

[COMMITTEE PRINT]

107TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES {

INTERIM REPORT
OF THE
ACTIVITIES
OF THE
HOUSE COMMITTEE ON GOVERNMENT
REFORM
ONE HUNDRED SEVENTH CONGRESS
FIRST SESSION
2001



MARCH 2002

Printed for the use of the Committee on Government Reform
Available via the World Wide Web: <http://www.gpo.gov/congress/house>
<http://www.house.gov/reform>

U.S. GOVERNMENT PRINTING OFFICE

76-505 PDF

WASHINGTON : 2002

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PREFACE

This report outlines the Committee on Government Reform's activities for the first session of the 107th Congress. A separate and final report covering activities during both sessions will be published at the conclusion of the 107th Congress in accordance with House Rule XI, 1(d).

DAN BURTON, *Chairman*

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INTERIM REPORT OF THE ACTIVITIES OF THE HOUSE COMMITTEE ON GOVERNMENT RE- FORM, 107TH CONGRESS, 1ST SESSION, 2001

PART ONE. COMMITTEE ORGANIZATION

I. Historical Overview

The Committee on Government Reform serves as the House of Representative's chief investigative and oversight body, reviewing allegations of waste, fraud and abuse across the Federal Government. The committee's unique oversight jurisdiction makes it one of the most influential committees in the House of Representatives.

Congressman Dan Burton (R-IN) currently serves as the chairman of the committee. The ranking minority member is Congressman Henry Waxman (D-CA).

The Committee on Government Reform first appeared in 1927 as the Committee on Expenditures in the Executive Departments. It was created by consolidating the 11 Committees on Expenditures previously responsible for overseeing how taxpayer moneys were spent at each executive branch department.

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

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

During the 104th Congress, under the leadership of Chairman Bill Clinger (R-PA), the Committee produced three major pieces of the “Contract With America” that became law: 1) legislation to stop Congress from imposing mandates on State and local governments without funding; 2) line-item veto legislation granting the President authority to strike individual items from tax and spending

bills; and 3) an act to reduce the paperwork burden the Federal Government imposes on State and local governments, individuals, and private businesses. The committee also won passage of legislation to create a financial control board to help bring the District of Columbia out of its financial crisis.

In addition to his legislative accomplishments, Chairman Clinger led the committee's investigation of the improper firings of White House Travel Office workers and the White House's controversial handling of FBI files.

In 1997, following Chairman Clinger's retirement, Congressman Burton assumed the chairmanship. He became the first Republican member from the Hoosier State to chair a full committee of the House since 1931. Previously, Congressman Burton had been a senior member of the Committee on Post Office and Civil Service.

At the onset of the 105th Congress, Chairman Burton guided a committee investigation into illegal foreign contributions that flowed into Presidential campaigns, the Justice Department's flawed handling of these allegations, and a series of controversial Presidential pardons.

Under Chairman Burton's leadership, the committee has also enacted a number of important pieces of legislation governing such diverse areas as Federal employee benefits, the District of Columbia and Federal financial management. Prominent examples include: 1) The Erroneous Payments Recovery Act, which requires Federal agencies to use advanced private-sector auditing procedures to detect and recover mistaken payments; 2) the District of Columbia Family Court Act, creating a new Family Court in the wake of shocking revelations about the handling of foster care cases in the District of Columbia; and 3) the Long-Term Care Security Act, establishing an insurance program for Federal employees covering long-term care needs.

The committee currently has 44 members: 24 Republicans, 19 Democrats and 1 Independent. It has seven subcommittees.

Committee alumni include distinguished legislators and national leaders. During his only term in the House of Representatives, Abraham Lincoln was assigned to one of the committee's predecessor committees, the Committee on Expenditures in the War Department. Other alumni of the committee include Speaker J. Dennis Hastert (R-IL), Majority Leader Dick Armey (R-TX), Secretary of Defense Donald Rumsfeld (R-IL), former Senate Majority Leader and 1996 Republican Presidential nominee Bob Dole (R-KS), former Vice-President Dan Quayle (R-IN), former Presidential candidate John B. Anderson (R-IL), and former Speakers of the House John McCormack (D-MA) and Jim Wright (D-TX).

II. Jurisdiction

House Rule X sets forth the committee's jurisdiction, functions, and responsibilities as follows:

RULE X

ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(h) Committee on Government Reform

(1) The Federal Civil Service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.

(2) Municipal affairs of the District of Columbia in general (other than appropriations).

(3) Federal paperwork reduction.

(4) Government management and accounting measures generally.

(5) Holidays and celebrations.

(6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.

(7) National Archives.

(8) Population and demography generally, including the Census.

(9) Postal service generally, including transportation of the mails.

(10) Public information and records.

(11) Relationship of the Federal Government to the States and municipalities generally.

(12) Reorganizations in the executive branch of the Government.

In addition to its legislative jurisdiction under the proceeding provisions of this paragraph (and its oversight functions under clause 2(a) (1) and (2)), the committee shall have the function of performing the activities and conducting the studies which are provided for in clause 4(c).

* * * * *

General oversight responsibilities

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

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

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

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

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

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

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

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

* * * * *

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

* * * * *

Additional functions of committees

4. * * *

(c)(1) The Committee on Government Reform shall—

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

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

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

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

III. Rules of the Committee on Government Reform

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

Each standing committee shall adopt written rules governing its procedures. * * *

In accordance with this, the Committee on Government Reform, on February 8, 2001, adopted the rules of the committee:

Rule 1.—Application of Rules

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

[See House Rule XI, 1.]

Rule 2.—Meetings

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

[See House Rule XI, 2 (b) and (c).]

Rule 3.—Quorums

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

[See House Rule XI, 2(h).]

Rule 4.—Committee Reports

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

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

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

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

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

Rule 5.—Proxy Votes

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

[See House Rule XI, 2(f).]

Rule 6.—Record Votes

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

[See House Rule XI, 2(e).]

Rule 7.—Record of Committee Actions

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appro-

appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

Rule 8.—Subcommittees; Referrals

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

[See House Rule XI, 1(a)(2).]

Rule 9.—Ex Officio Members

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

Rule 10.—Staff

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

Rule 11.—Staff Direction

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule 12.—Hearing Dates and Witnesses

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings

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

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

Rule 13.—Open Meetings

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

[See House Rules XI, 2 (g) and (k).]

Rule 14.—Five-Minute Rule

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

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

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

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or

minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

Rule 15.—Investigative Hearing Procedures

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

Rule 16.—Stenographic Record

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

Rule 17.—Audio and Visual Coverage of Committee Proceedings

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

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

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

Rule 18.—Additional Duties of Chairman

The chairman of the full committee shall:

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

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

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

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

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall in-

clude an adequate budget for the subcommittees to discharge their responsibilities;

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

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

Rule 19.—Commemorative Stamps

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

IV. Subcommittees¹

In order to perform its functions and to carry out its duties as fully and as effectively as possible, the committee, under the leadership of chairman Dan Burton at the beginning of the 107th Congress, established eight standing subcommittees, which cover the entire field of executive expenditures and operations. The names, chairpersons, and members of these subcommittees are as follows:

Subcommittee on the Census, Dan Miller, *Chairman*; members: Chris Cannon, Mark E. Souder, Bob Barr, Wm. Lacy Clay, Carolyn B. Maloney, and Danny K. Davis.

Subcommittee on Civil Service and Agency Organization, Dave Weldon, *Chairman*; members: Constance A. Morella, John L. Mica, Mark E. Souder, C.L. "Butch" Otter, Danny K. Davis, Major R. Owens, Eleanor Holmes Norton, and Elijah E. Cummings.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, Mark E. Souder, *Chairman*; members: Benjamin A. Gilman, Ileana Ros-Lehtinen, John L. Mica, Bob Barr, Dan Miller, Doug Ose, Jo Ann Davis, Dave Weldon, Elijah E. Cummings, Rod R. Blagojevich, Bernard Sanders, Danny K. Davis, Jim Turner, Thomas H. Allen, and Janice D. Schakowsky.

Subcommittee on the District of Columbia, Constance A. Morella, *Chairwoman*; members: Todd Russell Platts, Thomas M. Davis, Eleanor Holmes Norton, Diane E. Watson, and Stephen F. Lynch.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, Doug Ose, *Chairman*; members: C.L. "Butch" Otter, Christopher Shays, John M. McHugh, Steven C. LaTourette, Chris Cannon, John J. Duncan, Jr., John F. Tierney, Tom Lantos, Edolphus Towns, Patsy T. Mink, Dennis J. Kucinich, and Rod R. Blagojevich.

Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, Stephen Horn, *Chairman*; members: Ron Lewis, Dan Miller, Doug Ose, Adam H. Putnam, Janice D. Schakowsky, Major R. Owens, Paul E. Kanjorski, and Carolyn B. Maloney.

Subcommittee on National Security, Veterans Affairs and International Relations, Christopher Shays, *Chairman*; members: Adam H. Putnam, Benjamin A. Gilman, Ileana Ros-Lehtinen, John M. McHugh, Stephen C. LaTourette, Ron Lewis, Todd Russell Platts, Dave Weldon, C.L. "Butch" Otter,

¹The chairman and the ranking minority member of the committee are ex-officio members of all subcommittees on which they do not hold a regular assignment (committee rule 9).

Edward L. Schrock, Dennis J. Kucinich, Bernard Sanders, Thomas H. Allen, Tom Lantos, John F. Tierney, Janice D. Schakowsky, Wm. Lacy Clay, Diane E. Watson, and Stephen F. Lynch.

Subcommittee on Technology and Procurement Policy, Thomas M. Davis, *Chairman*; members: Jo Ann Davis, Stephen Horn, Doug Ose, Edward L. Schrock, Jim Turner, Paul E. Kanjorski, and Patsy T. Mink.

PART TWO. COMMITTEE ACTIVITIES

I. Legislation

A. LEGISLATION ENACTED INTO LAW

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. *H.R. 132, to designate the facility of the U.S. Postal Service located at 620 Jacaranda Street in Lanai City, HI, as the "Goro Hokama Post Office Building"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 132 designates the U.S. Post Office located at 620 Jacaranda Street in Lanai City, HI, as the "Goro Hokama Post Office Building."

c. Legislative status.—Introduced by Representative Patsy Mink (HI) on January 3, 2001, and referred to House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on February 7, 2001. Passed by the Senate without amendment by unanimous consent on March 21, 2001. Signed by the President on April 12, 2001, and became Public Law No. 107-6.

d. Hearings.—None.

2. *H.R. 364, to designate the facility of the U.S. Postal Service located at 5927 Southwest 70th Street in Miami, FL, as the "Marjory Williams Scrivens Post Office"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 364 designates the U.S. Post Office located at 5927 Southwest 70th Street in Miami, FL, as the "Marjory Williams Scrivens Post Office."

c. Legislative status.—Introduced by Representative Carrie P. Meek (FL) on January 31, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on March 14, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107-29.

d. Hearings.—None.

3. *H.R. 395, to designate the facility of the U.S. Postal Service located at 2305 Minton Road in West Melbourne, FL, as the "Ronald W. Reagan Post Office of West Melbourne, Florida"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 395 designates the U.S. Post Office located at 2305 Minton Road in West Melbourne, FL, as the “Ronald W. Reagan Post Office of West Melbourne, Florida.”

c. Legislative status.—Introduced by Representative Dave Weldon (FL) on February 6, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on February 6, 2001. Passed by the Senate without amendment by unanimous consent on March 21, 2001. Signed by the President on April 12, 2001, and became Public Law No. 107–7.

d. Hearings.—None.

4. *H.R. 821, to designate the facility of the U.S. Postal Service located at 1030 South Church Street in Asheboro, NC, as the “W. Joe Trogdon Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 821 designates the U.S. Post Office located at 1030 South Church Street in Asheboro, NC, as the “W. Joe Trogdon Post Office Building.”

c. Legislative status.—Introduced by Representative Howard Coble (NC) on March 1, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on March 14, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–32.

d. Hearings.—None.

5. *H.R. 1183, to designate the facility of the U.S. Postal Service located at 113 South Main Street in Sylvania, GA, as the “G. Elliot Hagan Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1183 designates the U.S. Post Office located at 113 South Main Street in Sylvania, GA, as the “G. Elliot Hagan Post Office Building.”

c. Legislative status.—Introduced by Representative Jack Kingston (GA) on March 22, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on June 5, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–34.

d. Hearings.—None.

6. *H.R. 1753, to designate the facility of the U.S. Postal Service located at 419 Rutherford Avenue, NE., in Roanoke, VA, as the “M. Caldwell Butler Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1753 designates the U.S. Post Office located at 419 Rutherford Avenue, NE., in Roanoke, VA, as the “M. Caldwell Butler Post Office Building.”

c. Legislative status.—Introduced by Representative Bob Goodlatte (VA) on May 8, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives

under suspension of the rules on June 20, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–35.

d. Hearings.—None.

7. *H.R. 1761, to designate the facility of the U.S. Postal Service located at 8588 Richmond Highway in Alexandria, VA, as the “Herb Harris Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1761 designates the U.S. Post Office located at 8588 Richmond Highway in Alexandria, VA, as the “Herb Harris Post Office Building.”

c. Legislative status.—Introduced by Representative James P. Moran (VA) on May 8, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on September 10, 2001. Passed by the Senate without amendment by unanimous consent on December 6, 2001. Signed by the President on December 21, 2001, and became Public Law No. 107–92.

d. Hearings.—None.

8. *H.R. 1766, to designate the facility of the U.S. Postal Service located at 4270 John Marr Drive in Annandale, VA, as the “Stan Parris Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1766 designates the U.S. Post Office located at 4270 John Marr Drive in Annandale, VA, as the “Stan Parris Post Office Building.”

c. Legislative status.—Introduced by Representative Frank R. Wolf (VA) on May 8, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on September 10, 2001. Passed by the Senate without amendment by unanimous consent on November 30, 2001. Signed by the President on December 18, 2001, and became Public Law No. 107–85.

d. Hearings.—None.

9. *H.R. 2043, to designate the facility of the U.S. Postal Service located at 2719 South Webster Street in Kokomo, IN, as the “Elwood Haynes ‘Bud’ Hillis Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2043 designates the U.S. Post Office located at 2719 South Webster Street in Kokomo, IN, as the “Elwood Haynes ‘Bud’ Hillis Post Office Building.”

c. Legislative status.—Introduced by Representative Steve R. Buyer (IN) on May 26, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representative under suspension of the rules on June 5, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–36.

d. Hearings.—None.

10. *H.R. 2261, to designate the facility of the U.S. Postal Service located at 2853 Candler Road in Decatur, GA, as the “Earl T. Shinhoster Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2261 designates the U.S. Post Office located at 2853 Candler Road in Decatur, GA, as the “Earl T. Shinhoster Post Office.”

c. Legislative status.—Introduced by Representative Cynthia A. McKinney (GA) on June 20, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on October 16, 2001. Passed by the Senate without amendment by unanimous consent on November 30, 2001. Signed by the President on December 18, 2001, and became Public Law No. 107–86.

d. Hearings.—None.

11. *H.R. 2454, to designate the facility of the U.S. Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, CA, as the “Congressman Julian C. Dixon Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2454 designates the U.S. Post Office located at 5472 Crenshaw Boulevard in Los Angeles, CA, as the “Congressman Julian C. Dixon Post Office.”

c. Legislative status.—Introduced by Representative Diane E. Watson (CA) on July 10, 2001, and referred to the House Committee on Government Reform. Approved by the House under suspension of the rules on October 16, 2001. Passed by the Senate without amendment by unanimous consent on November 30, 2001. Signed by the President on December 18, 2001, and became Public Law No. 107–88.

d. Hearings.—None.

12. *H.R. 3248, to designate the facility of the U.S. Postal Service located at 65 North Main Street in Cranbury, NJ, as the “Todd Beamer Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3248 designates U.S. Post Office located at 65 North Main Street in Cranbury, NJ, as the “Todd Beamer Post Office Building.”

c. Legislative status.—Introduced by Representative Rush D. Holt (NJ) on November 7, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on December 5, 2001. Passed by the Senate without amendment by unanimous consent on December 20, 2001. Signed by the President on January 16, 2002, and became Public Law No. 107–129.

d. Hearings.—None.

13. *H.R. 3379, to designate the facility of the U.S. Postal Service located at 375 Carlls Path in Deer Park, NY, as the “Raymond M. Downey Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3379 designates the postal facility located at 375 Carlls Path in Deer Park, NY, as the “Raymond M. Downey Post Office Building.”

c. Legislative status.—Introduced by Representative Steve Israel (NY) on November 29, 2001, and referred to the House Committee on Government Reform. The bill passed the House under suspension of the rules on December 18, 2001, and is pending before the Senate.

d. Hearings.—None.

14. *S. 737, to designate the facility of the U.S. Postal Service located at 811 South Main Street in Yerington, NV, as the “Joseph E. Dini, Jr. Post Office”*

a. Report number and date.—None.

b. Summary of measure.—S. 737 designates the U.S. Post Office located at 811 South Main Street in Yerington, NV, as the “Joseph E. Dini, Jr. Post Office.”

c. Legislative status.—Introduced by Senator Harry M. Reid (NV) on April 6, 2001, and referred to the Senate Committee on Governmental Affairs. Passed the Senate without amendment by unanimous consent on August 3, 2001. Approved by the House of Representatives under suspension of the rules on February 5, 2002.

d. Hearings.—None.

15. *S. 970, to designate the facility of the U.S. Postal Service located at 39 Tremont Street, Paris Hill, ME, as the “Horatio King Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—S. 970 designates the U.S. Post Office located at 39 Tremont Street, Paris Hill, ME, as the “Horatio King Post Office Building.”

c. Legislative status.—Introduced by Senator Susan M. Collins (ME) on May 25, 2001, and referred to the Senate Committee on Governmental Affairs. Passed the Senate without amendment by unanimous consent on August 3, 2001. Approved by the House of Representatives under suspension of the rules on February 5, 2002.

d. Hearings.—None.

16. *S. 1026, to designate the facility of the U.S. Postal Service located at 60 Third Avenue in Long Branch, NJ, as the “Pat King Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—S. 1026 designates the U.S. Post Office located at 60 Third Avenue in Long Branch, NJ, as the “Pat King Post Office Building.”

c. Legislative status.—Introduced by Senator Robert G. Torricelli (NJ) on June 13, 2001, and referred to the Senate Committee on Governmental Affairs. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Approved by the House of Representatives under suspension of the rules on February 5, 2002.

d. Hearings.—None.

17. *S. 1714, to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, KY Post Office Building*

a. Report number and date.—None.

b. Summary of measure.—S. 1714 provides for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, KY Post Office Building.

c. Legislative status.—Introduced by Senator Mitch McConnell (KY) on November 15, 2001, and referred to the Senate Committee on Governmental Affairs. Passed by the Senate without amendment by unanimous consent on December 6, 2001. Approved by the House of Representatives under suspension of the rules on December 20, 2001. Signed by the President on January 15, 2002, and became Public Law No. 107–120.

d. Hearings.—None.

