Interstate Commerce Commission Termination Act, which eliminated many obsolete federal regulations, and terminated the Interstate Commerce Commission. The ICC was replaced by the Surface Transportation Board, which is a decisionally independent, three-member agency within the Department of Transportation. In preparation for the reauthorization of the Surface Transportation Board, which is due in 1998, the Subcommittee will conduct oversight to examine the functioning of the new Board, and its relationship with the Department of Transportation.

9. **HAZARDOUS MATERIALS TRANSPORTATION**

The federal hazardous materials transportation laws were comprehensively revised in 1990, and reauthorized with minor changes in 1994. These laws govern the packaging, handling, and transportation practices of carriers transporting hazardous materials. The Subcommittee will conduct oversight to evaluate the effectiveness of the rail-related aspects of DOT's hazmat programs to determine the need for any legislative changes.

SURFACE TRANSPORTATION SUBCOMMITTEE

1. **REAUTHORIZATION OF INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991 (ISTEA)**

ISTEA authorizations expire on September 30, 1997. The Subcommittee will evaluate current programs and conduct hearings on comprehensive reauthorization proposals and other recommendations to revise federal surface transportation programs. It is anticipated that several hearings will be held prior to the Subcommittee and full Committee acting on a reauthorization bill during the first session of the Congress. (Winter, 1997)

2. **HIGHWAY TRUST FUND ACCOUNTING**

The Subcommittee may review Department of the Treasury estimations and accounting methods relating to the Highway Trust Fund. During 1996, concerns were raised about the Treasury's decision to retroactively correct a clerical error in the calculation of the fiscal year 1994 and fiscal year 1995 Trust Fund Income Statements. This correction resulted in the redistribution of approximately $320 million in obligation authority of Federal-aid highway assistance among the States. (Spring, 1998)

3. **OVERSIGHT OF IMPLEMENTATION OF SURFACE TRANSPORTATION LAW**

During the second session, the Subcommittee will review the implementation of highway, transit, safety, motor carrier and research programs as reauthorized in legislation during the first session. The Subcommittee will also review the performance of certain on-going programs and initiatives, such as innovative financing. (Summer/Fall, 1998)

4. **REAUTHORIZATION OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT**

The Subcommittee will conduct a hearing to review the current regulation of hazardous materials transportation and review proposals to revise the federal program. This hearing will be held in conjunction with the reauthorization of the Hazardous Materials Transportation Act, which expires on September 30, 1997. The Subcommittee may also review the recently-issued regulation (HM-200) extending federal hazardous materials transportation regulation to intrastate shipments of hazardous materials. (Summer, 1997)

5. **IMPLEMENTATION OF THE ICC TERMINATION ACT OF 1996 (P.L. 104-88)**

The Subcommittee will review the implementation of the ICC Termination Act which abolished the Interstate Commerce Commission, eliminated or streamlined certain motor carrier functions, and transferred and modified other remaining functions to the newly-created Surface Transportation Board and the Office of Motor Carriers at the Federal Highway Administration. Several studies which were directed to be completed in the Act, such as recommendations for revisions to the current law regarding cargo loss and damage claims and the consolidation of registration and filing requirements, will also be evaluated by the Subcommittee. (Spring, 1998)

6. **IMPLEMENTATION OF THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)**

The Subcommittee may conduct hearings on the implementation of NAFTA, including the status of negotiations by the Land Transportation Standards Subcommittee on the harmonization of commercial motor vehicle safety and equipment requirements, and the postponement of the December 18, 1995 border state access for foreign commercial motor vehicle operators and the January 1, 1997 border state access for regular route bus service. (Summer, 1998)

7. **IMPLEMENTATION OF THE ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996 (P.L. 104-304)**

The Subcommittee will review the implementation of the Accountable Pipeline Safety and Partnership Act of 1996. This Act, which reauthorized the federal pipeline safety program from fiscal year 1997 through fiscal year 2000, significantly reformed the program by incorporating risk assessment and cost-benefit analysis in the

establishment of new pipeline safety standards. The new requirements are based on current Office of Pipeline Safety practices in accordance with Executive Order 12866. The Act also established a risk management demonstration program. (Summer, 1998)

8. **EVALUATION OF BUDGET PROPOSALS FOR THE DEPARTMENT OF TRANSPORTATION**

The Subcommittee will review and evaluate fiscal year 1998 and fiscal year 1999 budget proposals for agencies within the Department of Transportation under its jurisdiction, including the Federal Highway Administration, the Federal Transit Administration, the National Highway Traffic Safety Administration, the Research and Special Programs Administration, and the Surface Transportation Board. (Spring, 1997 and 1998)

WATER RESOURCES AND ENVIRONMENT SUBCOMMITTEE

1. **ARMY CORPS OF ENGINEERS (CORPS) - WATER RESOURCES PROGRAM**

The plan includes a review of the Corps' efforts to improve the efficiency and effectiveness of the organization and management of the water resources program and efforts to improve the efficiency, effectiveness and fairness of the agency's regulatory program, especially in the area of wetlands and dredging activities.

2. **ENVIRONMENTAL PROTECTION AGENCY (EPA) - CLEAN WATER ACT AMD WATER INFRASTRUCTURE PROGRAMS**

The plan includes a review of wastewater treatment and water pollution control funding issues; market-based, watershed-based, technology-based and risk-based approaches to regulation; and particular efforts to improve the management of combined and sanitary sewer overflows, stormwater, and nonpoint source pollution. The plan also includes a review of water infrastructure provisions and programs contained in the Safe Drinking Water Act Amendments of 1996.

3. **CORPS/EPA/NATIONAL OCEANIC ATMOSPHERIC ADMINISTRATION (NOAA) - OCEAN AND COASTAL PROGRAMS**

The plan includes a review of dredged material management and disposal under the Ocean Dumping Act, Water Resources Development Act, and Clean Water Act and various ocean and coastal water quality issues under the Clean Water Act, Coastal Zone Management Act, and Coastal Zone Act Reauthorization Amendments.

4. **SUPERFUND/CERCLA**

The plan includes a review of efforts to improve the efficiency, effectiveness and fairness of the cleanup process; a review of the liability and financing mechanisms under the current Superfund program; a review of the ground water protection provisions under the current Superfund program; and a review of the relationships among the States, EPA and other Federal entities, in conducting Superfund cleanups.

5. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

Disaster Relief Program. The plan includes a review of hazard mitigation activities, disaster declaration and response efforts by FEMA; and a review of efforts to improve the availability of insurance for catastrophic natural disasters.