SUBCOMMITTEE ON CIVIL SERVICE AND AGENCY ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. *H.J. Res. 7, Recognizing the 90th Birthday of Ronald Reagan*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the 90th birthday of Ronald Reagan.

c. Legislative status.—Introduced by Representative Christopher Cox on January 31, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on February 6, 2001 under suspension of the rules. Passed Senate on February 6, 2001, without amendments, and with a preamble by unanimous consent. Signed by President on February 15, 2001. Public Law 107–1.

d. Hearings.—None.

2. *H.R. 93, Federal Firefighters Retirement Age Fairness Act*

a. Report number and date.—None.

b. Summary of measure.—Amends 5, U.S.C. sections 8335 and 8425 to provide that the mandatory separation age for Federal firefighters be made the same as the age with respect to Federal law enforcement officers.

c. Legislative status.—Introduced by Representative Elton Gallegly on January 3, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on January 30, 2001 under suspension of the rules. Passed Senate on August 2, 2001, without amendments. Signed by President on August 20, 2001. Public Law No. 107–27.

d. Hearings.—None.

3. *H.R. 2133, To establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education*

a. Report number and date.—None.

b. Summary of measure.—Establishes the *Brown v. Board of Education* 50th Anniversary Commission to commemorate the 50th

Anniversary of the Supreme Court decision in *Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al.*

c. Legislative status.—Introduced by Representative Jim Ryun on June 12, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on June 27, 2001 under suspension of the rules. Passed Senate with amendments by unanimous consent on August 3, 2001. House concurred in Senate amendments under suspension of the rules on September 10, 2001. Signed by President on September 18, 2001. Public Law No. 107–27.

d. Hearings.—None.

4. *H.R. 2456, to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2456 would allow Federal employees to retain frequent flyer miles and other promotional items received as a result of traveling on official government business, if such items are obtained under the same terms as those offered to the public and at no additional cost to the government.

c. Legislative status.—H.R. 2456 was reported by the Committee on Government Reform on July 25, 2001, and passed the House of Representatives under suspension of the rules by a voice vote on July 31, 2001. The bill was ordered reported by the Senate Committee on Governmental Affairs with an amendment in the nature of a substitute on November 14, 2001. The bill, as amended in the Senate, was inserted into S. 1438, the “National Defense Authorization Act for Fiscal Year 2002,” which passed the House and the Senate and was signed into law on December 28, 2001, becoming Public Law 107–107.

d. Hearings.—None.

5. *H.R. 2559, To amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance*

a. Report number and date.—The Committee on Government Reform did not issue a report. The Judiciary Committee issued House Report No. 107–235.

b. Summary of measure.—Amends chapter 90 of title 5, United States Code to permit deferred annuitants to participate in the Federal long-term care insurance program and exempt Federal long-term care insurance premiums from State and local taxes.

c. Legislative status.—Introduced by Representative Joe Scarborough on July 18, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on October 30, 2001 under suspension of the rules. Passed Senate without amendment on December 17, 2001. Signed by President on December 27, 2001. Public Law No. 107–104.

d. Hearings.—None.

6. *S. 1202, To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006*

a. Report number and date.—None.

b. Summary of measure.—Amends the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

c. Legislative status.—Introduced by Senator Joseph I. Lieberman on July 19, 2001 and referred to Committee on Governmental Affairs. Passed Senate on November 15, 2001, without amendments, by unanimous consent. Referred to House Committees on Government Reform and Judiciary on November 16, 2001. Passed House under suspension of the rules on December 19, 2001. Signed by President on January 15, 2002. Public Law No. 107–119.

d. Hearings.—None.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

Hon. Mark E. Souder, *Chairman*

1. *H.R. 2291, Reauthorization of the Drug-Free Communities Act*

a. Report number and date.—H. Report No. 107–175, July 30, 2001.

b. Summary of measure.—The purpose of the “Drug-Free Communities Act of 1997” (21 U.S.C. §§ 1521 et seq.) (“DFCA”) is to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth. The DFCA did this primarily by authorizing grants of up to \$100,000 to local community coalitions to assist them in their anti-drug efforts. H.R. 2291 expanded that highly successful program and reauthorized it for an additional 5 years (through fiscal year 2007). The reauthorizing legislation includes provisions that (1) annually increase the total funds authorized for the program from \$50,600,000 in fiscal year 2002 to \$99,000,000 in fiscal year 2007; (2) increase the percentage of the total funds authorized available for administrative costs from the 3 percent allowed under current law to 6 percent; (3) instruct the Director of the Office of National Drug Control Policy [ONDCP] to take steps to ensure that there is no bureaucratic duplication of effort among the various entities charged with administering the program and assisting coalitions; (4) allow coalitions to re-apply for grants even after 5 years, but with an increased matching requirement; (5) create a new class of grants that help mature coalitions “mentor” newly-formed coalitions; (6) instruct the Director to give priority for all grants to coalitions that propose to assist economically disadvantaged communities; (7) help coalitions serving Native American communities to meet their private fundraising “matching requirement” under existing law by allowing them to count Federal funds allocated to tribal government agencies as non-Federal funds raised; and (8) establish a National Community Antidrug Coalition Institute.

c. Legislative status.—Signed by President George W. Bush, December 14, 2001. Approved by Committee on July 25, 2001; approved by House on September 5, 2001.

d. Hearings.—“H.R. 2291, Reauthorization of the Drug-Free Communities Act,” June 28, 2001.

DISTRICT OF COLUMBIA SUBCOMMITTEE

Hon. Constance A. Morella, *Chairwoman*1. *H.R. 2061, To amend the charter of Southeastern University of the District of Columbia**a. Report number and date.*—None.*b. Summary of measure.*—Amends the charter of Southeastern University by removing the requirement that one-third of its Board of Trustees members be alumni of the university.*c. Legislative status.*—Introduced by Delegate Eleanor Holmes Norton on June 5, 2001 and referred to House Committee on Government Reform. Forwarded by the District of Columbia Subcommittee to full committee on July 9, 2001. Reported out of Government Reform Committee on July 25, 2001. Approved by House of Representatives under suspension of the rules on September 20, 2001. Passed Senate without amendment by unanimous consent on December 6, 2001. Signed by President on December 21, 2001 and became Public Law No. 107–93.*d. Hearings.*—None.2. *H.R. 2199, District of Columbia Police Coordination Act of 2001**a. Report number and date.*—None.*b. Summary of measure.*—Amends the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department to assist in crime prevention and law enforcement activities in the District of Columbia. Both the chief of the Metropolitan Police Department and the U.S. attorney for the District of Columbia must agree that it is appropriate for such agencies to enter into cooperative agreements.*c. Legislative status.*—Introduced by Delegate Eleanor Holmes Norton on June 14, 2001 and referred to House Committee on Government Reform. Forwarded by the District of Columbia Subcommittee to the full committee by unanimous consent on June 26, 2001. Reported out of Government Reform Committee on July 25, 2001. Approved by House of Representatives under suspension of the rules on September 25, 2001. Passed Senate with a technical amendment on December 11, 2001. House agreed to Senate amendment on December 19, 2001. Signed by President on January 8, 2002, and became Public Law No. 107–113.*d. Hearings.*—None.3. *H.R. 2657, District of Columbia Family Court Act of 2001**a. Report number and date.*—None.*b. Summary of measure.*—In response to repeated failures of the District of Columbia child welfare services and the family division of Superior Court to protect the children of the city, H.R. 2657 sets out several major reforms of the family division, including: 1) renames the division as the Family Court of the Superior Court of the District of Columbia; 2) grants the Family Court exclusive jurisdiction over many family and child welfare proceedings; 3) requires Family Court judges to serve 5-year appointments and man-

dates ongoing training programs in family law and other matters; 4) establishes special rules requiring the court to adhere to the principle of “One Family, One Judge”; 5) encourages the use of alternative dispute resolution procedures; and 6) allows hearing commissioners to serve as magistrate judges. The legislation further requires the Mayor to submit to Congress and the President a plan to integrate the computer systems of D.C. government with those of Superior Court, and requires the court to establish an electronic tracking and management system for Family Court proceedings.

c. Legislative status.—Introduced by Majority Whip Tom DeLay on July 26, 2001 and referred to House Committee on Government Reform. Forwarded by District of Columbia Subcommittee to full committee on July 27, 2001. Approved by House of Representatives on September 20, 2001 on a roll call vote of 408–0. Reported out of Senate Governmental Affairs Committee on December 5, 2001, with an amendment in the nature of a substitute. Passed Senate under unanimous consent on December 14, 2001. House agreed to Senate amendment on December 19, 2001. Signed by President on January 8, 2002, and became Public Law No. 107–114.

d. Hearings.—“The Reform of the Family Division of the District of Columbia Superior Court: Improving Services to Families and Children,” June 26, 2001.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *H.R. 2547, the “Erroneous Payment Recovery Act”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2547 would require each Federal department and agency that enters into contracts for goods and services totaling more than \$500 million in a fiscal year to implement a program to identify errors made in paying contractors and recovering any amounts erroneously paid. Amounts recovered would be available to reimburse the agency for program expenses and to pay for recovery audit services. Remaining amounts would be credited to the appropriations accounts from which the payments were made if available or deposited in the Treasury.

c. Legislative status.—H.R. 2547 with an amendment was inserted into H.R. 2586, the “National Defense Authorization Act for Fiscal Year 2002,” which passed the House of Representatives on September 25, 2001, and was inserted into S. 1438 and was signed into law on December 28, 2001, becoming Public Law 107–107.

d. Hearings.—None.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. *H.R. 788, to provide for the conveyance of the excess Army Reserve Center in Kewaunee, WI*

a. Report number and date.—None.

b. Summary of measure.—H.R. 788 would direct the Administrator of General Services to convey an Army Reserve Center, that

is surplus to the needs of the Federal Government, to the city of Kewaunee, WI. Allows the property to be used by the city, or another local or State government approved by the city, and prohibits the use of the property for commercial purposes.

c. Legislative status.—H.R. 788 passed the House of Representatives under suspension of the rules on September 10, 2001. It was inserted with an amendment into H.R. 2586/S. 1438, the “National Defense Authorization Act for Fiscal Year 2002,” which passed the House and the Senate and was signed into law on December 28, 2001, and became Public Law 107–107.

d. Hearings.—None.

B. LEGISLATION APPROVED BY THE HOUSE

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. *H. Con. Res. 257, expressing the sense of the Congress that the men and women of the U.S. Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency*

a. Report number and date.—None.

b. Summary of measure.—H. Con. Res. 257 expresses the sense of the Congress that the men and women of the U.S. Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency

c. Legislative status.—Introduced by Representative Danny Davis (IL), referred to the House Committee on Government Reform, passed the House of Representatives under suspension of the rules on November 14, 2001, and is pending before the Senate.

d. Hearings.—None.

2. *H.R. 1432, to designate the facility of the U.S. Postal Service located at 3698 Inner Perimeter Road in Valdosta, GA, as the “Major Lyn McIntosh Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1432 would designate the postal facility located at 3698 Inner Perimeter Road in Valdosta, GA, as the “Major Lyn McIntosh Post Office Building.”

c. Legislative status.—H.R. 1432 introduced by Representative Sanford Bishop (GA) on April 4, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on December 20, 2001, and is pending before the Senate.

d. Hearings.—None.

3. *H.R. 1749, to designate the facility of the U.S. Postal Service located at 685 Turnberry Road in Newport News, VA, as the “Herbert H. Bateman Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1749 designates the U.S. Post Office located at 685 Turnberry Road in Newport News, VA, as the “Herbert H. Bateman Post Office Building.”

c. Legislative status.—Introduced by Representative Jo Ann Davis (VA) on May 8, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on October 9, 2001, and is currently pending in the Senate.

d. Hearings.—None.

4. *H.R. 2577, to designate the facility of the U.S. Postal Service located at 310 South State Street in St. Ignace, MI, as the “Bob Davis Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2577 designates the U.S. Post Office located at 310 South State Street in St. Ignace, MI, as the “Bob Davis Post Office Building.”

c. Legislative status.—Introduced by Representative Bart Stupak (MI) on July 19, 2001, and referred to the House Committee on Government Reform passed the House under suspension of the rules on February 12, 2002, and is pending before the Senate.

d. Hearings.—None.

5. *H.R. 2876, to designate the facility of the U.S. Postal Service located at 216 2nd Street, SW., in Harlem, MT as the “Francis Bardanouve United States Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2577 designates the U.S. Post Office located at 216 2nd Street, SW., in Harlem, MT, as the “Francis Bardanouve United States Post Office Building.”

c. Legislative status.—Introduced by Representative Dennis Rehberg (MT) on September 10, 2001, and referred to the House Committee on Government Reform passed the House under suspension of the rules on October 30, 2001, and is pending before the Senate.

d. Hearings.—None.

6. *H.R. 2910, to designate the facility of the U.S. Postal Service located at 3131 South Crater Road in Petersburg, VA, as the “Norman Sisisky Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2910 designates the postal facility located at 3131 South Crater Road in Petersburg, VA, as the “Norman Sisisky Post Office Building.”

c. Legislative status.—Introduced by Representative Randy Forbes (VA) on September 20, 2001, and referred to the House Committee on Government Reform passed the House under suspension of the rules on October 30, 2001. The bill is pending before the Senate.

d. Hearings.—None.

7. *H.R. 3072, to designate the facility of the U.S. Postal Service located at 125 Main Street in Forest City, NC, as the “Vernon Tarlton Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3072 designates the postal facility located at 125 Main Street in Forest City, NC as the “Vernon Tarlton Post Office Building.”

c. Legislative status.—Introduced by Representative Charles Taylor (NC) on October 9, 2001, and passed the House under suspension of the rules on December 18, 2001. The bill is pending in the Senate.

d. Hearings.—None.

8. *H.R. 3379, to designate the facility of the U.S. Postal Service located at 375 Carlls Path in Deer Park, NY, as the “Raymond M. Downey Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3379 designates the U.S. Post Office located at 375 Carlls Path in Deer Park, NY, as the “Raymond M. Downey Post Office Building.”

c. Legislative status.—Introduced by Representative Steve Israel (NY) on November 29, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on December 18, 2001, and is currently pending in the Senate.

d. Hearings.—None.

SUBCOMMITTEE ON CIVIL SERVICE AND AGENCY ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. *S. Con. Res. 44, Expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day*

a. Report number and date.—None.

b. Summary of measure.—Pays tribute, on the occasion of the 60th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, by Japanese Imperial Forces, to the U.S. citizens who died as a result of the attack, and to the service of the American sailors and soldiers who survived the attack.

c. Legislative status.—Passed House under suspension of the rules on November 27, 2001. Passed Senate on November 15, 2001.

d. Hearings.—None.

2. *H. Con. Res. 56, Expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day*

a. Report number and date.—None.

b. Summary of measure.—Pays tribute on the 60th anniversary of the 60th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, by Japanese Imperial Forces, to the citizens who were killed in the attack, and to the service of the Pearl Harbor Survivors Association.

c. Legislative status.—Passed House on June 6, 2001 and referred to Senate Committee.

d. Hearings.—None.

3. *H. Con. Res. 59, Expressing the sense of Congress regarding the prevention of shaken baby syndrome*

a. Report number and date.—None.

b. Summary of measure.—Supports efforts to protect children from abuse and neglect. Encourages the people of the United States to educate themselves regarding shaken baby syndrome and the techniques to prevent it.

c. Legislative status.—Passed House on April 3, 2001 under suspension of the rules.

d. Hearings.—None.

4. *H. Con. Res. 80, Congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding*

a. Report number and date.—None.

b. Summary of measure.—Congratulates the city of Detroit on the occasion of the tricentennial of its founding, and its residents for their important contributions to the economic, social, and cultural development of the United States.

c. Legislative status.—Passed House on May 22, 2001 by unanimous consent. Passed Senate on June 6, 2001 by unanimous consent.

d. Hearings.—None.

5. *H. Con. Res. 88, Expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Day*

a. Report number and date.—None.

b. Summary of measure.—Calls upon the President to issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Day.

c. Legislative status.—Passed House on November 13, 2001 under suspension of the rules. Passed Senate on December 10 by unanimous consent.

d. Hearings.—None.

6. *H. Con. Res. 163, Recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the historical significance of Juneteenth Independence Day (celebrated on June 19 for 136 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom). Encourages the continued celebration of this day to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation.

c. Legislative status.—Passed House on June 19, 2001 under suspension of the rules.

d. Hearings.—None.

7. *H. Con. Res. 179, Expressing the sense of Congress regarding the establishment of a National Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Expresses the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.
 - c. *Legislative status.*—Passed House on August 3, 2001 by unanimous consent.
 - d. *Hearings.*—None.
8. *H. Con. Res. 190, Supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Congress supports the goals and ideals of National Alcohol and Drug Addiction Recovery Month
 - c. *Legislative status.*—Passed House on July 30, 2001 under suspension of the rules.
 - d. *Hearings.*—None.
9. *H. Con. Res. 292, Supporting the goals of establishing the Year of the Rose*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—House supports the goals of establishing the Year of the Rose.
 - c. *Legislative status.*—Passed House on December 19, 2001 under suspension of the rules.
 - d. *Hearings.*—None.
10. *H. Res. 97, Recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Recognizes the enduring contributions and heroic achievements of Shirley Anita Chisholm.
 - c. *Legislative status.*—Passed House on June 12, 2001 under suspension of the rules.
 - d. *Hearings.*—None.
11. *H. Res. 116, Commemorating the dedication and sacrifices of the men and women of the United States who were killed or disabled while serving as law enforcement officers*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Calls for all peace officers slain in the line of duty to be honored and recognized.
 - c. *Legislative status.*—Passed House on May 15, 2001 under suspension of the rules.
 - d. *Hearings.*—None.
12. *H. Res. 172, Honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters*
- a. *Report number and date.*—None.

b. Summary of measure.—Honors John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters, and recognizes them for their bravery and sacrifice. Expresses condolences to their families. Pledges the support of the House of Representatives to continue to work on behalf of all of the Nation's firefighters who risk their lives every day to ensure the safety of all Americans.

c. Legislative status.—Passed House on June 27, 2001 under suspension of the rules.

d. Hearings.—None.

13. *H. Res. 198, Congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball*

a. Report number and date.—None.

b. Summary of measure.—Congratulates Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball.

c. Legislative status.—Passed House on October 2, 2001 under suspension of the rules.

d. Hearings.—None.

14. *H. Res. 201, Honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State*

a. Report number and date.—None.

b. Summary of measure.—Honoring four firefighters who lost their lives in the Thirtymile Fire in the Cascade Mountains of Washington State.

c. Legislative status.—Passed House on July 23, 2001 under suspension of the rules.

d. Hearings.—None.

15. *H. Res. 202, Expressing the sense of the House of Representatives regarding the establishment of a Summer Emergency Blood Donor Season to encourage eligible donors in the United States to donate blood*

a. Report number and date.—None.

b. Summary of measure.—Expressing the sense of the House of Representatives regarding the establishment of a Summer Emergency Blood Donor Season to encourage eligible donors in the United States to donate blood.

c. Legislative status.—Passed House on September 5, 2001 under suspension of the rules.

d. Hearings.—None.

16. *H. Res. 235, Expressing the sense of the House of Representatives regarding the establishment of a National Words Can Heal Day*

a. Report number and date.—None.

b. Summary of measure.—Expressing the sense of the House of Representatives in support of the goals of National Words Can Heal Day.

c. Legislative status.—Passed House on November 13, 2001 under suspension of the rules.

d. Hearings.—None.

17. *H. Res. 247, Honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation*

a. Report number and date.—None.

b. Summary of measure.—Honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation.

c. Legislative status.—Passed House on October 2, 2001 under suspension of the rules.

d. Hearings.—None.

18. *H. Res. 254, Supporting the goals of Pregnancy and Infant Loss Remembrance Day*

a. Report number and date.—None.

b. Summary of measure.—The House supports the goals of Pregnancy and Infant Loss Remembrance Day.

c. Legislative status.—Passed House on October 9, 2001 under suspension of the rules.

d. Hearings.—None.

19. *H. Res. 266, Congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball*

a. Report number and date.—None.

b. Summary of measure.—Congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball

c. Legislative status.—Passed House on October 30, 2001 under suspension of the rules.

d. Hearings.—None.

20. *H. Res. 298, Expressing the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances*

a. Report number and date.—None.

b. Summary of measure.—Expresses the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances.

c. Legislative status.—Passed House on December 5, 2001 under suspension of the rules.

d. Hearings.—None.

21. *H. Res. 308, Expressing the sense of the House of Representatives regarding the establishment of a National Motivation and Inspiration Day*

a. Report number and date.—None.

b. Summary of measure.—Supports the goals of National Motivation and Inspiration Day.

c. Legislative status.—Passed House on December 18, 2001 under suspension of the rules.

d. Hearings.—None.

22. *H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001*

a. Report number and date.—The committee did not issue a report on H.R. 169. The Committee on the Judiciary issued House Report No. 107–101.

b. Summary of measure.—Requires Federal agencies to be accountable for violations of antidiscrimination and whistleblower protection laws. Requires agencies and the EEOC to disclose certain information on their Web sites.

c. Legislative status.—Passed House on October 2, 2001 under suspension of the rules.

d. Hearings.—None.

23. *H.R. 1088, Investor and Capital Markets Fee Relief Act*

a. Report number and date.—None.

b. Summary of measure.—Amends the Securities Exchange Act of 1934 to reduce Fees collected by the Securities and Exchange Commission, and provides special pay authority for the SEC.

c. Legislative status.—Passed House on June 13, 2001.

d. Hearings.—None.

24. *H.R. 2362, Benjamin Franklin Tercentenary Commission Act*

a. Report number and date.—None.

b. Summary of measure.—Establishes the Benjamin Franklin Tercentenary Commission.

c. Legislative status.—Passed House on October 31, 2001 under suspension of the Rules.

d. Hearings.—None.

DISTRICT OF COLUMBIA SUBCOMMITTEE

Hon. Constance A. Morella, *Chairwoman*

1. *H.R. 1499, District of Columbia College Access Act Technical Corrections Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—The D.C. Tuition Assistance Program, created in 1999, provides financial assistance for some D.C. residents to pursue undergraduate degrees in eligible public, private or select historically black institutions of higher learning. H.R. 1499 expands the program to include D.C. residents who: 1) graduated from secondary school, or received the equivalent of such diplomas, prior to 1998; 2) have not graduated from a secondary school or received the equivalent of such diplomas, but who are nonetheless accepted for enrollment as a freshman at an eligible institution; and 3) have lived in the city for at least 5 years and are re-enrolling in a post-secondary institution after a break of at least 3 years. The legislation also includes all historically black colleges and univer-

sities (not just those located in Maryland and Virginia, as stated in the 1999 act) and prohibits the Mayor of the District of Columbia from using more than 7 percent of the program's total budget for administrative expenses.

c. Legislative status.—Introduced by Delegate Eleanor Holmes Norton on April 4, 2001 and referred to House Committee on Government Reform. Forwarded by the District of Columbia Subcommittee to full committee by unanimous consent on June 26, 2001. Reported out of Government Reform Committee on July 25, 2001. Approved by House of Representatives on July 30, 2001 under suspension of the rules. Reported out of Senate Governmental Affairs Committee, with an amendment in the nature of a substitute on November 29, 2001.

d. Hearings.—None.

2. *H.R. 2305, Criminal Justice Coordinating Council Restructuring Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—The Criminal Justice Coordinating Council [CJCC] is a multi-agency, Federal-District of Columbia task force that is designed to forge cooperative solutions regarding criminal justice matters in the District of Columbia, where law enforcement, prosecution and sentencing activities are performed by Federal and local entities. This legislation permits the heads of various Federal and local law enforcement agencies to meet regularly under the auspices of the CJCC. It also requires the council to produce an annual report on its activities.

c. Legislative status.—Introduced by Subcommittee Chairwoman Connie Morella on June 25, 2001 and referred to House Committee on Government Reform. Forwarded by District of Columbia Subcommittee to full committee, as amended, on September 21, 2001. Approved by House of Representatives under suspension of the rules, on December 4, 2001. Referred to Senate Committee on Governmental Affairs.

d. Hearings.—“Coordination of Criminal Justice Activities in the District of Columbia,” May 11, 2001.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

Hon. Doug Ose, *Chairman*

1. *H.R. 327, Small Business Paperwork Relief Act*

a. Report number and date.—There was no House Report on H.R. 327 in the 107th Congress. However, there were House reports for the predecessor bills to H.R. 327 both in the 105th (H.R. 3310) and 106th (H.R. 391) Congresses: House Report 105–462, Part 1 and House Report 106–8, Part 1, respectively.

b. Summary of measure.—H.R. 327 amends 35 U.S.C. §44 to facilitate compliance by small businesses with certain Federal paperwork requirements. It creates a single point of contact at each agency for small businesses. In addition, it establishes a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

c. Legislative status.—H.R. 327 was approved by the House on March 15, 2001, by a vote of 418 to 0.

d. Hearings.—There was no hearing on H.R. 327 in the 107th Congress. However, there were many hearings on small business paperwork relief in the 104th, 105th, and 106th Congresses.

C. LEGISLATION REPORTED BY THE COMMITTEE OR SUBCOMMITTEE

DISTRICT OF COLUMBIA SUBCOMMITTEE

Hon. Constance A. Morella, *Chairwoman*

1. H.R. 2995, *The District of Columbia Fiscal Integrity Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—When Congress created the District of Columbia Financial Responsibility and Management Assistance Authority (the Control Board) in 1995, it also established the post of chief financial officer [CFO] for the District of Columbia. With the Control Board expiring on September 30, 2001, city officials and Members of Congress sought legislation to maintain the chief financial officer as the primary fiscal watchdog for the District of Columbia. H.R. 2995 would establish a 2-year transition period after the end of the Control Board, during which the CFO would continue to have broad powers over his own office and deputies in matters of personnel and procurement and would continue to prepare fiscal impact statements on all pieces of city legislation. The legislation also requires the establishment of an “early-warning system” designed to give city and congressional officials a better long-term picture of the District’s financial health and to identify potential fiscal problems. Finally, H.R. 2995 would, beginning in fiscal year 2004, give the District of Columbia full autonomy over its own, locally-generated revenues.

c. Legislative status.—Introduced by Subcommittee Chairwoman Connie Morella on October 2, 2001 and referred to House Committee on Government Reform. Forwarded by District of Columbia Subcommittee to full committee on November 15, 2001.

d. Hearings.—“The Outlook for the District of Columbia Government: The Post-Control Board Period,” June 8, 2001, joint hearing with the Senate Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia.

2. H. Res. 125, *Re-open Pennsylvania Avenue to Traffic resolution*

a. Report number and date.—None.

b. Summary of measure.—Expresses the sense of the House of Representatives that the National Capital Planning Commission should adopt, and the President should implement, a plan to permanently re-open Pennsylvania Avenue in front of the White House while maintaining adequate security for the President, First Family, White House staff and visitors.

c. Legislative status.—Introduced by Subcommittee Chairwoman Connie Morella on April 26, 2001 and referred to House Committee on Government Reform. Forwarded from District of Columbia Subcommittee to full committee by unanimous consent on June 26,

2001. Reported by Government Reform Committee on July 25, 2001.

d. Hearings.—“America’s Main Street: The Future of Pennsylvania Avenue,” March 21, 2001.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *H.R. 583, a bill to establish the Commission for the Comprehensive Study of Privacy Protection*

a. Report number and date.—None.

b. Summary of measure.—H.R. 583 was introduced by Representative Asa Hutchinson from Arkansas on February 13, 2001. This bill would establish an 18-month, 17-member commission to study and report to Congress and the President on issues relating to the protection of individual privacy and the balance to be achieved between protecting such privacy and allowing for appropriate uses of information. The bill requires the commission to conduct at least two hearings in each of the Nation’s five geographical regions. H.R. 583 is similar to H.R. 4049, introduced by Representative Hutchinson in the 106th Congress. During the 106th Congress, the Subcommittee on Government Management, Information, and Technology, chaired by Representative Stephen Horn, held three legislative hearings on the bill on April 12, 2000, May 15, 2000 and May 16, 2000. The subcommittee subsequently marked up H.R. 4049 and forwarded it to the full committee on June 14, 2000. The full committee marked up H.R. 4049, with amendments, on June 29, 2000, and ordered it to be reported to the full House. On October 2, 2000, the full House considered the bill, as amended, under suspension of the rules. On motion to suspend the rules and pass the bill, as amended, the bill received a favorable vote of 250 to 146. However, it failed to receive the two-thirds vote necessary for passage.

c. Legislative status.—On May 8, 2001, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations approved H.R. 583 by a 4 to 1 vote and referred the legislation to the full committee.

d. Hearings.—None.

2. *H.R. 577, a bill to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised*

a. Report number and date.—None.

b. Summary of measure.—H.R. 577 was introduced by Representative John Duncan from Tennessee on February 12, 2001. This bill is similar to H.R. 3239, which Representative Duncan introduced in the 106th Congress. The purpose of H.R. 577 is to ensure that fundraising for Presidential libraries occurs in the open, free from possible conflicts of interest and the appearance of impropriety. H.R. 577 would require any organization that is raising funds for a Presidential archival depository to make public the sources and

amounts of any funds received for the depository's creation. The bill was amended to require disclosure of donations amounting to \$200 or more per year while a President holds office and \$5,000 or more after the President has left office and the Presidential depository becomes the responsibility of the National Archives and Records Administration.

c. Legislative status.—On May 8, 2001, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations approved H.R. 577, as amended, by a unanimous voice vote and referred the legislation to the full committee. On May 15, 2001, the full committee approved H.R. 577 by voice vote with an additional amendment, which expanded the provisions of the bill to include organizations operating under section 501(c) of the Internal Revenue Code of 1986 if the organization is named after or controlled by a Federal elected official who is currently holding office.

d. Hearings.—“H.R. 577, a Bill to Require any Organization that is Established for the Purpose of Raising Funds for the Creation of a Presidential Archival Depository to Disclose the Sources and Amounts of any Funds Raised,” April 5, 2001.

II. Oversight Activities

A. COMMITTEE REPORTS

There were no committee reports during the first session of the 107th Congress.

B. OVERSIGHT HEARINGS

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. *“The Controversial Pardon of International Fugitive Marc Rich,”
Day 1, February 8, 2001*

a. Summary.—Testifying at this hearing was Jack Quinn, attorney for Marc Rich, Morris “Sandy” Weinberg, former Assistant U.S. Attorney, Martin Auerbach, former Assistant U.S. Attorney, and Eric Holder, former Deputy Attorney General. The witnesses were first questioned about the background of Marc Rich, and whether he was a suitable candidate for a pardon. Weinberg and Auerbach detailed the history of the criminal investigation of Marc Rich, and testified that they believed that Rich was completely unsuited for a Presidential pardon. They believed that Rich had committed serious crimes, and was a fugitive from justice. Jack Quinn, who lobbied the Clinton White House for Rich’s pardon, testified regarding his efforts to win the Rich pardon. Quinn had a number of contacts with senior White House staff and President Clinton regarding the Rich case. He had this access as a result of having been counsel to the President earlier in the Clinton administration. Quinn testified that he did not believe Rich was a fugitive, and believed that a pardon was the only way to resolve the Rich case.

Quinn and former Deputy Attorney General Eric Holder were questioned regarding the Justice Department’s role in the Rich pardon. The Justice Department was never formally consulted by the White House, and the prosecutors responsible for the case did not know the pardon was being considered until after it was granted. Quinn testified that he notified Holder that he would be submitting the Rich pardon application directly to the White House, and that Holder did not object to his plan. For his part, Holder testified that while he was aware of Quinn’s efforts to obtain the pardon, he did not think that it would succeed. Holder was also questioned regarding his input on the pardon. During the last day of the Clinton administration, White House Counsel Beth Nolan asked Holder for his position on the Rich pardon, and he stated that he was “neutral, leaning toward favorable” on the pardon. Holder took this position despite the fact that he knew little about the case, other than the fact that Rich was a wanted fugitive.

2. *“Special Education: Is IDEA Working as Congress Intended?”*
February 28, 2001

a. Summary.—During the 106th Congress, the Committee on Government Reform initiated an investigation looking at the dramatic rise in autism rates. Government sources in the past have estimated that autism rates used to be 1 in 10,000 children. These rates have risen to a current national average of 1 in 500 children. The investigation to date has focused on three issues: (1) concerns that childhood vaccines, including those containing thimerosal (mercury) may be linked to increased rates of autism spectrum disorders, pervasive developmental disorder, and speech and learning delays; (2) the level of research looking at the causes of, and treatments for, autism; and (3) the challenges of providing a “free and appropriate” education to individuals with autistic spectrum disorders. This hearing offered a review of the implementation of the 1997 Amendments to the Individuals with Disabilities Act, using the experiences of families with autistic children as the example to evaluate if the program was working as Congress intended.

In the creation of laws to provide a public education to individuals with disabilities, Congress sought to develop a program in which the Federal, State and local governments would share additional expenses incurred for educating children with disabilities. Congress determined that the Federal Government should contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities. However, to date, the Federal Government has never contributed more than 14.9 percent. President George W. Bush, with the introduction of his Education Blueprint, stated: “The federal role in education is not to serve the system. It is to serve the children.” The President’s blueprint offers four objectives: increasing accountability for student performance, improving student performance, reducing bureaucracy and increasing flexibility, and empowering parents.

The committee received more than 2,500 letters from parents, educators, administrators, and disability-related organizations regarding the implementation of the Amendments to the Individuals with Disabilities Education Act of 1997 [IDEA] [Public Law 105–7]. A majority of the responders felt the program was not being properly implemented. Most asked that the Federal Government fully-fund IDEA. Concerns raised by the majority of responders include children with disabilities being “warehoused,” or placed in classes in which they were not intellectually challenged; the need for accountability of schools that do not comply with the law; the financial burden on local school districts for providing services to a sharply increasing number of children without additional Federal resources (for example, in the last school year in Indiana, requests for Special Education services went up 25 percent); the shortage of properly trained teachers, aides, and therapists; the failure of schools to fully inform parents of their rights under the law; the difficulties in coming to a timely consensus between schools and families on the Individual Education Plan [IEP] for children; the failure of schools to comply with established IEPs; and the concerns about school districts that hire outside counsel at taxpayer expense to take unresolved IDEA/IEP issues to court. During the hearing, the committee received testimony from parents, attorneys who are

involved in litigation, local educators and administrators, and the Department of Education.

3. *“The Controversial Pardon of International Fugitive Marc Rich,”
Day 2, March 1, 2001*

a. *Summary.*—Testifying at this hearing were former DNC Finance Chair Beth Dozoretz, former White House Counsel Beth Nolan, former Deputy White House Counsel Bruce Lindsey, former White House Chief of Staff John Podesta, Marc Rich lawyers Jack Quinn, Robert Fink, and Peter Kadzik, and former Marc Rich lawyer I. Lewis “Scooter” Libby.

Documents and other information obtained by the committee indicated that Beth Dozoretz was involved in both lobbying the President for the Rich pardon, and soliciting contributions to the DNC and Clinton Presidential Library from Marc Rich’s ex-wife, Denise Rich. Given these facts, the committee had a number of questions for Dozoretz regarding the influence that these financial factors might have played in the consideration of the Marc Rich pardon. Rather than answer any questions from the committee, Dozoretz invoked her fifth amendment rights against self-incrimination.

Jack Quinn, Beth Nolan, Bruce Lindsey, and John Podesta were questioned regarding the consideration of the Rich pardon at the White House. Nolan, Lindsey, and Podesta all testified that they were strongly opposed to the Rich pardon, but that the President granted the pardon despite their advice. They were also questioned regarding other controversial pardons and commutations, including those of Carlos Vignali, Edgar and Vonna Jo Gregory, and pardons lobbied for by Roger Clinton.

Fink, Kadzik, and Libby were questioned regarding their efforts on behalf of Marc Rich. Fink described his role in helping Rich obtain the pardon, including the hiring of Jack Quinn. Kadzik explained his role in lobbying his friend and client John Podesta. Libby was questioned regarding his role in the Rich case, which predated any effort to obtain a pardon, and was instead limited to efforts to settle Rich’s criminal case with prosecutors in New York.

4. *“Six Years After the Enactment of DSHEA: The Status of National and International Dietary Supplement Regulation and Research,” March 20, 2001*

a. *Summary.*—During the 106th Congress, the Committee on Government Reform initiated an oversight investigation looking at the regulatory environment for dietary supplements in the United States. A long and well-documented history of institutional-bias exists within the Federal Government and conventional medical community toward the use of dietary supplements for health promotion. This bias has at times created difficulties for those who manufacture or sell supplements, particularly smaller companies. Surveys show that about 50 percent of the American public now use dietary supplements on a regular basis. Americans have been adamant that the Federal Government should not restrict access to dietary supplements. There is growing public concern that agreements made through the CODEX Alimentarius for Food Safety will supersede U.S. law and eventually result in reduced access to dietary supplements.

In 1994, Congress passed the Dietary Supplement Health and Education Act [DSHEA] [Public Law 103–417] which amended the Federal Food, Drug, and Cosmetic Act to define a “dietary supplement” as a product: (1) other than tobacco, intended to supplement the diet that contains a vitamin, mineral, herb or botanical, dietary substance, or a concentrate, metabolite, constituent, extract, or combination of the above ingredients; (2) that is intended for ingestion, is not represented as food or as a sole item of a meal or diet, and is labeled as a dietary supplement; (3) that includes an article approved as a new drug, certified as an antibiotic, or licensed as a biologic and that was, prior to such approval, certification or licensure, marketed as a dietary supplement or food, unless the conditions of use and dosages are found to be unlawful; and (4) excludes such articles which were not so marketed prior to approval unless found to be lawful. Deems a dietary supplement to be a food. Excludes a dietary supplement from the definition of the term “food additive.” DSHEA clarified and extended the Food and Drug Administration’s [FDA] ability to regulate dietary supplements. Under the existing law, the FDA has seven specific points of regulatory authority:

- Refer for criminal action to any company that sells a dietary supplement that is toxic or unsanitary [Section 402(a)].
- Obtain an injunction against the sale of a dietary supplement that has false or unsubstantiated claims [Section 402(a)(r6)].
- Seize dietary supplements that pose an “unreasonable or significant risk of illness or injury” [Section 402(f)].
- Sue any company making a claim that a product cures or treats a disease [Section 201(g)].
- Stop a new dietary ingredient from being marketed if FDA does not receive enough safety data in advance [Section 413].
- Stop the sale of an entire class of dietary supplements if they pose an imminent public health hazard [Section 402(f)].
- Requires dietary supplements to meet strict manufacturing requirements (Good Manufacturing Practices), including potency, cleanliness, and stability [Section 402(g)].