6. **TENNESSEE VALLEY AUTHORITY (TVA)**

The plan includes a review of TVA's programs supported by Congressional appropriations (such as Land Between the Lakes), TVA's energy generation program and operations in a less regulated marketplace, and the impact of TVA debt on its rate payers.

7. **SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION (SLSDC)**

The plan includes a review of the efficiency and effectiveness of SLSDC's current operations and structure and its relation to the St. Lawrence Seaway Authority - its Canadian counterpart.

8. **COAST GUARD AND EPA -- OIL POLLUTION ACT**

The plan includes a review, along with the Coast Guard and Maritime Transportation Subcommittee, of the oil spill liability, provisions under OPA and a review of oil spill technologies and planning and response mechanisms under OPA and the Clean Water Act.

9. **COAST GUARD/EPA/CORPS - NATIONAL INVASIVE SPECIES ACT**

The plan includes a review, along with the Coast Guard and Maritime Transportation Subcommittee, of 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, and the effectiveness of those efforts.

ONE HUNDRED FIFTH CONGRESS

BOB STUMP
CHAIRMAN

U.S. House of Representatives
COMMITTEE ON VETERANS' AFFAIRS
335 CANNON HOUSE OFFICE BUILDING
Washington, DC 20515

February 13, 1997

Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
2157 Rayburn HOB
Washington, DC 20515

Dear Dan:

In accordance with clause 2(d)(1) of House Rule X, the Committee on Veterans' Affairs adopted its Oversight Plan for the 105th Congress on February 13, 1997.

Enclosed please find the Committee's Oversight Plan.

Sincerely,

BOB STUMP
Chairman

BS/swr
Enclosure

105TH CONGRESS

U.S. HOUSE OF REPRESENTATIVES
Committee on Veterans' Affairs

OVERSIGHT PLAN

In accordance with clause 2(d) of Rule X of the House of Representatives, the Committee on Veterans' Affairs has adopted by resolution of February 13, 1997, its oversight plan for the 105th Congress.

This oversight plan is directed at those matters which are most in need of oversight within the next two years. The Committee is cognizant of the requirement that it conduct oversight on all significant laws, programs, or agencies within its jurisdiction at least every ten years. To ensure coordination and cooperation with other committees having jurisdiction over the same or related laws, the Committee will conduct member and staff meetings as necessary with the Committee on National Security, the Committee on Education and the Workforce, and the Committee on Government Reform and Oversight. Additionally, the Committee will explore with these committees possibilities for conducting joint hearings.

The Committee expects to conduct oversight through a variety of sources. They will include existing and requested reports, studies, estimates, investigations and audits by the Congressional Research Service, the Congressional Budget Office, the General Accounting Office, and the Offices of the Inspectors General of the Departments of Veterans Affairs and Labor. Additional sources of information will be veterans' service organizations, military associations, other interest groups and private citizens. A series of joint hearings is scheduled with the Senate Committee on Veterans' Affairs at which veterans service organizations and military associations will present to the committees their national resolutions and agendas for veterans.

Avenues of oversight will be committee and subcommittee hearings; field and site visits by members and staff; and meetings and correspondence with interested parties. While this oversight plan sets forth the areas in which the Committee expects to conduct oversight, additional matters may be incorporated into the Committee's plan as the need arises.

Subcommittee on Health

1. **Veterans Health Administration (VHA) Budget.** The operation of the VA health care system, the largest integrated health care provider in the country, represents the most visible component of the nation's ongoing commitment to America's veterans. With a medical care budget of some $17 billion, VA provides about three million veterans care annually. Through focused analyses and full committee hearings, VHA spending choices will undergo careful scrutiny. Winter 1997 and winter 1998.

2. **Persian Gulf War Illnesses.** The full Committee will address the broad spectrum of issues raised by Persian Gulf War veterans' continuing to experience illnesses that may have their cause in service. The subcommittee will maintain continuing oversight of issues relating to VA care-delivery and research associated with this problem, and any need for additional legislation. Spring and summer 1997.

3. **Resource Allocation.** VA plans to implement a new resource allocation formula aimed at correcting historic geographic imbalances and shifting funds so that veterans have similar access to care regardless of the region of the country in which they live. The subcommittee, in conjunction with the Subcommittee on Oversight and Investigations, will review and analyze the plan and the extent to which it would meet its stated objectives. Spring 1997.

4. **"Eligibility Reform" Implementation.** The enactment of an "eligibility reform" law (Public Law 104-262) aimed at eliminating barriers to access to VA outpatient care raises a series of implementation issues, involving both VA's statutory construction and its policy choices. Close oversight will provide opportunities to ascertain whether VA is appropriately meeting the law's intent and whether there exists a need for additional legislation. Summer 1997 and summer 1998.

5. **Decentralization of VA Health Care System.** In decentralizing medical center management and administration to facilitate restructuring health care delivery and clinical programs, VA headquarters has replaced central office direction of local actions with performance measures and other incentives for efficient, quality services. However, the subcommittee has concerns that network directors can take far-reaching actions without headquarters' approval, and management "solutions" can vary from one network to the next, with substantial inconsistency across the country. The subcommittee will review the degree to which decentralized decision-making is altering the national character of the VA health care system, and the need for any remedial action. Spring 1997.

6. **Ambulatory Care Programming.** The subcommittee held hearings during the 104th Congress on VA policies regarding the establishment of new "access points", and initiated legislation to eliminate barriers to VA provision of routine ambulatory care. The subcommittee will examine further VA policies, strategic plans, and progress in shifting a hospital-based system to a more ambulatory care-based system. Fall 1997.

7. **VA Role in Long-term Care.** VA expends approximately $1.5 billion to provide veterans long-term care through in-house programs, community-based care, and State veterans homes. Several questions exist regarding the relative costs and quality of the three options and the criteria used to determine in which of the three a veteran is placed. The Committee will examine whether the mix of the three should be changed; and whether the eligibility criteria – under which some veterans get unlimited, free care from VA; others pay under the State program, while still others are limited to a six-month placement for community care – should be changed. The need for statutory changes in the State home per diem and construction programs will also be reviewed. Spring 1998.

8. **VA Specialized Medical Programs.** Public Law 104-262 requires VA to maintain its capacity to provide for the specialized needs of disabled veterans through such clinical programs as post-traumatic stress disorder care, prosthetics, and spinal cord injury care and rehabilitation. Achieving the goals of this provision during a period of restructuring and downsizing will require ongoing oversight. Fall 1997 and summer 1998.

9. **VA Mental-health Care Programs.** VA mental-health programs are not only vulnerable special disability programs at risk in the current budget environment, but have historically been underfunded and reflect widely varying degrees of quality. A statutorily required evaluative report will provide a vehicle for oversight of these important programs, and exploration of remedial avenues. Spring 1998.