The committee received testimony from dietary supplement experts as well as from the FDA and members of the U.S. Delegation to the CODEX Alimentarius for Food Safety. One concern of particular interest to the committee is that U.S. businesses may be adversely affected in the international marketplace if the CODEX negotiations do not protect U.S. perspectives and existing laws. It was strongly suggested that the administration ensure that each delegation to an international regulatory body such as CODEX include experts in international trade negotiations in addition to scientific experts.

5. *“The U.S. Postal Service’s Uncertain Financial Outlook,” Part I, April 4, 2001*

a. *Summary.*—On April 4, 2001, the Committee on Government Reform held a hearing to examine the financial outlook of the U.S.

Postal Service. This was the first hearing held by the committee during the 107th Congress to examine postal operations. At the hearing the committee focused on the financial challenges facing the Postal Service and options available to the agency to address those challenges. At the time of the hearing the Postal Service estimated that it would lose approximately \$2 billion in fiscal year 2001. A number of factors contributed to the Postal Service's dismal financial projections, including reduced mail volume, increased competition, management-labor relations problems, and statutory restrictions. Witnesses at the hearing included the Comptroller General of the United States, the Postmaster General, and the Postal Board of Governors.

The Comptroller General of the United States, David Walker, testified that the Postal Service faces major challenges that collectively call for a structural transformation if it is to remain viable in the 21st century. General Walker announced that because of the Postal Service's rapidly deteriorating financial situation, the General Accounting Office [GAO] was placing the Postal Service on its high-risk list. According to General Walker, several actions need to be taken to address the Service's continued problems. Such actions include (1) developing a comprehensive plan to address the financial, operational, and human capital challenges; (2) providing quarterly financial reports to Congress and the public; and (3) identifying, in conjunction with GAO and other stakeholders, improvement options that will cut costs and improve productivity. GAO also testified that because there was a significant shift in the Postal Service's financial outlook in the last 4 months, Congress and postal stakeholders needed to have frequent, transparent and reliable information on the Service's current and projected financial situation.

Postmaster General William Henderson testified that the Postal Service has few options available to it to address its financial challenges. The process for adjusting rates is long and cumbersome and the agency cannot build earnings for the long term like a private company. According to the Postmaster General, this makes the Postal Service uniquely vulnerable to rapid shifts in markets. The current financial challenge arises against a backdrop of explosive growth in communications technology and revolutionary restructuring of the commercial marketplace.

General Henderson said that modernizing the Postal Service is necessary to allow the agency to address the challenges it faces. He testified that without the ability to adjust the way it conducts business, the Postal Service will become increasingly outmoded, and will have trouble meeting its very important responsibilities to the public.

6. *Assessing The California Energy Crisis: How Did We Get To This Point, And Where Do We Go From Here?* April 11, 2001

a. *Summary.*—Following an Energy Policy, Natural Resources and Regulatory Affairs Subcommittee hearing in Sacramento on April 10, the full committee held 2 days of field hearings on the California Energy Crisis. The April 11 hearing in San Jose focused on the causes and effects of California's electricity crisis, the impact on the California economy, and the State and Federal response to the situation. Witnesses included: The Honorable Curt Hebert,

chairman, Federal Energy Regulatory Commission; Ms. Dede Hapner, vice president, Regulatory Relations, Pacific Gas and Electric Co.; Mr. Stephen Pickett, vice president and general counsel, Southern California Edison; Mr. Dean N. Vanech, president, Delta Power Co.; and Mr. Paul E. Desrochers, director of fuel procurement, Thermo Ecotek.

Chairman Hebert testified about the role of FERC in mitigating the electricity crisis. He reiterated his opposition to electricity price caps for California, stating that such a policy would divert energy supplies to other regions and exacerbate electricity shortages in the State. Representatives of Pacific Gas and Electric Co. and Southern California Edison testified on the impact of the crisis on the State's two largest utilities and the mounting debt they incurred due to the higher electricity prices. They criticized the State Public Utilities Commission for erecting barriers to the utilities entering into long-term contracts for electricity, leaving them vulnerable to wild price swings in the spot market. Mr. Vanech and Mr. Desrochers explained to the committee how qualifying facilities (small electricity generators) were impacted by the lack of payments from the major utilities, eliminating 3,000 megawatts of power from the market place.

7. *"Assessing The California Energy Crisis: How Did We Get To This Point, And Where Do We Go From Here?" April 12, 2001*

a. *Summary.*—The full committee's second field hearing in San Diego on April 12 again focused on the causes and effects California's electricity crisis. Witnesses included: Mr. Sam Hardage, president, Woodfin Suite Hotels, LLC; Mr. John Wiederkehr, president, Certified Metal Craft, Inc.; Mr. Douglas Barnhart, president, Douglas E. Barnhart, Inc.; Mr. Richard Thomas, vice president, Alpine Stained Glass; Mark W. Seetin, vice president government affairs, New York Mercantile Exchange; Bill Horn, chairman, San Diego County Board of Supervisors; P. Gregory Conlon, former California PUC chairman; Mr. Kevin P. Madden, general counsel, Federal Energy Regulatory Commission; Mr. Fredrick E. John, senior vice president external affairs, Sempra Energy; Mr. Steve Malcolm, president, Williams Energy Services; and Mr. John Stout, senior vice president for Asset Commercialization, Reliant Energy.

Mr. Hardage, Mr. Wiederkehr, Mr. Barnhart, Mr. Thomas and Chairman Horn explained to the committee how San Diego businesses had been affected by the deregulation of electricity prices on the retail level in August 2000. Mr. Seetin was questioned about how markets work and why the system enacted by California failed. P. Gregory Conlon discussed how the PUC originally planned for the deregulation of the electricity markets during Governor Wilson's administration. Mr. Madden explained FERC's oversight of electricity generators and the Commission's decision to order the generators to justify possible overcharges during the crisis. Mr. John testified about Sempra's experience as the first utility allowed to deregulate its retail electricity, and the debt the company incurred due to the skyrocketing electricity prices. Mr. Stout and Mr. Malcolm answered questions on why electricity prices rose to such high levels in California and the allegations that electrical power generators had taken advantage of the crisis atmosphere to

raise prices and boost profits. Mr. John and Mr. Malcolm also addressed the role of higher natural gas prices and California's constrained natural gas pipelines in creating high electricity prices.

8. *"Autism—Why the Increased Rates?" April 25–26, 2001*

a. Summary.—During the 106th Congress, the Committee on Government Reform initiated an investigation to look at the dramatic rise in autism rates. Government sources in the past have estimated national autism rates to be 1 in 10,000 children. Over the last decade those rates have risen to 1 in 500 children. The investigation to date has looked at three issues: (1) concerns that childhood vaccines, including those containing thimerosal (mercury) may be linked to increased rates of autism spectrum disorders, and speech and learning delays; (2) the level of research looking at the causes of and treatments for autism; and (3) the challenges of providing a "free and appropriate" education to individuals with autistic spectrum disorders.

Autism, or Autism Spectrum Disorder, is not simply a learning disability or developmental delay. Autism is a medical condition—a neurobiological disorder and complex developmental disability ofentimes also characterized as pervasive developmental disorders. Autism typically appears during the first 3 years of life. Individuals with autism typically have difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities. The disorder makes it hard to communicate with others and to relate to the outside world. In some cases, aggressive and/or self-injurious behavior may be present. Persons with autism may exhibit repeated body movements such as hand flapping and rocking, unusual responses to people or attachments to objects and resistance to changes in routine. Individuals may also experience sensitivities in any or all of the five senses.

In the last 40 years, in addition to the sharp rise in autism rates, the type of autism has changed. Dr. Bernard Rimland, a noted expert, stated in testimony that an increasing number of cases diagnosed in recent years are acquired autism—coming on suddenly in the second year of life. The committee has received a significant number of reports stating that children were normal prior to vaccination. At the time of vaccination, children who acquired autism, suffered a variety of reactions including excessive sleepiness, unmitigated crying, head banging, gastrointestinal reactions, and a sudden regression in to behaviors that were eventually diagnosed as autism. Dr. Andrew Wakefield presented findings from his clinical research which found through laboratory analysis measles virus remaining in the intestinal tract of children who acquired autism shortly after receiving the MMR vaccine and who also suffered gastrointestinal issues. Many of these children, when properly treated for the gastrointestinal issues had a dramatic improvement in the symptoms of autism.

During the course of the investigation, the following concerns were raised: the need to fully understand the actual incidence of autism and autism spectrum disorders; the potential link between thimerosal (mercury)-containing vaccines and acquired or late-onset autism; late onset autistic enterocolitis and its connection to the measles-mumps-rubella vaccine; the lack of federally-funded re-

search regarding these issues; the need for more autism-related research that will lead to better treatment options and cures; and the need for more practice-based research to evaluate current treatment options.

9. *“The FBI’s Controversial Handling of Organized Crime Investigations in Boston,” May 3, 2001*

a. *Summary.*—On May 3, the committee held its first hearing to explore allegations of wrongdoing by Federal law enforcement agents in Boston over the last three decades. The first hearing focused on the case of Joseph Salvati, who spent 30 years in prison for a murder he did not commit. The convictions were based primarily on the testimony of notorious Boston mob killer turned FBI witness, Joseph “The Animal” Barboza. Documents obtained by the committee prior to the hearing showed that not only was the prosecution of Joseph Salvati and three others based on highly dubious testimony, but that Federal and State law enforcement authorities had information indicating that they were sending the wrong men to the death chamber or prison for life.

Participating witnesses included Joseph Salvati, his wife Marie Salvati, and Attorney Victor Garo, who recounted the 30-year ordeal of the Salvati family, and Mr. Garo’s 26 year pro bono representation that ultimately resulted in the commutation and dismissal of all charges resulting from law enforcement’s withholding of critical exculpatory material at the time of trial and for decades afterward. Attorneys F. Lee Bailey and Joseph Balliro, Boston defense attorneys with extensive experience representing New England organized crime defendants, testified and questioned the veracity of Barboza at trial and the propriety of the actions of the FBI agents responsible for Barboza’s testimony. Also testifying was retired FBI Special Agent H. Paul Rico, who developed Barboza as a government witness to testify against Salvati and others. He denied any wrongdoing by the FBI and showed little remorse for the part he played in sending Mr. Salvati to prison. At the same time, he admitted that, after hearing all the evidence presented at the hearing, Salvati may have been wrongly convicted.

10. *“Challenges to National Security: Constraints on Military Training,” May 9, 2001*

a. *Summary.*—The committee held a hearing into regulatory, commercial and urban encroachment on military training affecting installations and ranges across the United States. These encroachments threaten military readiness and the safety of those serving in uniform through the loss of training areas and realistic training. In many cases, requirements under the Endangered Species Act, the Marine Mammal Protection Act and other Federal land use regulations have taken priority over the military training mission on military land. Commercial interests in airspace and radio frequency spectrum often threaten the degradation of air training, information gathering, communications and other operational needs. The witnesses included top military officials and those commander responsible for training: Admiral William J. Fallon, Vice Chief of Naval Operations; General John P. Jumper, Commander, Air Combat Command, U.S. Air Force; Lt. General Larry R. Ellis, Deputy

Chief of Staff for Operations and Plans, U.S. Army; Major General Edward Hanlon, Jr., Commanding General, U.S. Marine Corps, Camp Pendleton; Lt. General Leon J. LaPorte, Commanding General, III Corps and Fort Hood, U.S. Army; Brigadier General James R. Battaglini, Deputy Commanding General, 1st Marine Expeditionary Force, U.S. Marine Corps; Captain William H. McRaven, Commodore, Naval Special Warfare, Seal Group One; and Colonel Herbert J. Carlisle, Commander, 33rd Fighter Wing, Eglin Air Force Base, U.S. Air Force.

The committee has currently authorized two General Accounting Office studies in this area. One is a study of the Department of Defense' organization for dealing with these encroachments and the resources committed to following regulations. The second is an audit of the Fish and Wildlife Services' Endangered Species program to examine priorities and shortfalls in carrying out its regulatory mission.

11. *"The U.S. Postal Service's Uncertain Financial Outlook," Part II, May 16, 2001*

a. *Summary.*—The committee held a second hearing to examine the Postal Service's financial situation on May 16, 2001. At this hearing the committee heard from various postal stakeholders, including mailers and postal employee union representatives. Witnesses discussed the challenges facing the Postal Service and the impact of those challenges on postal business and the postal workforce. Since the committee's first postal hearing, held in April, the Postal Service took some steps to attempt to address its financial situation. It suspended capital improvement projects and undertook a study of 5-day delivery service. Additionally, on May 8, 2001, the Postal Board of Governors announced that on July 1, 2001, postal rates would increase for some classes of mail. The new rates modify an earlier increase that went into effect in January 2001, which raised the price of a first-class stamp to 34 cents.

Representatives of the mailing community testified about the need for a financially healthy Postal Service because of its importance to the U.S. economy. However, they cautioned against rate increases as a way to restore the fiscal health of the postal system. Jerry Cerasale, vice president of government affairs for the Direct Marketing Association, testified that postage increases would be counterproductive to the Postal Service's goal of raising revenue. According to Mr. Cerasale, large rate increases devastate mail volume because they cause mailers to seek alternatives or force them to stop doing business altogether. He testified that a typical postage increase for a business that mails invoices, magazines, newsletters, newspapers or advertisements translates into thousands or millions of dollars in additional expenses. The rate increases will also impact consumers. Rate increases could result in higher costs for products shipped through the mail, including periodicals and items bought from catalogs or off of the Internet.

Gene Del Polito, president of the Association for Postal Commerce, testified that the law governing postal operations has become an anachronism. In the 30 years since Congress passed the Postal Reorganization Act, the manner in which businesses and consumers communicate and transact their affairs has changed

dramatically, however the legislative framework has not. According to Mr. Del Polito, this mismatch has contributed to the Postal Service's dismal financial reports and outlooks. As a result, he said that the passage of meaningful postal reform is essential. Gene Del Polito joined with Jack Estes, executive director of the Main Street Coalition for Postal Fairness in expressing support for the creation of a commission to study and make recommendations on the future and direction of the postal system. Pat Schroeder, president and chief executive officer of the Association of American Publishers advocated the creation of a postal closing commission modeled after BRAC, the military base closing commission.

Moe Biller, president of the American Postal Workers Union, testified that the Postal Service's problems are a revenue issue rather than a cost issue. The slowdown in the economy and rising energy costs account for a substantial part of the current deficit projections of the Postal Service. According to Mr. Biller, these problems are temporary and will not impact the Postal Service over the long term. He said that the Postal Service as presently configured is a strong and vital institution, and despite its present financial difficulty, has substantial strength and is capable of performing well, presently and in the future.

12. *"The Use of Prosecutorial Powers in the Investigation of Joseph M. Gersten," June 15, 2001*

a. *Summary.*—On June 15, the committee held a hearing regarding an FBI and Miami State Attorney's Office investigation of Dade County Commissioner Joseph Gersten. A review of the available evidence by committee staff suggests that individuals participated in a conspiracy to make allegations against Gersten involving drug use and consorting with prostitutes that they knew to be false. It also appears that government officials came into possession of strong evidence that the allegations may have been fabricated, and they either ignored the evidence or covered it up.

The purpose of the hearing was to take testimony from prosecutors who were involved in the case. Two of the principal attorneys who conducted the investigation declined to be interviewed by committee staff, necessitating the hearing. A secondary purpose of the hearing was to determine when it is appropriate for U.S. law enforcement agencies to provide information to foreign governments about U.S. citizens under investigation. The Justice Department provided uncorroborated information about Gersten to authorities in Australia, where Gersten now lives.

Witnesses at the hearing were Richard Gregorie, Assistant U.S. Attorney and former Assistant State Attorney, Miami-Dade County; Michael Band, former Assistant State Attorney, Miami-Dade County; Mary Cagle, Assistant State Attorney, Miami-Dade County; and Mike Osborn, retired Miami homicide detective.

13. *"Compassionate Use of INDs—Is the Current System Effective?" June 20, 2001*

a. *Summary.*—If a serious medical condition such as metastatic cancer is unresolved after the treatment with the "standard of care" patients and physicians turn to the research community for other treatment options. The drug approval process on average

takes between 12 and 15 years. Medical research information is more widely available to the public through the Internet and through media discussions. Patients are increasingly more active in seeking access to experimental treatments. When an investigational drug shows promise, patients often seek access to the treatment. Seriously or terminally-ill patients have reported difficulty gaining access to experimental therapies when their medical or demographic characteristics do not match those being sought by researchers.

The subject of special exemptions or emergency access to investigational new drugs, commonly referred to as “compassionate use” has been a difficult and controversial one. At present there is no uniformity among companies for patients who do not qualify for a clinical trial to apply for and receive access to experimental treatments. The committee received testimony from families, the FDA, and the manufacturer of an experimental cancer therapy about the challenges of compassionate access. In cancer treatments many new therapies are biological therapies and there are inadequate amounts of these products to provide wide access to patients outside the clinical trials. Some companies have an established procedure for patients to apply for compassionate access and provide information on their Internet site about their program. The companies the committee evaluated approach compassionate access from different perspectives. One company utilizes a lottery to select from the thousands of applicants. Another company decided not to provide any product outside clinical trials because of the disparity between the numbers of requests and the small amount of additional supplies of the investigational new drug available.

14. *“Federal Information Technology Modernization: Assessing Compliance with the Government Paperwork Elimination Act,” June 21, 2001*

a. Summary.—On June 21, the committee held a hearing to assess executive branch compliance with the Government Paperwork Elimination Act [GPEA]. In 1998, Congress passed GPEA, requiring executive branch agencies to give people the option of filing their most frequently used forms electronically. The deadline for achieving this goal is October 2003. The ultimate goal of GPEA, and of the committee’s oversight activities, is to prod Federal agencies to use information technology to create new efficiencies and improve service to the public.

Testifying before a congressional committee for the first time since his appointment, Office of Management and Budget Director Mitch Daniels stated that compliance with GPEA has been mixed. Director Daniels cited the EPA, the Treasury Department and the Department of Housing and Urban Development for their successful efforts toward compliance with the law. Conversely, he cited the Defense Department, the Justice Department and the Department of Health and Human Services for failing to have an agency-wide commitment to e-government and GPEA.

Committee members questioned Defense Department officials about the apparent lack of an enterprise-wide commitment to e-government strategic planning at DOD. At the same time, the committee heard testimony from the Deputy Director of the U.S. Mint

about that agency's successful use of information technology to improve customer service over the internet, eliminate stovepipes, and increase efficiency throughout the organization. Private-sector witnesses included representatives of Microsoft and Cisco Systems.