10. **VA Sexual-trauma Counseling Services.** Revelations regarding sexual abuse at military training facilities and high rates of sexual harassment experienced by women service-members highlight the importance of reviewing the adequacy of VA sexual trauma counseling programs. Such oversight will also consider the need, if any, for additional legislation to provide needed counseling and treatment authority. Summer 1997.

11. **Women Veterans Health Care.** While more than 12 percent of our Armed Forces are women, VA treatment programs focused specifically on the needs of

these women veterans are relatively new. The extent to which women veterans use, or fail to use, VA health care, and the barriers or perceived barriers, to seeking such care will be examined. In that connection, the availability and quality of gender-specific care will be reviewed, to include privacy issues, the availability of appropriate supplies, and related matters. Fall 1997.

12. **Status of VA/DoD Sharing of Health Resources.** A hearing during the 104th Congress demonstrated that opportunities for greater VA/DoD collaboration have not been fully exploited and, that despite recognition of the benefits of VA/DoD jointly providing care in the same facility, such joint ventures have not necessarily been evenhanded, particularly where VA has not had operational control of the facility. The subcommittee will review the extent to which the departments have initiated changes. Fall 1997.

13. **VA Research Program.** The VA research program complements the Department's medical care mission. As a national research program aimed at improving the medical care and health of veterans, the program is funded by an appropriation account which supports medical research, outcomes and health systems research, and prosthetics research and development. The subcommittee will review the operations of the research program; examine the appropriateness of the balance between VA's basic, applied and outcomes research; and review VA efforts to enter into research partnerships with non-Federal entities. Winter 1998.

14. **Construction Planning.** VA major medical construction budgets have shrunk substantially in recent years. Given competing needs within the VA system for construction of outpatient additions, environmental improvements in decades-old facilities, and seismic upgrades, the subcommittee will give heightened scrutiny to the manner in which VA establishes its construction priorities and associated funding plans. Winter 1998.

15. **Medical Marketplace Forces and the VA.** The provision of VA health care takes place in the context of a dynamic medical "marketplace", in which changes in other Federal health care programs, changes in medical practice and technology, and economic changes have an impact on VA and on demand for VA care. The subcommittee will study these phenomena and on how VA has positioned itself to anticipate and respond to such changes. Spring 1998.

16. **Roles of the VHA's Medical Inspector and the VA Inspector General's Office of Healthcare Inspections.** Budget considerations, organizational accountability, and quality-of-care concerns highlight the importance of examining what appear to be overlapping responsibilities in these two offices. The subcommittee will examine the statutory responsibilities and operational roles of

the respective offices, whether those statutory provisions and roles continue to reflect best practices and policies, whether the quality assurance objectives underlying those laws are being realized, and whether legislative changes in this area should be considered. Spring 1998.

17. **Performance of Senior Managers.** The subcommittee will study VA practices for identifying and handling poor job performance on the part of senior VHA executives, and the extent to which past practices of simply reassigning, rather than removing, poorly performing managers continues to be a practice. Summer 1998.

18. **Use of Nurse Practitioners and Physician Assistants.** The subcommittee will review how well and how consistently VHA uses these "physician-extenders" in primary care and other patient care programs. Barriers to greater use of such staff and the extent to which these staff receive appropriate supervision will also be examined. Fall 1998.

19. **Physician Pay.** VA physician pay rewards longevity and medical specialization. The subcommittee will examine the continued relevance of these factors in providing "special pay" to physicians, and the merits of revising the pay system to draw distinctions on the basis of performance measures. Spring 1998.

Subcommittee on Benefits

1. **Veterans Benefits Administration (VBA) Fiscal Year 1998 Budget.** Funding for VBA programs and administration comprises over one half of VA total budget. VBA is responsible for a wide range of benefits such as disability compensation, pension, survivors benefits, education benefits, housing and insurance. A hearing will highlight VBA spending in the areas of administration and information technology. Winter 1997 and winter 1998.

2. **Veterans Claims Adjudication Commission.** The Commission has released its final report containing findings, conclusions and recommendations on ways to improve veterans benefits claims processing. Hearings will review the report and receive testimony from veterans service organizations, the VA and other interested parties. Spring 1997.

3. **Veterans Employment and Training Service (VETS).** The Department of Labor's Veterans Employment and Training Service is responsible for administering a state grant program to provide job placement for veterans. In addition to federal Directors and Assistant Directors of Veterans Employment and

Training (DVETs and ADVETs) in each state, there are about 3,000 Disabled Veterans Outreach Program Specialists (DVOPS) and Local Veterans Employment Representatives (LVER) working for the state employment services funded by this grant program. The subcommittee will review the funding and operations of VETS using principles identified in the Government Performance and Results Act (GPRA) format. Spring 1997 and spring 1998.

4. **Compensation and Pension (C&P) Programs.** VBA's largest program administers the service-connected disability compensation and non service-connected pension programs. Currently, there are about 2,500,000 veterans receiving compensation and about 400,000 receiving pension. The veterans community continues to voice significant concerns about the quality of claims adjudication and the length of time it takes to process claims. The subcommittee will review the operations of the C&P Service, using GPRA principles. Spring 1997 and spring 1998.

5. **Persian Gulf Veterans' Compensation.** Public Law 103-446 authorized payment of disability compensation to Persian Gulf veterans suffering from undiagnosed illnesses. To date, VA's handling of these claims has been inconsistent and VA is now reviewing all previously processed claims. The subcommittee will review processing with an emphasis on determining the adequacy of VA's efforts and implications for future legislation. Summer and fall 1997, winter 1998.

6. **Vocational Rehabilitation.** The subcommittee believes that vocational rehabilitation should be VA's most important program for service-disabled veterans. The program provides up to 48 months of training, education, and rehabilitation at no cost to the veteran. In addition, enrollees receive a monthly living stipend. GAO has strongly criticized this program in several reports, but little seems to have changed in VA's operating methods. The subcommittee will use GPRA principles for the hearing and review VA's plans to reorganize the program. Summer 1997 and summer 1998.

7. **Uniformed Services Employment and Re-employment Rights Act (USERRA).** During the 103rd and 104th Congresses, USERRA was passed to improve a veteran's ability to return to a job held prior to being called to active duty. The subcommittee is aware of possible systematic violations of the law by one or more federal agencies and intends to review this issue. Summer 1997.

8. **National Cemetery System (NCS).** Today, VA operates 114 national cemeteries, about half of which are open for initial interments. The remainder are either open only for interment of second family members or closed to all further

interments. NCS has completed about half of a 10 cemetery expansion program which began in the mid-1980's. The subcommittee will use GPRA principles to review the NCS budget and determine whether NCS is expanding in the most cost-effective manner. Summer 1998.