15. *"The Benefits of Audio-Visual Technology in Addressing Racial Profiling," July 19, 2001*

a. *Summary.*—On July 19, the committee held a hearing regarding allegations of racial profiling, and the potential benefits of using audio-visual technology to prove or disprove those allegations. The committee heard from Assistant Attorney General for policy development Viet Dinh, who testified about Justice Department efforts to promote the use of audio-visual technology and other methods to discourage racial profiling by State and local police forces. The committee also heard testimony from two Texas State lawmakers, Senators Royce West and Robert Duncan. The two State legislators won passage of legislation requiring police departments in Texas to collect racial data on individuals stopped for traffic infractions unless those departments had applied for State funding to purchase audio-visual technology.

Testifying on the second panel were Colonel Charles Dunbar, superintendent of the New Jersey State Police; Attorney Mark Finnegan; and Attorney Robert Wilkins. Mr. Finnegan testified about audio-visual evidence from a traffic stop in Ohio that corroborated his client's charge that a police officer committed an act of racial profiling against Hispanics. Mr. Wilkins testified about an incident during which he was stopped by Maryland State Police officers. Testifying on the third panel were former U.S. Customs Commissioner Raymond Kelly; Rachel King, legislative director for the American Civil Liberties Union; and Chris Maloney, president of TriTech Software Systems. Mr. Kelly testified about efforts at the Customs Service under his tenure to more effectively conduct inspections of individuals entering the country without the use of racial profiling. Mr. Kelly stated that under new procedures adopted by Customs, seizures of illegal substances had increased while the number of actual inspections had gone down.

16. *"Preparing For The War On Terrorism," September 20, 2001*

a. *Summary.*—This committee hearing examined the extent of the threat to U.S. interests from international terrorist organizations and recommended U.S. actions in response to those threats. Witnesses included: the Honorable Benjamin Netanyahu, former Prime Minister of Israel; General Anthony Zinni, U.S. Marines, retired; Dr. Christopher Harmon, professor, U.S. Marine Corps Command and Staff College; and Dr. Jessica Stern, Harvard University.

Former Prime Minister Netanyahu gave compelling testimony about how the Israeli Government has dealt with terrorism and suggest how the United States should meet the growing threat. General Zinni told the committee of his experience in the region as commander-in-chief of the U.S. Central Command, facing terrorist threats to U.S. military installations across the Middle East. Dr. Stern and Dr. Harmon, recognized academic experts on terrorism, explained the goals and probable courses of action by terrorists today.

17. *“Oversight of the U.S. Postal Service: Ensuring the Safety of Postal Employees and the U.S. Mail,” October 30, 2001*

a. *Summary.*—On October 30, 2001, the committee convened a hearing to review efforts being undertaken to protect the safety and security of postal workers, customers and the mail in the aftermath of the terrorist-related anthrax attacks. At the time of the hearing, three people infected with anthrax had died, including two postal workers. Thousands of others were being treated with antibiotics. The anthrax attacks also caused mail delivery to be suspended and businesses, government offices, and mail processing facilities to shut down.

At the hearing, the committee examined a number of mail security and safety issues. Witnesses included Kenneth Weaver, Chief Postal Inspector of the Postal Inspection Service; Dr. Mitch Cohen of the Center for Disease Control and Prevention; James Jarboe of the Federal Bureau of Investigations; and the Honorable John Potter, Postmaster General of the United States. The committee also heard from a panel of representatives from the various Postal employee unions who addressed the impact of mail safety and security on their members.

Postmaster General John E. Potter acknowledged that although the risks of contamination from opening the mail are slim, the safety of the mail could not be guaranteed. General Potter said that the Postal Service was working in conjunction with the medical community to develop a plan to address the threats to postal employees of mail containing anthrax. Additionally, the Postal Inspection Service was working with the law enforcement community, including the Federal Bureau of Investigation, to investigate the crimes. General Potter testified that the Postal Service is taking a number of steps to protect postal workers and the mail. Thousands of postal employees were tested and treated for exposure to anthrax. Protective equipment, including masks and gloves, were provided to postal workers. The Postal Service also was testing postal facilities and modifying cleaning equipment to minimize the spread of dust and spores. General Potter announced that the Postal Service contracted for the purchase of electron beam systems to sanitize the mail. In the meantime, he said some mail would be shipped to private firms in Ohio and New Jersey so that it could be sanitized using electron beam technology.

Some members of the committee raised questions about the possibility that mail containing anthrax could cross-contaminate other mail. Members urged the Postal Service as well as health and law enforcement officials to take a proactive approach to determining whether cross contamination occurs. However, at the time of the hearing, testing of potentially contaminated mail had yet to begin. James Jarboe of the Federal Bureau of Investigation testified that the FBI had located a facility to examine the mail taken from Capitol Hill on October 17, 2001, 2 weeks since the anthrax-laced letter to Senator Daschle was opened. In a letter sent to the Postal Service, the Federal Bureau of Investigations, and the Center for Disease Control and Prevention, Chairman Burton and Ranking Minority Member Waxman urged the immediate testing of mail to determine whether and the extent to which cross-contamination of the mail occurs.

Members also urged the Postal Service to consider “low-tech,” common-sense safety approaches that could reduce the volume of anonymous mail needing sterilization, and noted that the Service had not developed emergency plans to respond to a bioterrorist attack using the mail. The Postal Service was encouraged to seek assistance from experts both inside and outside of the government as they developed a plan to ensure the safety of the mail for customers and postal workers. Finally, many members expressed support for emergency funding to assist the Postal Service in responding to the anthrax attacks.

18. *“The National Vaccine Injury Compensation Program: Is It Working As Congress Intended?” November 1 and December 12, 2001*

a. *Summary.*—As part of the committee’s ongoing review of vaccine safety and policy issues, two hearings were conducted in 2001 regarding the Vaccine Injury Compensation Program and whether it is operating as Congress intended—as a less adversarial alternative to civil litigation in which individuals would be fairly and promptly compensated for vaccine injuries. In 1986, Congress adopted the Childhood Vaccine Injury Act to establish a federally sponsored, no-fault system of compensating individuals who suffer adverse reactions to vaccines. In 1986, vaccine manufacturers were threatening to leave the vaccine market because of increased civil litigation related to vaccine injuries. The law established the Vaccine Injury Compensation Program [VICP], which is jointly administered by the Department of Justice and the Department of Health and Human Services. The Program was designed to serve three purposes:

1. Provide fair, expedited compensation to those who suffer vaccine injury;
2. Enhance the operation of our system of childhood immunizations; and
3. Protect the Nation’s vaccine supply by shielding manufacturers and medical personnel delivering vaccines from liability.

The committee is concerned about complaints regarding the management of the program. These complaints fall into three broad categories:

1. The statute of limitations of 3 years for injuries and 2 years for death cases is too narrow and excludes families from the program.
2. The inability to make interim payments to petitioners for legal fees and expenses places them at a disadvantage. While the Federal Government has unlimited resources to pay for medical experts and the attorneys are on salary, petitioners and their lawyers often wait for years to be reimbursed for similar expenses as cases drag on.
3. The program has, in general, become too litigious and adversarial. Cases drag on for years as petitioners are required to hire medical experts to attempt to prove that injuries are vaccine-related.

The committee received testimony regarding on-table injury cases that dragged on for 6–10 years. At times when the special master or courts ruled in favor of the petitioner, the government appealed.

Of particular concern to the committee are two issues relative to the increasing adversarial nature of the program. Attorneys representing the Government whose behavior is out of line with the intended compassionate nature of the program, and utilizing the threat of appeal after a ruling in favor of the petitioner in order to have the case be “unpublished” and thus not about to be cited as precedent in future cases. A majority of vaccine compensation cases are “unpublished.”

19. *“The Status of Insurance Restitution for Holocaust Victims and Their Heirs,” November 8, 2001*

a. *Summary.*—The committee held a hearing examining the efforts of the International Commission on Holocaust-Era Insurance Claims [ICHEIC] to settle unpaid insurance policy claims of Holocaust victims and their heirs. Holocaust survivors testified about the difficulties they encountered in receiving restitution through the Commission. The chairman of ICHEIC, former Secretary of State Lawrence Eagleburger, acknowledged that the results produced by the Commission to date have not been satisfactory. However, he pointed out that participating insurance companies have awarded \$21 million to deserving claimants since ICHEIC’s creation.

Participating insurance companies were criticized at the hearing for refusing to honor a \$60 million financial commitment to the Commission, failing to publish complete lists of Holocaust-era policyholders, and being unwilling in some cases to comply with Chairman Eagleburger’s decisions. These insurance companies have also requested a \$76 million reimbursement for expenses incurred in claims processing, which was unacceptable to Chairman Eagleburger, insurance regulators, and survivor advocates. Many more claimants would receive compensation if non-participating German insurance companies joined the restitution process. The witnesses agreed that the German Government should exert more pressure on these companies to compensate unpaid policyholders.

20. *“Comprehensive Medical Care of Bioterrorism Exposure—Are We Making Evidence Based Decisions?” November 14, 2001*

a. *Summary.*—As an extension of the committee’s ongoing investigation of the Anthrax Vaccine Immunization Program, a hearing was conducted to review the comprehensive medical options available to deal with bioterrorism exposure. After the terrorist attack of September 11, 2001 and the subsequent postal terrorism with anthrax spores, there is an urgent need to understand the level of valid information about all treatment options available and under development that may offer protection against the biological agents that might be used in a terrorist attack. Witnesses provided expert testimony regarding nutritional and complementary treatments that can help individuals cope with the side effects of lengthy antibiotic treatments. Information was provided regarding research conducted in military laboratories that showed some measure of protection with homeopathic remedies for tularemia and other potential biological agents. There was a general acceptance from the hearing that nutrition and complementary approaches are not shown to replace conventional treatments such as antibiotics and

vaccines. It was also generally accepted that there is research to indicate that there are opportunities to improve overall health through nutritional and complementary approaches, and that in the absence of vaccines for smallpox or other biological agents, that understanding what else may offer antibacterial or antiviral protection, or specific protection from the biological agent is important. More research in the area is certainly called for in order to provide a valid, evidenced-based response to the medical and public health community.

21. *“The FBI’s Handling of Confidential Informants in Boston: Will the Justice Department Comply With Congressional Subpoenas?” December 13, 2001*

a. Summary.—On December 13, the committee held a hearing regarding the Justice Department’s failure to comply with committee document subpoenas. The documents in question were Justice Department memoranda regarding the Department’s controversial handling of organized crime informants in Boston. The Government Reform Committee has been conducting an oversight investigation of widespread allegations of abuses committed by FBI agents in Boston with respect to organized crime informants they had cultivated. At a hearing earlier in the year, the committee received testimony from a Boston man who spent 30 years in prison for a murder he did not commit because of the perjurious testimony of FBI informant Joe “the Animal” Barboza. Documents that have recently come to light strongly suggest that the FBI knew that Barboza’s testimony was false, and that another FBI mob informant had actually committed the crime.

The committee’s investigation of this and numerous other abuses has been seriously impeded by the Justice Department’s new policy of prohibiting congressional committees from reviewing DOJ deliberative documents. At the hearing, committee members protested that the Department’s new policy flew in the face of longstanding precedent of committees receiving access to such documents when the need arises. Committee members stated that the ability to review documents goes to the heart of Congress’ ability to conduct meaningful oversight of the executive branch.

Testifying on behalf of the administration was Michael E. Horowitz, Chief of Staff of the Criminal Division, Department of Justice. Just prior to the hearing, the President claimed Executive privilege over the documents under subpoena, creating a new barrier to the committee’s access to the documents.

SUBCOMMITTEES

SUBCOMMITTEE ON THE CENSUS

Hon. Dan Miller, *Chairman*

1. *“Oversight of the 2000 Census: The Success of the 2000 Census,” February 14, 2001*

a. Summary.—The 1990 census marked the first time that decennial census response rates fell from the previous census. More troubling was the growth of the “differential undercount.” The differential undercount represents the groups of people, usually minority

groups and those of low income, traditionally missed in the census. The Director of the Census Dr. Kenneth Prewitt predicted the 2000 census would have falling response rates and an even larger undercount than 1990. In fact, many “experts” in both the private and public sectors did not believe further coverage improvements were possible, citing statistical methodologies such as sampling for non-response follow-up and adjustment as the only remaining ways to reduce the undercount. Upon the completion of the 2000 census, however, the Bureau officials determined that census 2000 surpassed the accuracy of the 1990 census. Congress contributed a great deal to the effectiveness of the census by apportioning an unprecedented \$6.7 billion for the decade and \$4.5 billion for fiscal year 2000 alone.

The Subcommittee on the Census held this hearing to explore four main topics: to determine the effectiveness of the census; evaluate the size of the undercount; ascertain the current status of the ongoing adjustment decision; and, evaluate the review called for in that year’s appropriations language for the Census Bureau to count Americans abroad. Acting Census Bureau Director Bill Barron was the main witness of this hearing.

2. *“BEA: Is the GDP Accurately Measuring the U.S. Economy?”*
April 5, 2001

a. *Summary.*—The hearing covered many topics relating to the Gross Domestic Product’s reflection of the state including President Bush’s fiscal year 2002 budget increase of the Bureau of Economic Analysis [BEA]. In addition, the subcommittee considered challenges that the Census Bureau’s proposed ACS survey would pose to BEA data users if enacted due to the resulting smaller sample group and data calculated on a 3 year average. Also discussed was the matter of data sharing and whether standard protocols should be applied to Federal agencies such as the BEA, Bureau of Labor Statistics and the Census Bureau. Last, Chairman Miller discussed with the panel of testifying economists how insufficient the traditional indicators of industrial productivity were to gauge the value of goods and services in much of the economy of today and how BEA is struggling with ways to measure value in the information age.

3. *“Oversight of the Census Bureau’s Proposed American Community Survey [ACS],”* June 13, 2001

a. *Summary.*—The Bureau of the Census is currently testing a proposed alternative to the decennial census long form called the American Community Survey [ACS]. If funded by Congress, the ACS will be fully implemented in 2003 and will be distributed to 250,000 households monthly, for an annual sample size of 3 million households. The 10-year sample size will contain 30 million households. The somewhat problematic 2000 decennial census long form was delivered to 1 in every 6 households nationwide (although a greater percentage of rural households received the form). The long form included the 7 population questions asked on the decennial census short form and an additional 46 questions for a total of 53 questions. The ACS survey asks respondents to answer 69 questions. This second subcommittee hearing on the ACS served to fur-

ther analyze the legal basis and process by which questions should be added or removed from the ACS survey based on data necessity and personal privacy concerns. In addition, the hearing served to discuss the accuracy and timeliness of the data collected through the ACS. Ultimately, privacy concerns must be reconciled to determine whether the American Community Survey is the best means by which to collect the demographic information required for implementing our Federal programs and informing public policy decisions.

4. *“Americans Abroad: How Can We Count Them?” July 26, 2001*

a. Summary.—It is estimated that millions of American citizens live and work abroad. Many of these citizens pay taxes and vote in the United States and wish to be counted in the census. The Census Bureau currently enumerates American military personnel and other Federal employees living overseas, but does not count private American citizens who live abroad. The Subcommittee on the Census held a hearing on this topic in June 1999 and planned to continue the discussions with a panel comprised of American citizens’ organizations abroad.

As directed by language in its fiscal year 2001 budget, the Census Bureau had been in the process of studying the viability of including such Americans in future censuses, and it submitted a written report to Congress at the end of September outlining the questions that remained regarding counting Americans living abroad. Among these questions were: Who can be considered an American citizen, and for what would the data collected be used (redistricting or reapportionment)?

SUBCOMMITTEE ON CIVIL SERVICE AND AGENCY ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. *Joint Hearing: “The National Security Implications of the Human Capital Crisis,” March 29, 2001*

a. Summary.—The hearing examined how the human capital crisis is affecting the national security establishment, with a particular focus on the Department of Defense civilian workforce, and the projected trend lines for the future.

The witnesses testifying at this hearing were: The Honorable James R. Schlesinger, Commissioner, U.S. Commission on National Security/21st Century; Admiral Harry D. Train, USN, Ret., Commissioner, U.S. Commission on National Security/21st Century; Mr. Henry L. Hinton, Jr., Managing Director, Defense Capabilities and Management, U.S. General Accounting Office; and Mr. Robert J. Lieberman, Deputy Inspector General, Department of Defense.

2. *“Health Care Inflation and Its Impact on the FEHBP,” October 16, 2001*

a. Summary.—This hearing addressed the causes of premium increases in the Federal Employees Health Benefits Program, as well as the continuing exodus of HMOs from the program. The subcommittee examined limitations in current law and administrative

practice that might stifle competition and innovation and explored market-based approaches to ameliorating these problems.

The witnesses testifying at this hearing were: The Honorable Tom A. Coburn, M.D., former Member of Congress; William E. Flynn III, Associate Director, Retirement and Insurance Services, Office of Personnel Management; Stephen W. Gammarino, senior vice president, BlueCross BlueShield Association; Colleen M. Kelley, president, National Treasury Employees Union; Lawrence Mirel, commissioner, District of Columbia, Department of Insurance and Securities Regulation; Robert Moffit, director, Domestic Policy Studies, the Heritage Foundation.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

Hon. Mark E. Souder, *Chairman*

1. *“The Study of Plan Colombia: An Assessment of Successes and Challenges,” March 2, 2001*

a. Summary.—The subcommittee heard testimony from several witnesses on the current status of implementation of Plan Colombia, a Colombian Government initiative that involves drug interdiction operations, eradication of coca and poppy crops, alternative development opportunities, and boosting democratic institutions. Witnesses indicated that the initial equipment and training provided by the Department of State and Department of Defense quickly jump-started the Colombian Army and Colombian National Police’s tactical operations. Testimony suggested that the full impact of Plan Colombia, was not yet really being seen due to the lead times associated with ordering and delivering of new equipment and slow progress in alternative development programs and judicial reform efforts.

Witnesses included Rand Beers, Assistant Secretary Bureau of International Narcotics [INL] Department of State, General Peter Pace, Commander-in-Chief, U.S. Southern Command (SOUTHCOM), Donnie Marshall, Administrator, Drug Enforcement Administration, and Robert Newberry, Principal Deputy Assistant of Defense for Special Operations and Low Intensity Conflict, Department of Defense.

2. *“Medical’ Marijuana, Federal Drug Law and the Constitution’s Supremacy Clause,” March 27, 2001*

a. Summary.—The subcommittee received testimony from concerned citizens and others regarding the effects which State laws and initiatives purporting to allow the so-called “medicinal” use of marijuana and other federally controlled substances have had on the enforcement of Federal narcotics law. Witnesses generally agreed that such initiatives were founded on questionable medical science, had impaired the enforcement and function of Federal controlled substances laws, and that careful consideration was warranted of an appropriate Federal enforcement strategy.

Witnesses included Mrs. Betty Sembler, founder and Chair of the Drug Free America Foundation, Mrs. Joyce Nalepka of America Cares, Mr. Rob Kampia of the Marijuana Policy Project, Ms. Laura

Nagel, Deputy Associate Administrator for Diversion Control of the Drug Enforcement Administration, the Honorable Bill McCollum, the Honorable Dan Lungren, and Dr. Janet Joy of the Institute of Medicine.

3. *“What are the Barriers to Effective Intergovernmental Efforts to Stop the Flow of Illegal Drugs?” April 13, 2001, San Diego field hearing*

a. Summary.—This hearing was a joint hearing with the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations as part of a larger series of hearings on barriers to intergovernmental cooperation. The hearing specifically focused on barriers to effective intergovernmental efforts to stop the flow of illegal drugs.

The subcommittee received testimony from local State and Federal officials on their joint efforts to stop drugs. Witnesses included: Roosevelt “Rosey” Grier, chairman of the Board, Impact Urban America; Estean Hanson Lenyou III, president and chief executive officer, Impact Urban America, and Errol Chavez, Special Agent-In-Charge, San Diego Division, U.S. Drug Enforcement Administration.

The witnesses indicated generally that the local, State and Federal officials worked well together. However all agencies along the border need additional resources. Rosey Grier testified about the success of a faith-based drug treatment program he helped start in the city center of San Diego.

4. *“The Role of Community and Faith-Based Organizations in Providing Effective Social Services,” April 26, 2001*

a. Summary.—The subcommittee heard testimony from the Director of the White House Office of Faith-Based and Community Initiatives about how and why the Federal Government should promote faith-based and secular grassroots initiatives in the provision of social services. State and local service providers and intermediaries testified about the practical aspects of how they provide and promote effective services. Generally, witnesses suggested that community and faith-based organizations are particularly effective resources in assisting individuals in need. The issue of charitable choice was raised by members of the subcommittee, as well as invited Members of Congress. Questions and comments focused on the potential for discrimination in hiring practices, excessive entanglement in congregational affairs, accountability of faith and community-based organizations, use of Federal funds for proselitization, and diluting the effectiveness of faith groups.

Witnesses included Dr. John J. DiIulio, Jr., director, White House Office of Faith-Based & Community Initiatives; Katie Humphreys Secretary, Indiana Family & Social Services Administration; Debby Kratky, client systems manager, Work Advantage; Loren Snippe, director, Ottawa County Family Independence Program; Donna Jones, pastor, Cookman United Methodist Church; Bill Raymond, president, Faithworks Consulting Service; and Donna Jones Stanley, executive director, Associated Black Charities.

5. *“U.S. Air Interdiction Efforts in South America After The Peru Incident,” May 1, 2001*

a. Summary.—The subcommittee received testimony from several witnesses on the background, history and importance of U.S. air interdiction programs and policies, with special emphasis on the mistaken Peruvian Air Force shoot down of a missionary plane that resulted in the loss of two American lives. Witnesses generally agreed that the U.S./Peru air-bridge denial program had been successful over the past 5 years in interdicting illegal drug smuggling by air, but suggested that air-bridge denial programs should be suspended pending a formal State Department investigation to identify new measures and safeguards required to avert another tragedy.

Witnesses included Pete Hoekstra, Member of Congress; Curt Weldon, Member of Congress; Bob Brown, Acting Deputy Director for Supply Reduction, Office of National Drug Control Policy; Donnie Marshall, Administrator, Drug Enforcement Administration; Chuck Winwood, Acting Commissioner, U.S. Customs Service; Joe Crow, Director of Latin American and Caribbean Programs, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; Rear Admiral David Belz, USCG, Director of the Joint Interagency Task Force East; Pete West, National Business Aviation Association; Adam Isacson, Center for International Policy; and Andy Messing, National Defense Council Foundation.

6. *“The Effectiveness of Faith Based Drug Treatment,” May 23, 2001*

a. Summary.—During this hearing the subcommittee examined a variety of large and small faith-based programs to assess their effectiveness and also whether regulatory barriers exist that prevent or undermine faith-based organizations from participating in the provision of these services. On May 10, President Bush directed Director John DiIulio of the Office of Faith-Based and Community Initiatives to complete an inventory of existing Federal partnerships with faith-based and community anti-drug partnerships within 30 days. This hearing was a sampling of that larger inventory.

Hearing witnesses included a variety of faith-based providers, including representatives from Teen Challenge, House of Hope, an Indiana church-based program and an inner city program receiving Federal dollars. The faith-based witnesses testified they would not want Federal money if they had to dilute their faith-based message. All witnesses indicated a need for resources and a desire to improve evaluation of their programs. Teen Challenge and House of Hope testified that they experienced a success rate of 80–90 percent, and attributed this high success rate to their faith message. Some of the proponents of faith-based drug treatment programs argued that these programs can be more effective and often less costly than publicly funded programs.

7. *“H.R. 2291, Reauthorization of the Drug-Free Communities Act,” June 28, 2001*

a. Summary.—The subcommittee heard testimony from a number of witnesses in support of H.R. 2291, the Reauthorization of the Drug-Free Communities Act. The DFCA (21 U.S.C. §§ 1521 et seq.), an amendment to the National Narcotics Leadership Act of 1988,

provides for direct grants of up to \$100,000 per year to community organizations demonstrating a comprehensive, long-term commitment to reduce substance abuse among youth. The DFCA program was intended, among other things, to strengthen collaboration among communities, the Federal Government, and State, local and tribal governments, to serve as a catalyst for increased citizen participation in community anti-drug efforts, and to re-channel Federal anti-drug resources and information to local communities. The DFCA is administered by the White House Office of National Drug Control Policy [ONDCP], but the actual evaluation and awarding of grants to anti-drug coalitions is carried out by the Office of Juvenile Justice and Delinquency Prevention [OJJDP], a division of the Department of Justice.

As originally drafted and referred to the subcommittee, H.R. 2291 reauthorized DFCA for an additional 5 fiscal years, and greatly increased its funding levels (up to a maximum of \$75 million in fiscal year 2007). The bill also increased the cap on the amount of DFCA funds that could be spent on administrative overhead from 3 percent to 8 percent per year. Additional provisions included the creation of a new grant (of up to \$75,000 per year) to support the mentoring of new coalitions by established coalitions, and the authorization of \$2 million for the establishment of a National Community Antidrug Coalition Institute (the "Institute") by an eligible national nonprofit organization that represents, provides technical assistance to, and has expertise and experience in working with DFCA grant recipients.

At the hearing, the subcommittee heard testimony from H.R. 2291's sponsors, Representative Rob Portman of Ohio and Representative Sander Levin of Michigan; from representatives of the principal agencies administering DFCA, Dr. Donald M. Vereen, Jr., Deputy Director of the Office of National Drug Control Policy; and Mr. John J. Wilson, Acting Director of the Office of Juvenile Justice and Delinquency Prevention; and from representatives of the coalitions receiving grants under DFCA, Gen. Arthur T. Dean (retired), chairman and CEO of the Community Anti-Drug Coalitions of America [CADCA]; the Hon. Michael Kramer, Judge of the Noble County Superior Court, Indiana, Chair of Drug-Free Noble County and Member of the Advisory Board of CADCA; and Mr. Lawrence Couch, program manager of the Montgomery County Partnership, Maryland.

Each of the witnesses expressed their support for H.R. 2291 and testified to the success of the DFCA program. Chairman Mark Souder and the other members of the subcommittee were supportive of the DFCA, but asked a number of questions about how administrative costs could be minimized so that as many dollars as possible could be given directly to the local coalitions. Ranking Minority Member Elijah Cummings asked whether the mentoring grants could be given preferentially to those assisting coalitions in economically disadvantaged communities.

Based on the information obtained at the hearing, the subcommittee made several amendments to H.R. 2291 at markup and recommended its passage to the full committee. The amendments included increasing the authorized funding in the final years (to a maximum of \$99 million in fiscal year 2007), capping the adminis-

trative costs at 6 percent per year, requiring that ONDCP ensure that there be no duplication of administrative tasks among the agencies and the Institute, and requiring that preference for mentoring grants be given to those serving coalitions in economically disadvantaged areas.

8. *“The Methamphetamine Problem in America: Growth and Trends,” July 12, 2001*

a. Summary.—The subcommittee heard testimony concerning the growth of methamphetamine trafficking and abuse in the United States, and potential ways in which this problem could be addressed. The witnesses explained how methamphetamine use and production had spread from California to the Pacific Northwest, the Midwest, and the South, how serious the health and environmental threats from this drug were, and the ways in which methamphetamine abuse could be fought through a combination of law enforcement and treatment options.

Witnesses included Joseph D. Keefe, Chief of Operations of the Drug Enforcement Administration; Ron Brooks, chairman of the National Narcotic Officers Associations Coalition; Sheriff Doug Dukes and Deputy Sheriff Doug Harp of the Noble County, Indiana Sheriff’s Department; Henry Serrano, chief of police of the Citrus Heights, California Police Department; and Susan Rook, Public Affairs Director of Step One.

9. *“Opportunities and Advancements in Stem Cell Research,” July 17, 2001*

a. Summary.—The subcommittee examined the status of Federal policy and law regarding stem cell research funding, the current clinical uses and potential future uses of stem cells and the alternatives to destroying human embryos to obtain stem cells. The subcommittee heard from scientific experts, patient advocates, as well as families with children who were adopted as embryos.

The witnesses included: Marlene, John and Hannah Strege (the first ever adopted embryo family); John, Lucinda, Mark and Luke Borden (adopted embryo family with twins); Joann Davidson of the Christian Adoption & Family Services Agency (an embryo adoption agency); Nathan Salley (a leukemia patient successfully treated with stem cells from cord blood); Ms. Joan Samuelson of the Parkinson’s Action Network; David Arthur Prentice, PhD of Indiana State University, Department of Life Sciences; Carl Christopher (Chris) Hook, MD, of the Mayo Clinic in Rochester, MN; Gerald D. Fischbach, M.D., vice president for health and biomedical sciences and dean of the Faculty of Medicine at Columbia University Health Sciences; and Mollie and Jackie Singer with the Juvenile Diabetes Research Foundation International.

The testimony focused on the alternatives that exist to stem cell research requiring the destruction of living human embryos. These alternatives include research using stem cells from adult sources and cord blood and placentas as well as opportunities for adoption of “spare” embryos. As of today, the only clinically successful stem cell therapies involve cells derived from non-embryonic sources and no therapies have been developed using embryonic stem cells.

This has been the only congressional hearing to date that has focused on the ethical alternatives to stem cell research that requires the destruction of living human embryos. It is also the only hearing that has explored the alternative to destruction of these embryos, which is adoption.

10. *“The National Youth Anti-Drug Media Campaign: How to Ensure the Program Operates Efficiently and Effectively,” August 1, 2001*

a. Summary.—The subcommittee held an oversight hearing on the National Youth Anti-Drug Media Campaign. The hearing examined the effectiveness and efficiency of the National Youth Anti-Drug Media Campaign, now in its 4th year. At roughly \$1 billion, this 5-year media campaign is the largest government-sponsored and government-funded campaign of its kind in history. The Office of National Drug Control Policy is responsible for conducting and administering the National Youth Anti-Drug Media Campaign. Witnesses included the Acting Director of ONDCP, Ed Jurith; Mr. Bernard L. Ungar, Director, Physical Infrastructure Team, General Accounting Office; Captain Mark D. Westin, contract administration, Fleet & Industrial Supply Center, Norfolk Washington Detachment, Department of the Navy; Ms. Susan Davis, Deputy Chief of the Prevention Research Branch, National Institute on Drug Abuse.

Mr. Jurith testified that ONDCP would need to evaluate whether to re-bid the contract or simply continue with the prime contractor, Ogilvy & Mather. The General Accounting Office discussed its findings regarding possible irregularities in the administration of the contract by Ogilvy and Mather. Some subcommittee members expressed disapproval of even the possibility of continuing with Ogilvy because of their track record. The subcommittee recommended that ONDCP continue heightened diligence with contract administration to assure that this \$1 billion media campaign succeeds.

11. *“Drug Trade and the Terror Network,” October 2, 2001*

a. Summary.—The subcommittee heard testimony that detailed the extent to which narcotics trafficking has provided funding and support for the Taliban regime in Afghanistan, the al-Qaeda terrorist organization headed by Osama Bin Laden, and other terrorist organizations worldwide. The witnesses confirmed that the Taliban had directly benefited from all aspects of the Afghan opium trade, mainly through taxation. Despite a much-heralded Taliban prohibition on opium poppy cultivation and a significant decrease in opium production in 2001, testimony strongly suggested that the Taliban had been engaged in major stockpiling of opium, forcing the local price to substantially increase and allowing the Taliban to continue profiting from the drug trade. The witnesses stressed that the United States would be ill advised to ignore the extent to which the profits from the drug trade are directed to finance terrorist activities.

The witnesses included Asa Hutchinson, Administrator, Drug Enforcement Agency; and Bill Bach, Director, Office of Asia, Africa, Europe, and NIS Programs, Department of State.

12. *“Keeping a Strong Federal Law Enforcement Work Force,” October 17, 2001*

a. Summary.—The subcommittee heard testimony concerning the extent to which manpower, work hours, agent compensation, infrastructure and other factors affect the ability of the U.S. Customs Service, the U.S. Marshals Service, the Immigration and Naturalization Service and the U.S. Border Patrol to carry out their law enforcement functions. Witnesses from each of these agencies explained to the subcommittee how their agencies were being challenged to meet the growing burden of counter-terrorism in the aftermath of the September 11, 2001, attacks, even as they struggled to meet their other law enforcement missions. The subcommittee was presented with several proposals to improve pay and benefits in order to improve the hiring and retention of officers at these agencies.

Witnesses included Commissioner James Ziglar of the U.S. Immigration and Naturalization Service; Robert M. Smith, Assistant Commissioner of the Office of Human Resources Management, U.S. Customs Service; and Gary E. Mead, Assistant Director of Business Services, U.S. Marshals Service.

13. *“Improving Security And Facilitating Commerce At The Northern Border,” field hearings at Highgate Springs, VT, and Champlain, NY, October 28–29, 2001*

a. Summary.—The subcommittee held the first of its ongoing series of field hearings at the Nation’s border crossings concerning ways to improve security while also easing burdens on trade and travel. These first field hearings were held at Highgate Springs, VT, and Champlain, NY. The subcommittee heard testimony from supervisors and employees of the principal agencies entrusted with manning the border crossings, from a representative of the Canadian parliament, and from representatives of community and business leaders from both the United States and Canadian sides of the border. A number of proposals to improve security and efficiency at the border were suggested to the subcommittee.

Witnesses at Highgate Springs, VT, included Mr. Jean Ouellette, District Director of the U.S. Immigration and Naturalization Service; Mr. Philip W. Spayd, District Field Officer of the U.S. Customs Service; Mr. Denis Paradis, Member of Parliament of Canada, House of Commons; Mr. Sylvain Dion, president, Distribution Marcel Dion; Mr. Gilles Lariviere, president, West Brome Mill; Mr. Stephen Duchaine, president of the Highgate Springs Chapter, American Federation of Government Employees, Immigration and Naturalization Service Council; Mr. Tim Smith, executive director of the Franklin County Industrial Development Corp.; Mr. Chad Tsounis, director of the St. Albans Chamber of Commerce; and Mr. John Wilda, president of Chapter 142, National Treasury Employees Union. Witnesses at Champlain, NY, included the Hon. Ron Stafford, New York State Senator; Mr. Michael Dambrosio, District Field Officer of the U.S. Customs Service; Ms. Francis Holmes, District Director of the U.S. Immigration and Naturalization Service; Mr. Garry Douglas, executive director of the Plattsburgh-North Country Chamber of Commerce; Mr. Carl Duford, president of the Champlain Chapter, American Federation of Government Employ-

ees, Immigration and Naturalization Service Council; and Mr. Thomas Keefe, president, St. Lawrence Chapter 138, National Treasury Employees Union.

14. *“Law Enforcement: Are Federal, State, and Local Agencies Working Together Effectively?” October 31, 2001*

a. Summary.—This joint hearing was held by the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations; the Subcommittee on Criminal Justice, Drug Policy and Human Resources; and the Subcommittee on National Security, Veterans Affairs and International Relations. Testimony from Federal agency witnesses suggested a general willingness to share information with other Federal agencies, as well as State and local law enforcement agencies. At the same time, however, Federal officials identified cultural, technological, and training barriers to information sharing. Testimony from State and local officials emphasized that they are on the front lines of homeland defense when emergencies arise. They noted that the Federal Government could do more to promote information sharing by increasing funding to the local level, allowing more access to classified information, and by seeking State and local participation on law enforcement task forces.

The panel included Asa Hutchinson, Administrator, Drug Enforcement Agency; Richard R. Nedelkoff, Director, Bureau of Justice Assistance, Department of Justice; Kathleen L. McChesney, Assistant Director, Training Division, Federal Bureau of Investigation; Joe Green, Deputy Associate Commissioner for Field Operations, Immigration and Naturalization Service; John F. Timoney, commissioner, Philadelphia Police Department; Edward T. Norris, commissioner, Baltimore Police Department; Charles H. Ramsey, chief, Washington Metropolitan Police Department; William Dwyer, chief, Farmington Police Department, representing Michigan Chiefs of Police Association; and Scott L. King, mayor, Gary, IN.

15. *“Federal Law Enforcement: Long-Term Implications of Homeland Security Needs,” December 5, 2001*

a. Summary.—The subcommittee discussed with the heads of several law enforcement agencies the impact that emphasis on homeland security requirements in the wake of the September 11, 2001 terrorist attacks had had on execution of their more customary missions. The agency heads provided testimony regarding the immediate impact which increased law enforcement requirements had on their operations, and discussed the status of short and long-term planning to ensure that appropriate resources would be made available for ongoing law enforcement needs.

The panel included Admiral James Loy, Commandant of the U.S. Coast Guard; Robert Bonner, Commissioner of the U.S. Customs Service; James Ziglar, Commissioner of the U.S. Immigration and Naturalization Service; Asa Hutchinson, Administrator of the Drug Enforcement Administration; and Frank Gallagher, Deputy Assistant Director of the Federal Bureau of Investigation.

16. *“Improving Security And Facilitating Commerce At The Northern Border,” field hearing at Blaine, WA, December 10, 2001*

a. Summary.—The subcommittee held another in its ongoing series of field hearings at the Nation’s border crossings concerning ways to improve security while also easing burdens on trade and travel, this time at Blaine, WA. As at Highgate Springs and Champlain, the subcommittee again heard testimony from supervisors and employees of the principal agencies entrusted with manning the border crossings and patrolling the region’s borders and waterways, from a representative of the Canadian parliament, and from representatives of community and business leaders from both the United States and Canadian sides of the border. The subcommittee heard similar proposals to improve security and efficiency at the border.

Witnesses included Rear Admiral Erroll M. Brown, Commander of the 13th U.S. Coast Guard District; Mr. Thomas W. Hardy, Director of Field Operations, Northwest Great Plains Customs Management Center, U.S. Customs Service; Mr. Robert S. Coleman, Jr., Director of the Seattle District, Immigration and Naturalization Service; Mr. Ronald H. Henley, Chief Patrol Agent of the Blaine Sector, U.S. Border Patrol; Ms. Val Meredith, Member of Canadian Parliament, House of Commons; Mr. David Andersson, president of the Pacific Corridor Enterprise Council; Ms. Terry Preshaw, member of the Vancouver Board of Trade; Mr. Gordon Schaffer, president-elect of the White Rock & South Surrey Chamber of Commerce; Hon. Georgia Gardner, Washington State Senator; Mr. Pete Kremen, Whatcom County executive; Mr. Jim Miller, executive director of the Whatcom Council of Governments; Ms. Pam Christianson, president of the Blaine Chamber of Commerce; Mr. Barry Clement, president of the National Treasury Employees Union, Chapter 164; and Mr. Jerry Emory, vice president of the American Federation of Government Employees, National INS Council, Local 40.