9. **VA Education Programs.** Today VA provides education benefits to nearly 200,000 veterans and dependents or survivors. The best known of VA's education programs, the Montgomery GI Bill, provides a monthly basic benefit of $427 to veterans who complete a three-year period of service and have their pay reduced by $1200 during the first year of service. Using GPRA principles, the subcommittee intends to review program administration and alternative means of leveraging the existing benefit payment. Summer 1997 and summer 1998.

10. **Compensation of Veterans with Dual Diagnoses of Mental Illness and Substance Abuse.** The subcommittee is concerned that compensation payments act as an enabler to some mentally ill veterans who are also substance abusers. There is some evidence that hospitalization rates of these veterans for problems relating to substance abuse, especially cocaine, is related to the arrival of compensation payments. The subcommittee intends to provide an opportunity for a public discussion of the very complex issues surrounding mentally ill/substance abusing veterans. Fall 1997.

11. **Board of Veterans' Appeals.** The Board is the first forum for a veteran to appeal a VA decision on a claim for benefits. Prior to the advent of the Court of Veterans Appeals in 1989, the Board took about six months to decide an appeal. Today, because of many factors, it now takes about two years. The subcommittee intends to review Board operations using GPRA and the recommendations of the Veterans Claims Adjudication Commission. Fall 1997.

12. **Disabled Veterans Outreach Program Specialist and Local Veterans Employment Representatives (DVOPS and LVER's).** The state grant program operated by DoL's Veterans Employment and Training Service funds about 3,000 LVERs and DVOPS whose job is to provide employment services to veterans. These federally-funded state employees also provide instruction at Transition Assistance Programs sites for those about to leave active duty. The subcommittee has asked GAO to evaluate the performance of this program and expects the report to be issued in the fall of 1997. At that time, the subcommittee will review the GAO's findings and recommendations. Fall 1997.

13. **Homeless Veterans.** VA, DoL, and HUD provide funding for homeless veterans programs. The subcommittee, in conjunction with the Subcommittee on Health, will review the operation and funding of VA's homeless grant programs.

The subcommittee will determine whether VA is in compliance with the Sense of Congress expressed in Public Law 103-446, which supported funding for homeless veterans' programs more closely proportional to the population of homeless veterans. The subcommittee will also examine whether these programs are accomplishing their goals. Spring 1998.

14. **Agent Orange, Ionizing Radiation and Prisoners of War (POW).** VA provides medical treatment and compensation benefits to veterans suffering from exposure to agent orange and ionizing radiation, as well as to those veterans who were POW's. The subcommittee intends to review the problems facing each of these special category veterans. Summer 1998.

15. **Veterans' Benefits in the Year 2000.** Technology will have a major impact on the delivery of veterans benefits. The subcommittee will examine how technology will improve the effectiveness of the delivery of benefits. The VA and DoL benefits programs relating to veterans education and employment will be of special interest to the subcommittee. Summer 1998.

16. **Court of Veterans Appeals.** The Court is an executive branch court empowered to review decisions of the Board of Veterans' Appeals. The subcommittee will review data on the Court's operations and the impact on VA claims processing. Fall 1997.

Subcommittee on Oversight and Investigations

1. **Exposures to Environmental Hazards during the Persian Gulf War.** The subcommittee will follow up the full Committee hearing on Persian Gulf War Illnesses held February 11, 1997, with continuing oversight on the experiences of U.S. military personnel who served in the Southwest Asia theater. The Presidential Advisory Committee on Gulf War Veterans' Illnesses found "substantial evidence of site-specific, low-level exposures to chemical warfare agents", and called for further investigation of possible chemical or biological warfare agent exposures. The subcommittee plans to coordinate closely with the Committee on National Security and its subcommittees on these and other environmental hazards. Spring 1997.

2. **Quality Assurance/Risk Management.** The subcommittee will examine VA's initiatives in developing a departmental quality assurance/risk management program to monitor adverse outcomes in a time sensitive manner. The subcommittee is particularly concerned about suspicious deaths that occurred at the Harry S Truman Veterans Administration Medical Center (VAMC), Columbia,

MO, and the Northampton VAMC, Northampton, MA. The subcommittee is also concerned that the Federal Bureau of Investigation (FBI) still considers their criminal investigation of the 1992 deaths at the Harry S Truman VAMC an open case. The FBI exhumed the remains of 13 veterans in February and March of 1993 and contracted for toxicological testing in June 1996. These tests have not been concluded. Spring and fall 1997.

3. **Decision Support System (DSS).** DSS is a computer based system that provides VA managers and clinicians data on patterns of patient care and patient outcomes. It can be used to analyze resource utilization and the cost of providing healthcare services. VA operates the largest federal healthcare system in the nation, yet lacks a detailed clinical and financial information system to report the efficiencies and operating costs of its 173 hospitals. VA expects DSS to expand to 91 hospitals by February 1997, despite problems identified by GAO in the implementation testing. The subcommittee will review VA's development of a business strategy and efforts to implement DSS. Spring and winter 1997, spring 1998.

4. **Procurement of Automated Information Resources Solutions (PAIRS).** The subcommittee will review VA's decision to make this $875 million contract a 100 percent small business set-aside. The subcommittee will also study VA's risk assessment in its decision making process. This critical information technology procurement is a cornerstone of VA's entire computer modernization effort with a significant effect on veterans services. Spring and winter 1997.

5. **Veterans Benefits Administration (VBA) Modernization.** VBA is in its eleventh year of implementing its computer modernization to enhance benefits and services delivery. Only in the last two years has VBA made real progress in its $300 million effort. The subcommittee will continue oversight of VBA's reengineering of its business practices and its initiation of alternative business practices, technology, and claims processing approaches to enhance the efficiency of VA benefits operations. Spring and fall 1997, spring and summer 1998.

6. **Master Veterans Record (MVR).** The subcommittee will review the VA's efforts to integrate its separate databases and information systems into a department-wide information sharing initiative that electronically communicates data between all VA organizations. The completion of the MVR project would provide all VA organizations, veterans and their beneficiaries with an integrated system that furnishes information such as timely death notifications, changes of address, family status, representation, appeals, bankruptcy, patient care and burial locations. Summer and winter 1997.

7. **Veterans Health Resource Allocation.** The subcommittee, in conjunction with the Subcommittee on Health, will review and analyze the Veterans Health Administration's new resource allocation plan, known as the Veterans Equitable Resource Allocation System, and the extent to which it would meet its stated objectives. Spring 1997.