DISTRICT OF COLUMBIA SUBCOMMITTEE

Hon. Constance A. Morella, *Chairwoman*

1. *“America’s Main Street: The Future of Pennsylvania Avenue,” March 21, 2001*

a. Summary.—Nearly 6 years after then-Treasury Secretary Robert E. Rubin ordered the U.S. Secret Service to “temporarily” close Pennsylvania Avenue to vehicular traffic between 15th and 17th Streets, NW., the subcommittee sought an update on the closure, including hearing ideas from architectural and security firms on how the avenue could be re-opened. The road is an important east-west artery for the District of Columbia, and was traveled by about 29,000 vehicles daily before its May 19, 1995 closure.

Former Senate Majority Leader Bob Dole, representing the Federal City Council (a Washington, D.C. civic and business organization) proposed a plan by which Pennsylvania Avenue would be reduced to four lanes, the road curved away from the White House and two pedestrian bridges built to prevent trucks and other large vehicles from driving in front of the Executive Mansion.

D.C. Mayor Anthony Williams, the chair of the City Council, and several business and civic leaders endorsed the idea of re-opening Pennsylvania Avenue to vehicular traffic. Secret Service Director Brian Stafford repeated the agency's opposition to opening the road, contending that there is no adequate method to protect the White House from car or truck bombs if the road is open to public use. Richard L. Friedman, the chairman of the National Capital Planning Commission, testified that the NCPC planned on convening a task force to examine the closure of Pennsylvania Avenue and other security issues and pledged to issue a recommendation on the avenue by the summer. (The report, "Designing for Security in the Nation's Capital," issued in October, recommended building a tunnel to carry Pennsylvania Avenue below ground and open Pennsylvania Avenue to a "circulator" bus service to transport tourists and workers around the city's Monumental Core.)

2. *"Coordination of Criminal Justice Activities in the District of Columbia," May 11, 2001*

a. *Summary.*—The General Accounting Office, pursuant to the fiscal year 2000 District of Columbia Appropriations Act, issued a report in March 2001 recommending better coordination among criminal justice agencies in the District of Columbia. The National Capital Revitalization and Self-Government Improvement Act of 1997 brought a number of city functions—including Superior Court, Pretrial Services, Defender Services and sentenced felon incarceration—under the auspices of the Federal Government, leaving the city's criminal justice system divided among Federal and local entities.

Competing organizational interests have hampered needed reforms and improvements to the District's criminal justice process, according to the GAO report and hearing testimony from the city's public safety, political and judicial officials. One persistent example cited at the hearing is the millions of dollars in overtime paid annually to Metropolitan Police Department officers while they wait in court or to meet with prosecutors from the U.S. attorney's office.

There was a broad consensus among witnesses for the need to breathe new life into the Criminal Justice Coordinating Council, a multi-agency group that achieved some success when it had been funded by the District of Columbia Financial Responsibility and Management Assistance Authority (the Control Board). The CJCC brings together the heads of the agencies with criminal justice responsibilities in the District (chief of police, U.S. attorney, head of Federal Bureau of Prisons, etc.) to work out problems of coordination.

3. *"The Outlook for the District of Columbia Government: The Post-Control Board Period," June 8, 2001. Joint hearing with the Senate Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia*

a. *Summary.*—With the D.C. Financial Responsibility and Management Assistance Authority (the Control Board) set to expire on September 30, 2001, the subcommittee held a joint hearing with its Senate counterparts to get a frank assessment from city govern-

ment officials and outside experts on the current state of the District's fiscal and management situation. The hearing also was meant to serve as the starting point for a discussion on what actions would be necessary to ensure the District's continued financial health. Under the Control Board, established by Congress in 1995, the District turned a \$518 million deficit into a \$464 million surplus, saw its bond rating improve from junk-level to investment grade, and made substantial improvements in service delivery.

Control Board chairman Alice Rivlin, Mayor Anthony Williams and City Council president Linda Cropp jointly testified in favor of city legislation that would continue to give the District's chief financial officer (an office created under the act establishing the Control Board) some oversight of the city's budget, tax and accounting functions. Several witnesses expressed concern that the city legislation did not go far enough in strengthening the position of the CFO, saying that such an important position required additional safeguards and explicit powers over the city's finances.

Other witnesses, including representatives from the two major credit rating agencies, Standard & Poor's and Moody's Investors Service, testified that ensuring the independence of the chief financial officer was important to the long-term fiscal stability of the District. They also noted that it is very unusual for a city to emerge from a Control Board period without some kind of "transition" back to full fiscal sovereignty.

4. *"The Reform of the Family Division of the District of Columbia Superior Court: Improving Services to Families and Children," June 26, 2001*

a. Summary.—The death of 23-month-old Brianna Blackmond in January 2000 illustrated the grave failings of the District of Columbia's child welfare network. The system of social workers, child advocates and family division judges simply was not doing enough to protect the rights—and in some cases, the lives—of the city's children. In Brianna's case, the young girl was killed just weeks after a family division judge made the mistake of taking Brianna from a foster home and returning her to her troubled mother.

Since the 1997 Revitalization Act, the District's Superior Court (including its family division) has fallen under control of the Federal Government, and this hearing was aimed at developing legislation to dramatically reform the family division and address the backlog of neglect and abuse cases. The biggest debate, at the hearing and in subsequent legislative negotiations, was over the length of term for family court judges. Superior Court Chief Judge Rufus King III argued in favor of a term of no more than 3 years, saying anything longer could lead to judicial burnout. Others, including child advocates and F. Scott McCown, a family court judge from Texas, strongly favored a 5-year term (which was ultimately supported by the subcommittee) to ensure judges have adequate time to learn the ropes of complicated family issues. There was overall support for the idea of "One Family, One Judge," under which a judge would gain greater familiarity with a family's problems because he or she would hear all cases involving that family.

5. *“Prisoner Release in the District of Columbia: The Role of Halfway Houses and Community Supervision in Prisoner Rehabilitation,” July 20, 2001*

a. Summary.—More than 2,500 felony inmates are expected to be released back to the District of Columbia each year for the next several years, a situation made worse by the fact that the city has a shortage of about 250 halfway house beds. Drug treatment and other support services are similarly available only on a limited basis. Finally, as a completely urban jurisdiction, the District has a higher incarceration rate than any of the 50 States, and its inmates are more likely to have serious drug and/or medical problems.

Congress created the Court Services and Offender Supervision agency in 1997 to ensure that individuals released back into the community, either pre-trial or post-sentence, received proper monitoring, job support and other transitional services. At the hearing, Chairwoman Connie Morella entered into the record a chart showing that the number of D.C. parolees re-arrested on other charges had dropped considerably in recent years, from 158 in May 1998 to 66 in April 2001. The figures have fluctuated between 40 and 79 since September 1999. The shortage of halfway house beds, however, threatens to impede further progress, according to testimony from corrections officials and criminal justice observers. The Federal Bureau of Prisons, which became responsible for felony incarceration in the District under the 1997 Revitalization Act, has a policy of releasing its prisoners into halfway houses—something it cannot always do in the District.

6. *“Spring Valley: Toxic Waste Contamination in the Nation’s Capital,” July 27, 2001*

a. Summary.—During World War I, the U.S. Army leased land from American University and several other property owners in an area of Northwest D.C. known as Spring Valley for the establishment of a weapons testing facility. The American University Experimental Station became the second-largest chemical weapons facility in the world, with up to 1,900 military and civilian employees working there. When World War I ended, and the experiments were over, the chemicals were supposedly shipped to another site for disposal. But that did not happen.

In 1993, a construction crew found buried munitions, starting a process of search-and-cleanup that continues to this day. Dangerously high levels of arsenic continue to be found in the soil in Spring Valley. Many residents believe the chemical remnants have caused cancer and other diseases in their loved ones, sometimes resulting in death. The Army Corps of Engineers is responsible for the cleanup, which has impacted hundreds of homes and the campus of American University. The Corps is working with residents, the city government and American University in this process.

This hearing was called to determine how these chemicals were able to remain a secret for 75 years. Should not have someone—a landowner, a builder, a military authority, the university—known about the possible contamination and warned the public? In 1986, the U.S. Army considered examining the Spring Valley area for possible munitions as part of American University’s planned con-

struction of a campus building. The Army Corps decided then, against substantial evidence suggesting otherwise, that no large-scale investigation was needed. Likewise, in 1995, after 2 years of cleanup, the Corps declared the area safe—only to learn that was not the case when the District of Columbia government challenged the Army’s findings.

Despite calling many witnesses to testify—including representatives from the Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Army Audit Agency, American University and the W.C. & A.N. Miller Development Co. (the prime builders in Spring Valley)—the subcommittee decided at the conclusion of the hearing to seek a General Accounting Office investigation into the matter. That investigation is currently underway.

7. *“Mass Transit in the National Capital Region: Meeting Future Capital Needs,” September 21, 2001*

a. Summary.—Just 10 days after the September 11th terrorist attacks, the subcommittee convened a hearing on the status of the Washington Metro subway system. While originally intended to examine Metro’s long-term capital needs to continue to move commuters smoothly around the region, much of the hearing’s focus turned to the system’s emergency response and planning and its capability for handling a bio-terrorist threat.

Metro general manager Richard White testified that the subway system is at the forefront nationally of testing out a new system in which sensors would be able to detect the presence of a bio-agent in the system and respond accordingly. But he said such measures are still in the preliminary stage.

A General Accounting Office report, released in July and the basis for this hearing, noted that the 25-year-old system is seeing a steadily growing number of riders while also facing growing pains associated with its age—most notably, broken escalators and the need to replace train cars. The GAO also suggested that Metro change its budgeting process by listing which projects it would not undertake should it receive less money than requested from local governments. White said Metro was opposed to this because he believes it would lead to less funding. But Metro is developing a “core capacity” plan to outline its long-term capital needs.

8. *“Emergency Preparedness in the Nation’s Capital,” November 2, 2001*

a. Summary.—The September 11th terrorist attacks on the Pentagon and the World Trade Center in New York City highlighted the importance of a coordinated response of local governments to catastrophic events. At the Pentagon, fire, police and emergency rescue forces from across the region worked hand-in-hand to save lives, tend to the injured and extinguish the fire. They were undoubtedly assisted by their routine training in “mutual aid” situations—emergencies that require responses from across jurisdictional boundaries.

Unfortunately, the communication and coordination of regional political leaders were not so evident. At this hearing, Michael Rogers, the executive director of the Metropolitan Washington Council of Governments, testified that regional leaders did not even speak

to each other, as a group, until 6 p.m. on the evening of the 11th—more than 8 hours after American Flight 77 struck the Pentagon, and long after most residents had left work and returned to the safety of their own homes. District of Columbia Mayor Anthony Williams testified that he regretted not using the area's Emergency Broadcast System to give citizens the facts of the situation. Shortly after the attacks, many people were not sure whether the Metro subway system was operating, whether roads were closed, and whether they should stay at work or try to get home.

Coordination between the Federal and local governments was lacking as well. At the same time the Office of Personnel Management was telling Federal employees to go home, the Secret Service ordered the closure of several of the Potomac River bridges connecting the District to Virginia, creating a traffic nightmare. Chairwoman Morella called for the development of a regional emergency response plan, with a particular emphasis on bio-terrorist response, one that could help coordinate the various local and Federal entities in their response to future calamities.

9. *“Emergency Preparedness in the Nation’s Capital: The Economic Impact of Terrorist Attacks,” November 15, 2001*

a. Summary.—In a continuation of its November 2 hearing, the District of Columbia Subcommittee looked closely into the economic damage caused by the September 11 terrorist attacks, and subsequent discovery of anthrax in the mail system, on the District and the metropolitan region. Dr. Stephen Fuller, a noted economist from George Mason University, testified that the city could be severely hurt by the terrorism events, given that its economy is heavily dependent on the hospitality and tourism industries. Because of safety fears and the prolonged closure of Ronald Reagan Washington National Airport, more business travelers are staying in the suburbs rather than coming downtown, he said. With hotel occupancy at less than half the normal rate in September and October (usually two of Washington's three best months for business travel and tourism) as many as 10,000 of the city's hospitality workers could lose their jobs, Fuller said.

Fuller and other witnesses, including labor and business representatives, said they feared that the Federal Government's decision to close streets, cancel popular public tours of the White House, FBI building and the Capitol, and put up barricades at various tourist destinations, would only exacerbate the problem. William Hanbury, the president and CEO of the Washington, DC Convention and Tourism Corp., testified that local officials have prepared an aggressive advertising and marketing campaign to attract visitors to the Nation's Capital but did not want to launch the campaign while the news media was reporting daily on the anthrax situation and security measures in the District. Hanbury also testified that the new D.C. Convention Center, scheduled to open in the spring of 2003, will not be delayed because of bad economy brought on by the terrorist attacks. The Convention Center construction is funded through a combination of hotel taxes and sales taxes on food.

10. *“The District of Columbia School Reform Act of 1995: Blue Print for Educational Reform in the District of Columbia,” December 4, 2001*

a. *Summary.*—This hearing was convened just a few weeks after the District of Columbia Board of Education voted to cut the public school system’s academic year by 7 days in response to budget shortfalls brought on by lax fiscal management. The school system had discovered an estimated \$80 million shortfall—which turned out to be \$98 million, the city’s chief financial officer revealed at this hearing—shortly before the end of the city’s 2001 fiscal year, which concluded on September 30, 2001. Chairwoman Morella and Ranking Member Norton both described the Board of Education plan as unacceptable, and urged the school board to come up with a different proposal to save money. Five days after the hearing, the city government gave the school system \$10 million to avoid the budget cuts.

Fiscal mismanagement and poorly performing schools have long been a problem in the District. Of late, the schools’ budget has been under severe stress due to the high cost of transporting and educating special education students. The District places thousands of its special needs students into schools in other States, a practice that costs \$34,000 per student—or more than double the cost to educate a special education student in D.C. schools. Making the problem worse is that the school system has failed to file proper paperwork with the Federal Government to recover its rightful Medicaid contribution. School Board President Peggy Cooper Cafritz and Superintendent Paul Vance agreed to send to the subcommittee details of their efforts to reduce special education costs by educating more special needs students in the District of Columbia, rather than in private placements.

Vance and Cafritz also testified that the District’s schools are showing some promise in terms of academic performance. In the 1996–97 school year, 34 percent of DCPS students tested at “below basic” for reading, according to the Stanford 9 achievement tests. That figure dropped to 25 percent by the 2000–2001 academic year, as more students tested at “basic,” “proficient,” or “advanced” levels. In mathematics, the progress was even greater—a reduction in “below basic” from 57 percent in 1996–97 to 36 percent last year.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

Hon. Doug Ose, *Chairman*

1. *“A Rush to Regulate—the Congressional Review Act and Recent Federal Regulations,” March 27, 2001*

a. *Summary.*—Congress has a tool to disapprove regulations: the Congressional Review Act [CRA]. The purpose of the hearing was to examine some of the late-issued rules (since 1981, popularly known as “midnight” rules) by the Clinton administration and to ensure that the decisionmaking process was careful and above reproach. The hearing considered not only substantive concerns but also procedural flaws in issuance of these rulemakings. Under law, Congress has two opportunities to review agency regulatory ac-

tions: at the proposed rule stage and at the final rule stage. Under the Administrative Procedure Act, Congress can comment on agency proposed and interim rules during the public comment period. Under the CRA, Congress can disapprove an agency's final rule after it is promulgated.

In March 2001, the House and the Senate passed a joint resolution of disapproval for the Department of Labor's major rule establishing a new comprehensive ergonomics standard. The reversal of the ergonomics rule was the first instance in which the CRA resulted in nullification of a rule. The hearing examined other recent major and significant rules for any rule which may be an additional candidate for a CRA resolution of disapproval. The potential candidates discussed included: the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration's revised debarment and suspension rule governing a "satisfactory record of integrity and business ethics" for contracting with the government; the Department of Agriculture's rule protecting national forest system roadless areas; and, the Environmental Protection Agency's rule establishing diesel fuel sulfur control requirements for new motor vehicles. The subcommittee also heard testimony on the importance of going through a public rule-making process when withdrawing or suspending a rule.

Witnesses included: Dr. Wendy Lee Gramm, director, Regulatory Studies Program, Mercatus Center, George Mason University and former Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; Marshall E. Whitenton, vice president, Resources, Environment and Regulation Department, National Association of Manufacturers; Dr. Robert H. Nelson, professor, School of Public Affairs, University of Maryland; Raymond E. Ory, vice president, Baker and O'Brien, Inc.; Terry F. Gestrin, chairman, Valley County Commissioners, Cascade, ID; Evan Hayes, wheat farmer, American Falls, ID, representing the National Association of Wheat Growers; Sharon Buccino, senior attorney, Natural Resources Defense Council; and Thomas O. McGarity, W. James Kronzer Chair, University of Texas School of Law.

2. *"Assessing the California Energy Crisis: How Did We Get to This Point and Where Do We Go From Here?" April 10, 2001*

a. *Summary.*—The hearing, held in Sacramento, CA, focused on the causes and effects of California's energy crisis, the impact on California's economy, and the State and Federal responses to the situation. The availability, reliability and price of power are an integral part of our economic success. The converse of that statement is also true: an unavailable, unreliable, and expensive source of power will cause an economic crisis. The State of California was facing an energy crisis and had been stricken by rolling blackouts. The subcommittee investigated the alleged overcharges by electricity generators, including claims that electric supply was withheld by generators. At its root, the crisis stemmed from a dysfunctional market and a fundamental imbalance between supply and demand. As the economy in California expanded and as regulatory restrictions continued to make it difficult to build new power plants and transmission facilities, demand outstripped supply. A number of factors were expected to further constrain supplies, such as

below average rainfall, which reduced hydroelectric supply, air emission restrictions, and the lack of production from alternative energy suppliers which were not paid for months.

The minority disagreed with the majority's conclusions, noting that record-setting prices occurred in the absence of historically high demand, no evidence indicated that clean air regulations restricted the generation of electricity, and once permits were submitted for construction of new power plants, they were quickly approved. The minority pointed to withholding of supplies and price gouging by electricity generators as major contributing factors to the energy crisis.

Key witnesses included: Loretta Lynch, president, California Public Utilities Commission; Terry Winter, president and CEO, California Independent System Operator; and Kevin Madden, general counsel, Federal Energy Regulatory Commission. The subcommittee also heard from a panel of small businessmen and farmers from the Sacramento area. The final panel featured: William MacDonald, Acting Commissioner, Bureau of Reclamation, Department of the Interior; and other witnesses pertaining to water management policies for the Trinity River in northern California.