8. **Civilian Health and Medical Programs of the Department of Veterans Affairs (CHAMPVA).** Currently, there are approximately 80,000 CHAMPVA beneficiaries and in 1994, they generated over 800,000 medical claims. Annual program expenditures are in excess of $93 million, and claims total $85.1 million. The subcommittee will review the effectiveness of program management controls for duplicate claims payments, eligibility verification, and recovery of fraudulent claims payments. Fall 1997.

9. **Medical Care Cost Recovery (MCCR).** VA collects over $500 million per year from third party insurers for medical care provided to insured veterans. The subcommittee will review the VA's collection rate success, the adequacy of the billing rates based on the quantity and cost of care provided to veterans, and the cost of collections. Spring 1997 and spring 1998.

10. **Adopting Medicare Fee Schedules for Fee Basis Care.** Veterans Affairs Inspector General (VAIG) audits estimate that VA could increase revenues by $33 million by adopting the Medicare fee schedules for fee basis veteran care. The subcommittee will review application of these schedules to VA. Fall 1997.

11. **Capital Medical Equipment Backlog.** The subcommittee will review the backlog of capital medical equipment and VA's acquisition strategy. Fall 1997 and fall 1998.

12. **Procurement Management.** The subcommittee will review VA's overall procurement process. The review will include the efficiencies of the National Acquisition Center (NAC), initiatives in electronic commerce, centralized acquisitions, performance-based contracting and acquisition streamlining. Further, the subcommittee will review instances of vendor overcharges and contractor fraud, and departmental measures instituted to deter future incidents. Summer 1997 and summer 1998.

13. **Construction Delays.** The subcommittee will review GAO and VAIG findings of weaknesses in VA's construction management process. VAIG has conducted thirteen audits in the past five years detailing construction overruns. Spring 1997 and spring 1998.

14. **Veterans Affairs Inspector General Activities.** The subcommittee will review the VAIG's five year strategic plan. The review will include the focus, conduct, and outcomes of the last four years of audits, investigations, and hot-line and whistleblower activities. Summer 1997.

15. **Food Service**. Veterans Health Administration (VHA) is unusual as a health care delivery system in that it operates its own food service systems. The subcommittee will review VHA's food service operations and request a GAO cost-benefit analysis. Fall 1997 and fall 1998.

16. **Administrative Staffing Redundancies in VHA/VBA Colocations**. As VA continues to reengineer its business processes, the subcommittee will examine possible staffing redundancies in contracting specialists, payroll/finance personnel, equal employment opportunity specialists and human resources personnel. Summer 1997 and summer 1998.

17. **Government Performance and Results Act of 1993 (GPRA).** Public Law 103-62 requires the federal government to measure its performance and report on its results. It was enacted in July 1993 and will be applied to all federal departments and agencies. The subcommittee will closely monitor how VA measures outcomes; how well GPRA performance goals drive daily VA operations; how performance information is used to improve effectiveness; what progress is being made to build the capacity necessary at VA to implement GPRA; and what steps are being taken to align VA's core business processes to support mission-related outcomes. Spring, fall, winter 1997 and spring, fall, winter 1998.

18. **Advisory Committee on Minority Veterans.** The Advisory Committee makes assessments of the needs of veterans who are minority group members and reviews VA programs and activities designed to meet such needs. The subcommittee will examine the report and any recommendations of the Advisory Committee to the Secretary of Veterans Affairs due July 1 of each year. Summer 1997 and summer 1998.

19. **Veteran Canteen Service (VCS), General Post Fund, and Golf Courses.** The subcommittee will review the VCS for scope of missions, federal subsidizations and annual financial statements. The subcommittee will review utilization of the General Post Fund in accordance with chapter 83 of title 38 of United States Code. The subcommittee will also review VHA's efforts to operate its twenty-two golf courses without appropriated funds. Fall 1997 and fall 1998.

20. **VA Buyout Plan under Public Law 104-208**. VA has offered voluntary separation incentive payments to support strategic downsizing goals of the

department. The subcommittee will review the VA buyout plan and the success of the following stated objectives: changing the skill mix of employees; increasing efficiencies; streamlining operations; converting to new methods of operations; and enhancing service to veterans. Spring 1997 and spring 1998.

21. **Energy Policy Act of 1992 (EPACT)**. EPACT authorizes VA to utilize energy performance contracts to leverage private sector capital to fund VHA energy plant retrofits and upgrades at healthcare facilities. The subcommittee will review VA's efforts to maximize the use of this contracting vehicle to achieve higher efficiency in energy consumption and reduce the need for appropriated funds. Spring and Fall 1997 and spring and fall 1998.

22. **VA Safety and Security**. The subcommittee will conduct a comprehensive review of VA safety and security issues to include law enforcement programs, security of controlled pharmaceuticals, fire safety programs, and VA's 32 fire departments. Summer 1997 and summer 1998.

23. **Departmental Travel**. VA's 1997 estimated travel budget is $33 million greater than its 1995 travel costs. This represents a 16 percent increase while the VA continues to downsize and acquire televideo conferencing capability. The subcommittee will review VA's conference, training, and other travel. Spring and winter 1997 and spring and winter 1998.

ONE HUNDRED FIFTH CONGRESS
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A.L. SINGLETON, CHIEF OF STAFF

JANICE MAYS, MINORITY CHIEF COUNSEL

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515–6348

February 12, 1997

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

The Honorable William M. Thomas
Chairman
Committee on House Oversight
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Burton and Chairman Thomas:

In accordance with the requirements of Clause 2 of Rule X of the rules of the House of Representatives, the following is a list of oversight hearings and other oversight-related activities which the Committee on Ways and Means and its subcommittees plan to conduct during the 105th Congress. The list has been broken down by Subcommittee, and is prioritized to reflect the likely order in which the listed activities are expected to occur. This list is not intended to be exclusive; the Committee anticipates that additional oversight activities will be scheduled as issues arise or as time permits.

Full Committee

1. Tax Proposals in Administration's Fiscal Year 1998 Budget. The full Committee will hold a series of hearings beginning on February 11, 1997, to examine the tax proposals in the Administration's Fiscal Year 1998 budget.

2. Fundamental Tax Reform. The full Committee will hold a series of hearings throughout 1997 to examine the impact of replacing the current income tax with a broad-based consumption tax.

Subcommittee on Trade

1. World Trade Organization ("WTO"). The Subcommittee will hold a hearing on February 26, 1997, to examine the outcome of the WTO Singapore Ministerial Meeting and the future direction of the WTO.

2. Budget Issues. The Subcommittee will hold a hearing in early spring to consider biannual authorizations for the United States Trade Representative, the Customs Service, and the International Trade Commission as well as the portions of the budget of other agencies that have functions within the oversight jurisdiction of the Committee on Ways and Means, such as the Commerce Department, State Department, etc.

3. Trade Policy. The Subcommittee will hold a hearing in early spring to consider U.S. trade policy objectives in Latin America, in the Pacific Basin, with Japan, and with newly emerging markets; to review anti-competitive practices (particularly bribery and corruption) as it affects trade agreements; and to examine the extent to which benefits to U.S. businesses derived from existing agreements to which the United States is a party may be eroded by agreements to which the United States is not a party, such as MERCOSUR.

4. China Most-Favored Nation Status. The Subcommittee will hold a hearing in early summer to consider whether the annual renewal process of China's most-favored-nation status under the Jackson-Vanik provision continues to be effective or whether new options should be considered.

5. North American Free Trade Agreement ("NAFTA") Accession Issues. The Subcommittee will hold a hearing in the spring to consider appropriate mechanisms for approving the agreement by which Chile or other countries will accede to the NAFTA, either under the terms of a renewed broad fast-track authority, special authority for this particular agreement once concluded, or regular legislative procedures.

6. NAFTA Overview. The Subcommittee will hold a hearing in early summer to consider the Administration's legislatively mandated overview of the NAFTA, due June 30, and to review its effectiveness and operation.

7. Trade Expansion. The Subcommittee will hold a hearing in the spring to consider expansion of trade with sub-Saharan Africa.

8. Antidumping and Countervailing Duty Issues. The Subcommittee will hold a hearing in late spring to examine regulations issued by the Department of Commerce concerning antidumping and countervailing duty investigations.

9. Trade Adjustment Assistance Program. The Subcommittee will hold a hearing in the spring to consider possible extension or reforms of the Trade Adjustment Assistance program.

10. Rules of Origin. The Subcommittee will hold a hearing in late summer/early fall to review rules of origin and country of origin marking to determine if they reflect current business production, sales, and distribution practices, and whether U.S. laws and practices are effective in preventing unlawful transshipment.

11. Oversight of Customs Laws and Practices. The Subcommittee will hold a hearing in late summer/early fall to review customs laws and practices to ensure that they are not creating an unnecessary burden and cost to U.S. producers and users; to review overtime and nighttime pay for Customs inspectors; and to review Customs' accounting for drug interdiction and investigation costs and verification of operational enhancements.

Subcommittee on Health

1. Medicare Proposals in the President's Fiscal Year 1998 Budget. The Subcommittee will hold a hearing on February 13, 1997 to examine the Medicare proposals included in the President's FY 1998 budget. This hearing will assess the effect that the President's FY 1998 budget proposals will have on the financial stability of the Medicare Hospital Insurance ("HI") Trust Fund and the Supplementary Medical Insurance ("SMI") Trust Fund. It will also provide an opportunity to inquire concerning many aspects of the current operations of Medicare.

2. Medicare Health Maintenance Organization ("HMO") Payment Policy. The Subcommittee will hold a hearing on February 25, 1997 to examine Medicare HMO payment policy. This hearing will assess concerns about current HMO payment policy for Medicare beneficiaries and solutions to this issue offered by the President's FY 1998 budget, the Prospective Payment Assessment Commission and the Physician Payment Review Commission, and the Balanced Budget Act of 1995.

3. Medicare Home Health and Skilled Nursing Facility Payment Policies. The Subcommittee will hold a hearing in late winter/early spring to examine reforms of payment policies for Medicare home health and skilled nursing facility services. Medicare home health and skilled nursing facility services are two of the fastest growing sectors of Medicare spending. Concern over potential fraud and abuse regarding these services and excessive or unjustified spending have resulted in reform proposals from the President in his FY 1998 budget, the Prospective Payment Assessment Commission, and in the Balanced Budget Act of 1995. The hearing will consider the extent of the problems cited by the General Accounting Office and others and review proposed solutions.

4. Medicare HMO Regulation. The Subcommittee will hold a hearing in late winter/ early spring to examine developments in Medicare HMO regulation. Medicare currently contracts with over 350 HMOs. This hearing will examine the Health Care Financing Administration's ("HCFA") oversight of these contracts to ensure quality of care and protect consumers. The hearing will compare oversight of contracts by HCFA with mechanisms for oversight of health plans providing coverage in the private sector.

5. Medicare Payments for Teaching and Disproportionate Share Hospitals. The Subcommittee will hold a hearing in late winter/early spring to examine Medicare payments for Teaching and Disproportionate Share Hospitals. Medicare currently provides special payments to teaching hospitals and hospitals which provide care to a disproportionate share of indigents.

Concerns have been raised about the levels of these payment adjustments and the correct relevance of the formula used for setting these payments to the goals of the law which established these payments. The hearing will assess these concerns and review proposals to resolve these concerns.

6. Medicare Coverage for Preventative Benefits. The Subcommittee will hold a hearing in late winter/early spring to examine concerns which have been raised about the lack of Medicare coverage for certain preventative benefits. This hearing will review the cost effectiveness of benefits not currently covered and the implications of covering these benefits. It will specifically focus on the benefits which would be included in Medicare under the "Medicare Preventive Benefit Improvement Act of 1997," H.R. 15.

7. Medicare Oversight Reports. The Subcommittee will hold a hearing in late winter/ early spring to examine the annual reports of the Prospective Payment Assessment Commission ("ProPAC") and the Physician Payment Review Commission ("PPRC") (Late Winter, 1997). ProPac and PPRC provide guidance regarding Medicare to the Congress and its Committees with jurisdiction over the program. The Commissions annually review Medicare payment policy and make recommendations for improvement in these policies. This hearing will focus on concerns regarding hospital and physician payment.

8. Medicare Coverage Policy. The Subcommittee will hold a hearing in the spring to examine Medicare coverage policy. Medicare policy regarding payment for new or changing treatments and procedures is not formally promulgated in regulation and does vary under certain circumstances between the carriers and intermediaries that actually pay for the services provided to Medicare beneficiaries. The hearing will examine current HCFA policy regarding coverage, and certain recent coverage decisions made by HCFA.

9. Medicare Provider Sponsored Organizations. The Subcommittee will hold a hearing in the spring to examine Medicare Provider Sponsored Organizations. Medicare currently allows beneficiaries to join HMOs which are state licensed and meet other regulatory requirements. Concerns have been raised by hospitals and physicians that they are unable under current law to form such health plans. This hearing will examine the possible constraints to the organization of hospitals and physicians forming for the purpose of providing risk-based coverage for Medicare beneficiaries.

10. Other Issues. Further hearings will be scheduled as time permits to examine certain additional aspects of Medicare program management.

Subcommittee on Oversight

A. Subcommittee Hearings for 1997.

1. Taxpayer Advocate Report. The Subcommittee will hold a hearing on February 25, 1997, to examine the first annual report of the Internal Revenue Service ("IRS") Taxpayer

Advocate to the tax-writing committees. This report, which was mandated by the Taxpayer Bill of Rights 2 ("TBOR2"), requires the Taxpayer Advocate to identify initiatives undertaken to improve taxpayer services and IRS responsiveness, and to provide recommendations from the Problem Resolution Officers in IRS District Offices on ways to resolve problems which taxpayers experience in their dealings with the IRS. Any additional taxpayer protections proposed by the Administration as part of its FY 1998 budget submission to the Congress also will be evaluated as part of the hearing.

2. IRS Fiscal Year 1998 Budget/1997 Tax Return Filing Season. The Subcommittee will hold a hearing in March to review the Administration's request for the IRS FY 1998 budget and the status of the 1997 tax return filing season. Among other things, the Subcommittee will review IRS's plans for contracting out development of Tax Systems Modernization to the private sector, IRS taxpayer services activities (including telephone tax assistance, walk-in service, distribution of forms and publications), and IRS lock-box operations. Information developed at the hearing will be used as background in preparing the full Committee's recommendations to the Appropriations Committee regarding funding priorities for the IRS for FY 1998.

3. General Accounting Office ("GAO") "High Risk" Report. The Subcommittee will hold a hearing in March to receive testimony from GAO and the Inspectors General from agencies under the Committee's jurisdiction, regarding high risk programs (i.e., programs vulnerable to waste, fraud or abuse) within the Committee's jurisdiction. The information obtained at this hearing about high risk programs (e.g., Medicare claims fraud, IRS Accounts Receivable) will lay the groundwork for additional oversight activities in the 105th Congress.

4. TBOR2 Studies. TBOR2 required the Department of the Treasury and GAO to conduct studies evaluating: (1) problems that divorced taxpayers experience under the U.S. tax system's joint and several liability scheme; and (2) the manner in which IRS has implemented (or failed to implement) a system for comprehensive netting of interest on overpayments and underpayments and the policy and administrative implications of global interest netting. These studies were due on January 31, 1997, and the Subcommittee will hold hearings in the spring on them as the first stage in developing recommendations to the full Committee.

5. Low-Income Housing Credit. At the request of Chairman Archer, GAO has been conducting a study of how the States and the IRS administer the low-income housing credit. GAO is expected to issue a report presenting its findings in March and the Subcommittee will hold hearings in the spring with a view toward developing bipartisan recommendations to the full Committee for possible legislative revisions to the credit.

6. Oversight of IRS Tax Debt Collection Issues. The Subcommittee will hold a hearing in late spring to continue the Subcommittee's examination of various tax debt collection issues, including status of the IRS Accounts Receivable Dollar Inventory, oversight of the ongoing IRS private debt collection pilot program, and oversight of the IRS's tax refund offset program, particularly as it relates to collection of past-due child support payments.

7. Electronic Federal Tax Payment System. The Subcommittee will hold a hearing to examine the IRS's implementation of a provision in the North American Free Trade Agreement ("NAFTA") which required IRS to implement a nationwide system for receiving federal depository taxes electronically. The "Electronic Federal Tax Payment System ("EFTPS"), is intended to replace the paper coupon system used to pay federal depository taxes. IRS was required to phase-in EFTPS from 1994-1999 and to collect a statutorily specified percentage of business taxes through electronic payment in each year. The third phase of the program, in which approximately 1.2 million small to medium-sized businesses will be required to enroll in EFTPS, is now being implemented. Concerns were raised last year about whether EFTPS was going to be operational in time to enroll the 1.2 million mandated taxpayers by the end of 1996. To address these concerns, a provision was included in the Small Business Jobs Protection Act of 1996 delaying the deadline for enrolling new mandated taxpayers in EFTPS until July 1, 1997. The Subcommittee will hold an oversight hearing in the spring to examine the implementation of EFTPS by the IRS and the costs and benefits to small businesses of this mandatory program.

8. Impact of the Tax Laws on Land Use Decisions. The Subcommittee will continue its examination of the impact of the tax laws on land use decisions (a hearing was held on this issue in July, 1996), including evaluation of tax legislative proposals to establish conservation easements to preserve open spaces, encourage clean-up of "brownfields" (contaminated industrial sites), and encourage economic development in inner cities and rural areas. A Subcommittee hearing will be held in June, with followup hearings later in the year if necessary.

9. Report of the National Commission on Restructuring the IRS. The National Commission on Restructuring the IRS is examining ways to restructure the IRS in order to improve the quality of the agency's service to the nation's taxpayers and to ensure greater accountability for financial management and meeting performance goals in connection with the agency's mission. The Commission Report is expected on July 1, 1997, and portions of the Commission's recommendations which are within the jurisdiction of Committee on Ways and Means will be evaluated by the Subcommittee in a July hearing.

10. IRS Employee Misconduct Report. TBOR2 required the IRS to establish a system for monitoring taxpayer complaints about IRS employee misconduct, and to begin providing an annual report to the tax-writing committees beginning July 1, 1997, regarding the Service's handling of such cases. The Subcommittee will likely hold a hearing in July to review the report and the effectiveness of IRS' complaint monitoring system in improving IRS's accountability for addressing taxpayer complaints about IRS employee misconduct.

B. Other Oversight Subcommittee Activities.

1. Year 2000 Crisis. The Subcommittee will meet with senior officials from agencies under the jurisdiction of the Committee on Ways and Means (e.g., IRS, Social Security Administration) to be briefed on their plans for managing the risks posed by the so-called "Year 2000 crisis," the world-wide problem of computers needing to be reprogrammed for the next

century. For the IRS, for example, millions of lines of computer code will need to be reprogrammed, posing significant risks for the stability of IRS's legacy computer systems.

2. Earned Income Credit (EIC). The Subcommittee will continue its review of administrative issues relating to the EIC in meetings with officials from Treasury, IRS, and GAO, plus a cross-section of tax professionals. The Subcommittee will examine, among other things, recent IRS data regarding overpayments and other refund fraud problems, the adequacy of IRS efforts to assist taxpayers in claiming the EIC, the status of IRS plans for addressing fraud and errors in the 1997 filing season, the complexity of eligibility rules for the credit and possible options for simplification, and the complexity of EIC forms and instructions and whether these can be simplified. A Subcommittee hearing may be scheduled as time permits.

3. Small Business Tax Simplification. The Subcommittee is concerned that the current income tax system and the rules which have been designed to accurately measure income and track transactions undertaken by large corporations place an extraordinary compliance burden on the nation's small businesses. The Subcommittee is interested in reviewing options for simplifying those provisions of the Internal Revenue Code that are particularly burdensome for small business (e.g., rules relating to employee pension plans and stock ownership programs, rules governing the choice of accounting methods or conventions, the alternative minimum tax, etc.). Subcommittee hearings may be scheduled as time permits.

4. Worker Classification Issues. The Subcommittee will continue its examination of issues relating to the classification of workers for tax purposes and the IRS's enforcement activities in this area. Two hearings were held by the Subcommittee on these issues in 1996. The Subcommittee also will examine the employee benefits aspects of worker classification, and explore the development of legislation to establish an objective test for classifying workers both as employees and as independent contractors. Additional Subcommittee hearings may be scheduled as time permits.

5. Pension and Retiree Health Issues. The Subcommittee will conduct oversight activities with respect to workers' pension benefits, including an examination of Federal pension plan enforcement activities at the Departments of Labor and Treasury and the Pension Benefit Guaranty Corporation, funding levels of Federally-insured plans, and the sufficiency of protections for retirees receiving pension benefits through insurance annuities. The Subcommittee may also examine recent trends with regard to terminations of employer-provided retiree health plans, their implications for retiree health insurance coverage, and options for addressing this issue. Subcommittee hearings may be scheduled as time permits.

6. Tax Exempt Organizations. The Subcommittee will conduct oversight activities with regard to certain tax exempt organization issues, including: (1) mergers and joint venture activity between non-profit hospitals and for-profit entities and managed care organizations; (2) the recently-issued GAO report on Indian gaming; (3) the adequacy of Form 990 and other public information relating to tax-exempt organization activities; (4) and selected unrelated business income tax ("UBIT") issues. Subcommittee hearings may be scheduled as time permits.

7. Other Issues. The Subcommittee will examine other issues in support of the full Committee's activities as they arise (through briefings, meetings, or hearings if appropriate), including, among other things, any forthcoming Administration proposals to simplify the tax laws which relate to IRS practice and procedural rules, and the administrative and policy implications of the Administration's educational and job training tax incentives and other expiring tax provisions.

8. Field Investigations and Hearings. The Subcommittee will conduct such field investigations and hearings as Committee staffing and budget resources permit, and as are necessary for purposes of evaluating the effectiveness of and compliance with the programs and laws under the jurisdiction of the Committee on Ways and Means.

Subcommittee on Human Resources

1. Welfare Reform. The subcommittee plans to hold hearings throughout 1997 on implementation of last year's welfare reform legislation, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996." Hearing topics for early in 1997 will include work programs, job availability, anti-illegitimacy provisions, benefits for noncitizens, and Supplemental Security Income benefits for children. Later in the year, the Subcommittee is likely to consider issues including state use of waivers, data processing, the effect of time limits, and overall program evaluation during the first year of the new Temporary Assistance for Needy Families program.

2. Child Support. As part of its welfare reform oversight hearings, the Subcommittee intends to hold several hearings on implementation of child support provisions of the new law. The first hearing will take place in late winter/early spring. Following the Department of Health and Human Services' submission of written suggestions for reforming the child support incentive system (expected by mid-summer), the Subcommittee may consider legislation to reform the incentive system.

3. Unemployment Insurance. The Subcommittee intends to conduct a series of hearings, beginning in the spring, on the nation's unemployment insurance (UI) system. Several issues, including comprehensive reform proposals increasing state flexibility in program design and state authority to set base periods for determining benefit eligibility, will be examined in detail.

4. Adoption Incentives. The Subcommittee will hold a hearing to investigate barriers to adoption and specific state-level solutions; further oversight hearings may be held as the Subcommittee considers legislation throughout 1997 in this area.

5. Welfare and Drugs. The Subcommittee may conduct a hearing late in 1997 on the frequency of drug use by welfare parents, the relationship between drug use and child abuse and neglect, and possible approaches to both detecting drug use and reducing its frequency and consequences.

6. Job Development. During mid-1997, the Subcommittee intends to consider strategies for encouraging job creation in areas heavily impacted by welfare reform. One or more hearings on tax incentives, jobs programs, and related issues is likely.

7. Budget Issues. The Subcommittee will conduct a hearing on February 13, 1997, regarding the impact of the President Clinton's budget proposal on programs under the Subcommittee's jurisdiction.

Subcommittee on Social Security

1. Social Security Trust Fund Solvency Issues. The Subcommittee will hold a series of hearings beginning in the spring to examine the long-term solvency of the Social Security Trust Funds. According to the 1996 Trustees' Report, the Trust Funds are now projected to become insolvent in 2029. The Subcommittee will examine the recommendations of the Advisory Council on Social Security and receive testimony from other invited witnesses.

2. Social Security Disability Insurance Trust Fund Solvency and Process. The Subcommittee will hold a series of hearings beginning in the spring to continue its examination of the solvency of the Social Security Disability Insurance Trust Fund, as well as process issues. In particular, the Subcommittee will examine the effectiveness of the Social Security Administration's ("SSA") continuing disability review ("CDR") program plus efforts to help beneficiaries return to work. Last year, Congress authorized more than $4 billion in additional funding over the next seven years for SSA to conduct continuing disability reviews. SSA plans to eliminate the Social Security CDR backlog over this period. The hearings will focus on SSA's progress in this regard, suggestions to improve the CDR process, and the effectiveness of work incentives available to disability recipients under current law.

3. Social Security Disability Appeals Process. The Subcommittee will hold a hearing in the summer to examine the Social Security disability appeals process. This hearing will focus on the extent of SSA's backlog of appealed cases, reasons for the growth of the backlog, how SSA is addressing the backlog, and what needs to be done in both the short and long term so that the public is better served in the disability appeals process.

4. Social Security Disability Claims Process. The Subcommittee will continue its oversight into the progress SSA is making in redesigning the disability determination claims process to reduce administrative costs and improve public service. Subcommittee hearings are tentatively scheduled for the fall.

5. Progress of Social Security Administration as an Independent Agency. The Subcommittee will hold an oversight hearing to examine the continued progress of SSA as an independent agency, with a specific focus on the role of the Advisory Board. This Subcommittee hearing is tentatively scheduled for the fall.

6. Taxpayer-financed Union Activity. The Subcommittee will hold an oversight hearing to examine the report of the SSA Office of Inspector General regarding taxpayer-financed union activity at SSA. This Subcommittee hearing is tentatively scheduled for the fall.

7. SSA Administrative Oversight. The Subcommittee also plans to hold a number of general SSA administrative oversight hearings during 1997 and 1998.

Sincerely,

Bill Archer
Chairman

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