3. *"Paperwork Inflation—Past Failures and Future Plans," April 24, 2001*

a. Summary.—The Office of Management and Budget [OMB] estimates the Federal paperwork burden on the public at 7.2 billion hours, at a cost of \$190 billion a year. The purpose of the hearing was to examine OMB's and the Federal agencies' efforts to reduce paperwork, as required by the Paperwork Reduction Act [PRA]. Much of the information that is gathered in this paperwork is important, sometimes even crucial for the government to function. However, much of it is duplicative and unnecessary. In 1995, Congress passed amendments to the PRA of 1980 that set government-wide paperwork reduction goals of 10 or 5 percent per year from fiscal year 1996 to 2001. The goal of PRA was to reduce red tape each year. These annual reductions in paperwork, however, were not achieved. Instead, paperwork burdens increased in each of the last 5 years.

The hearing discussed efforts to reduce paperwork and OMB's role in closely scrutinizing paperwork burdens before they are imposed on the public. Federal agencies should find less burdensome ways to collect information. With the technology available today, there is no reason why the burden on the American public cannot be decreased.

Witnesses included: Charles O. Rossotti, Commissioner, Internal Revenue Service, Department of the Treasury; Sean O'Keefe, Deputy Director, OMB; J. Christopher Mihm, Governmentwide Management Issues Director, General Accounting Office; Ken LaGrande, vice president, Sun Valley Rice; James M. Knott, president and chief executive officer, Riverdale Mills Corp.; John Nicholson, owner, Company Flowers; and Dr. John L. Bobis, director of regulatory affairs, Aerojet.

4. *“Unfunded Mandates—A Five-Year Review and Recommendations for Change,” May 24, 2001*

a. Summary.—This hearing on the Unfunded Mandates Reform Act [UMRA] was a joint hearing with the Committee on Rules Subcommittee on Technology and the House. In some cases mandates are imposed directly by Congress, such as the minimum wage, health insurance portability, and clean air. Some mandates, however, come not from Congress, but from the Federal agencies. After an outcry about the unfairness and burden of unfunded mandates, Congress enacted UMRA in 1995. It was designed “[t]o curb the practice of imposing unfunded Federal mandates on States and local governments; [and] to strengthen the partnership between the Federal Government and State, local and tribal governments.” The act established new procedures designed to ensure that both the legislative and executive branches fully consider the potential effects of unfunded Federal mandates before imposing them on State and local governments or the private sector.

After 5 years, the principal question is, how well is UMRA working? The hearing discussed the relative effectiveness of the provisions governing the legislative branch and the relative ineffectiveness of the provisions governing the executive branch. In 1998, the General Accounting Office [GAO] issued a report concluding that UMRA “has had little effect on agencies’ rulemaking actions.” GAO concluded that UMRA had little impact on agency rulemaking because (1) most of the economically significant rules during UMRA’s first 2 years were not subject to UMRA’s requirements and (2) the agency analyses appeared to meet most of UMRA’s substantive requirements. The Office of Management and Budget [OMB] has issued five annual reports on agency compliance with UMRA. These reports revealed from 13 to 17 proposed or final rules each year with a mandate over \$100 million. Some Members are concerned that part of the reason for the “little effect” of UMRA on the executive branch may be due to OMB’s insufficient guidance and ineffective oversight.

Witnesses included: Dan L. Crippen, Director, Congressional Budget Office; Mitchell E. Daniels, Jr., Director, OMB; Paul S. Mannweiler, Indiana State Representative and immediate past president, National Conference of State Legislatures; Dr. Raymond C. Scheppach, executive director, National Governors’ Association; Scott Holman, Sr., president and chief executive officer, Bay Cast, Inc., Michigan, and chairman, Regulatory Affairs Committee, U.S. Chamber of Commerce; and Williams L. Kovacs, vice president, Environment and Regulatory Affairs, U.S. Chamber of Commerce.

5. *“Gasoline Supply: Another Energy Crisis?,” June 14, 2001*

a. Summary.—Even though demand for gasoline has risen nearly every year since 1982, refining capacity since then actually declined more than 10 percent. Added to the complexity of the demand and supply situation for gasoline are the current regulatory problems associated with high gasoline prices in terms of declining refining capacity and the fragility and instability of the gasoline market. Twenty years ago, the Nation was essentially one single market for gasoline. Today, the Nation has been balkanized into more than a dozen boutique markets with their own specialized

blends of gasoline. The principal question about these boutique islands is not whether these special blends are more or less expensive to produce than conventional gasoline, but do they make the entire market less stable? It seems that this overlay of regulatory barriers on top of the current supply problems makes the market susceptible to recurrent price spikes. The minority finds that regulation is not the root cause of constraints in gasoline supplies—refining capacity declined in response to low returns on investment (due in part to excess refining capacity) and the gasoline industry encouraged the use of boutique fuels.

Beyond this balkanization of the gasoline market is the overarching regulation of gasoline under the Clean Air Act, particularly the oxygenate mandate added by Congress in 1990. Besides the regulatory problems, the hearing also explored opportunities to change the web of regulations to ensure a stable and adequate gasoline market. In addition, the subcommittee looked into efforts to reduce the cost of crude oil, the Federal Trade Commission's findings that price gouging contributed to price spikes in the Midwest, and conservation.

Witnesses included: John Cook, Director, Petroleum Division, Energy Information Administration, Department of Energy; Robert D. Brenner, Acting Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Dr. Don L. Coursey, professor, Harris School of Public Policy, University of Chicago; Robert Slaughter, general counsel, National Petrochemical and Refiners Association; Ben Lieberman, senior policy analyst, Competitive Enterprise Institute; and A. Blakeman Early, environmental consultant, American Lung Association.

6. *"Air Transportation—Customer Problems and Solutions," July 31, 2001*

a. *Summary.*—Since Congress enacted the Airline Deregulation Act in 1978, air fares have fallen, more cities have more air service, and fatalities in the air have decreased. However, there are still problems concerning customer service, especially delays. In 2000, one in four flights were late, diverted or canceled. There is a growing gap between the demand for air transportation and the capacity to meet that demand. Some believe that air transportation problems can best be addressed by increasing airport capacity. The Department of Transportation's [DOT] Federal Aviation Administration [FAA] estimated an average 10 years planning cycle for new commercial runways—from time of active planning to the start of construction. In many cases, the process took 15 to 20 years. One factor contributing to this lengthy process is due to the fact that there are approximately 40 Federal laws, Executive orders, and regulations governing runway and airport construction. The hearing explored the timetable for regulatory streamlining to address airport capacity and the growing demand for air transportation. It highlighted possible solutions, such as shortened time lines, a better coordinated review process that is simultaneous instead of sequential, and time limits both at the Federal and State/local levels.

The minority also mentioned investment in high-speed rail. One out of every three flights in the Nation is 350 miles or less, and

some of the most congested airports have a disproportionate number of these short flights.

Witnesses included: Donna McLean, Assistant Secretary for the Office of Budget and Programs and Chief Financial Officer, DOT; Jane Garvey, Administrator, FAA, DOT; Ed Merlis, senior vice president, legislative and international affairs, Air Transport Association of America, Inc.; Todd Hauptli, senior vice president, legislative affairs, American Association of Airport Executives; Henry Ogrodzinski, president and chief executive officer, National Association of State Aviation Officials; David Krietor, aviation director, Phoenix Sky Harbor Airport; and Sue Sandahl, council member at-large, Richfield City Council, Minnesota.

7. *“FERC: Regulators in Deregulated Electricity Markets,” August 2, 2001*

a. *Summary.*—The root causes of the California energy crisis include: a flawed market design, lack of supply growth over the preceding decade, substantial demand growth in California and the entire West, high natural gas prices, and historic low hydroelectric levels. These factors contributed to a serious deficiency in electric power supply and caused wholesale energy prices to skyrocket. The minority finds that withholding of supplies and price gouging by electricity generators were major contributing factors. The Federal Energy Regulatory Commission [FERC] had been criticized for its role in electricity deregulation, especially with regard to California. The hearing focused on FERC’s ability to properly monitor deregulated markets to ensure that electricity prices are “just and reasonable,” as required under the Federal Power Act. The purpose of the hearing was to determine how FERC could improve its procedures to avoid a future crisis, like the one experienced in California. It assessed FERC’s vision for market monitoring, as it outlined in Order 2000, agency staff levels and experience, and FERC’s plan for addressing unplanned outages.

Key witnesses included: Kevin Madden, General Counsel, FERC; Shelton Cannon, Deputy Director, Office of Markets, Tariffs and Rates, FERC; James E. Wells, Director, Natural Resources and Environment, General Accounting Office; Terry Winter, president and chief executive officer, California Independent System Operator; Phillip Harris, president and chief executive officer, PJM Interconnection, L.L.C.; and William Hogan, professor, John F. Kennedy School of Government, Harvard University.

8. *“Elevating EPA: Creating a New Cabinet Level Department,” September 21, 2001*

a. *Summary.*—Two bills were introduced to elevate the Environmental Protection Agency [EPA] to a cabinet level department; both were referred to the subcommittee. However, H.R. 2438 and H.R. 2694 introduced by Congressman Sherwood Boehlert and Congressman Steve Horn, respectively, take two vastly different approaches. In addition Congressman Vernon Ehlers introduced legislation, which would create a specific Deputy Administrator for Science. Two of these bills suggest the need for an evaluation of EPA’s organization and structure to achieve its mission. The hearing examined the differences in the legislation as well as EPA’s

current organizational structure. Since its inception in 1970 by a Nixon Executive order, EPA has been an agency that was created piecemeal. Although this piecemeal approach was effective at eliminating numerous past sources of pollution, the Nation faces more complex environmental challenges. Many have argued that dealing with these more complicated environmental issues will require a different approach than that embodied in the environmental laws of the past and one requiring changes in EPA as well.

Witnesses included: Representative Sherwood L. Boehlert; Representative Stephen Horn; Representative Vernon Ehlers; Dr. J. Clarence Davies, senior fellow, Resources for the Future; Dr. Janet L. Norwood, fellow, National Academy of Public Administration; Dr. Robert W. Hahn, director, AEI-Brookings Joint Center for Regulatory Affairs; and Janice Mazurek, director, Center for Innovation and the Environment, Progressive Policy Institute.

9. *“Natural Gas Infrastructure and Capacity Constraints,” October 16, 2001*

a. Summary.—The hearing examined the infrastructure and capacity constraints in California, and the unprecedented high natural gas prices. It also addressed the steps taken since May 2001 to realign the market and steps which still need to be taken. During 2000 and 2001, southern California experienced natural gas prices in the range of twice the national average and at times up to \$60 per million Btus at the California border trading locations. The hearing also reviewed the factors that may have contributed to high prices, including out-of-balance supply and demand, limited interstate and intrastate natural gas transmission lines, a key pipeline capacity contract, and market manipulation. Since May 2001, prices have stabilized due in part to actions taken by the Federal Energy Regulatory Commission [FERC], California State agencies, and a slowing economy. The hearing reviewed further actions and authority that FERC may need to prevent unbalanced energy prices from occurring elsewhere in the United States.

Key witnesses included: Pat Wood III, chairman, FERC; Loretta Lynch, president, California Public Utilities Commission; Michal C. Moore, commissioner, California Energy Commission; Lad Lorenz, director, capacity and operational planning, Southern California Gas Co.; Paul R. Carpenter, principal, Brattle Group; Professor Joseph Kalt, John F. Kennedy School of Government, Harvard University; Paul Amirault, vice president, Marketing, Wild Goose Storage, Inc.; and Gay Friedmann, senior vice president, legislative affairs, Interstate Natural Gas Association of America.

10. *“What Regulations Are Needed to Ensure Air Security?” November 27, 2001*

a. Summary.—In over 5 years, the Department of Transportation’s [DOT] Federal Aviation Administration failed to issue a final rule on certification of screening companies. Since September 11, 2001, President Bush and Congress began to examine the existing air security system, including the laws, regulations, and actual practices. Much was found lacking. On November 19th, President Bush signed a comprehensive Aviation and Transportation Security Act written by Congress. The law placed responsibility for air secu-

rity in the hands of DOT. Within 1 year, DOT is required to primarily use Federal employees for passenger and baggage screening. In addition, the law addresses many other areas of air security. The new law establishes “emergency procedures” allowing DOT to issue interim final regulations without any public notice and comment. The hearing provided a useful forum for congressional and public input into the regulatory decisionmaking process.

Witnesses included: Representative John Mica; Issac Yeffet, former director of security for El-Al Airline; Ed Merlis, senior vice president, legislative and international affairs, Air Transport Association of America; Todd Hauptli, senior vice president, legislative affairs, American Association of Airport Executives; John O’Brien, director of engineering and air safety, Air Line Pilots Association; Patricia Friend, president, Association of Flight Attendants; Mark Roth, general counsel, American Federation of Government Employees; and Paul Hudson, executive director, Aviation Consumer Action Project.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *“Are the Financial Records of the Federal Government Reliable?”
March 30, 2001*

a. Summary.—This hearing was the first in a series of oversight hearings to examine the financial management practices at Federal departments and agencies, including the Internal Revenue Service, the Department of Agriculture, the Department of Transportation and the Department of Defense. These hearings focused on the actions agencies have taken, or need to take, to resolve the Federal Government’s longstanding financial management problems. The subcommittee issued its annual financial management report card at this hearing, grading each of the 24 major departments and agencies in the executive branch on their financial management practices. The Federal Government earned an overall grade of C- for fiscal year 2000. During this hearing, witnesses stressed the importance of improving the Government’s financial accountability and reporting.

2. *“Management Practices at the Internal Revenue Service,” April 2,
2001*

a. Summary.—During this hearing, the subcommittee examined management practices at the Internal Revenue Service [IRS], which is responsible for collecting 95 percent of the Federal Government’s annual revenue and for enforcing the Nation’s tax laws. This hearing focused on the IRS’s progress in implementing reforms required under the IRS Reform and Restructuring Act of 1998 and on the General Accounting Office’s March 30, 2001, audit report. Hearing witnesses included IRS Commissioner Charles O. Rossotti and Chairman Larry Levitan of the IRS Oversight Board. During the hearing, witnesses expressed concern over the security of IRS computer systems that safeguard the \$2 trillion in tax revenue collected in fiscal year 2000. Although the IRS still has dif-

faculty performing timely financial statements on an on-going basis, the GAO reported that progress is being made. The IRS received a clean audit opinion on its financial statements for fiscal year 2000.

3. *“Regional Offices: Are they Vital in Accomplishing the Federal Government’s Mission?” San Francisco, CA, April 9, 2001*

a. *Summary.*—The current Federal Regional Office system was established in 1969. In recent years, however, advancing technology and expansion of the Internet has led the Federal Government to focus more attention on e-government and its potential to deliver Federal services more quickly. This field hearing examined whether regional Federal offices are still needed, given the speed and accessibility of electronic communications. Witnesses discussed the background and earlier need for these offices as well as many problems that continue to exist, including Federal agencies’ “top-down” management style, which often imposes overly strict planning requirements on their regional offices.

4. *“What are the Barriers to Effective Intergovernmental Efforts to Stop the Flow of Illegal Drugs?” San Diego, CA, April 13, 2001*

a. *Summary.*—During this joint field hearing with the Subcommittee on Criminal Justice, Drug Policy and Human Resources, the subcommittees explored the ways that various levels of government could better work together to address the problem of illegal drug trafficking in the Nation. The hearing included testimony from witnesses representing key Federal, State and local government organizations involved in narcotics interdiction who discussed the challenges they confront in their efforts to stem the flow of illegal drugs. The subcommittees also heard testimony from representatives of community-based organizations that have successfully eliminated blatant drug markets in their neighborhoods. The conclusions drawn from this hearing include the need for better communication and coordination between the various levels of government, as well as better government partnering with successful private sector and non-profit groups that have demonstrated success in this effort.

5. *“The Alameda Corridor Project: Its Successes and Challenges,” Long Beach, CA, April 16, 2001*

a. *Summary.*—This field hearing was held in Long Beach, CA, to examine the successes and challenges of the Alameda Corridor Project, a grade-separated rail link between the ports of Long Beach and Los Angeles and railway terminals near downtown Los Angeles. The subcommittee learned that this \$2.4 billion public works project, one of the largest in the Nation, is proceeding on time and within budget. Witnesses agreed that the success of the project was largely due to the need to expedite cargo to and from the busy port complex. Because the Alameda Corridor project will benefit both public and private sectors as port traffic continues to increase, there has been significant cooperation among the ports, the railroads and the cities affected by the project. In addition, overall management of the project by the Alameda Corridor Transportation Authority has been extremely efficient and effective. Wit-

nesses included representatives from State and local government, the Alameda Corridor Transportation Authority and the railroads involved in the project.

6. *“Implementation of the Travel and Transportation Reform Act of 1998: Why Haven’t Federal Employees Been Held Accountable for Millions of Dollars of Federal Travel Expenditures?” May 1, 2001*

a. *Summary.*—The subcommittee held this hearing to examine the financial management of the Government travel card program. Witnesses included representatives from the banks that issue Government travel cards, the General Services Administration, which administers the program, several Federal departments and agencies that participate in the program, and the General Accounting Office. The subcommittee learned that although the Government is saving money by using the streamlined program, the Department of Defense’s contracting bank, the Bank of America, reported that more than 40,000 Defense Department employees have defaulted on more than \$40 million in Federal travel expenditures since the program began in November 1998. Bank officials told the subcommittee that it was currently writing off more than \$2 million in Federal travel expenditures each month. The subcommittee also learned that several Federal agencies were also having trouble paying their centrally billed accounts. According to bank officials, the Bank of America had incurred more than \$7.5 million in losses due to slow or non-payments.

7. *“The Department of Defense: What Must be Done to Resolve DOD’s Longstanding Financial Management Problems?” May 8, 2001*

a. *Summary.*—During this hearing, the subcommittee examined how the Defense Department accounts for the billions of tax dollars it spends annually. The hearing focused on a March 30, 2001, audit report by the General Accounting Office in which auditors found that, for the 5th consecutive year, the Department of Defense was unable to maintain effective internal controls over its financial management systems. Further, the GAO found that the Defense Department did not comply with the Federal Financial Management Improvement Act of 1996 and was unable to account for many of its assets, estimate the costs for cleaning up and disposing of extensive environmental contaminants, or accurately document the net cost of its operations. The subcommittee gave the department a grade of “F” on its annual financial management report card. The Department of Defense receives approximately one-half of the Federal Government’s discretionary budget.

8. *“The Agency for International Development: What Must be Done to Resolve USAID’s Longstanding Financial Management Problems?” May 8, 2001*

a. *Summary.*—At this hearing, the subcommittee examined financial management at the U.S. Agency for International Development [USAID]. During fiscal year 2000, the USAID received nearly \$7 billion in appropriated funds and had a reported \$6.6 billion in net loans receivable outstanding. Yet the USAID was unable to

produce reliable, auditable financial statements, according to the agency's Inspector General. The Inspector General also reported that the USAID had several material weaknesses in its internal controls and did not comply with significant requirements of laws and regulations relating to Federal financial management. The agency received an "F" on the subcommittee's annual financial management report card.

9. *"The Department of Agriculture: What Must be Done to Resolve USDA's Longstanding Financial Management Problems?" May 8, 2001*

a. Summary.—The subcommittee held this hearing to examine financial management at the Department of Agriculture, which spends billions of dollars each year for a broad spectrum of programs, including farm loans and nutrition programs, such as Food Stamps. The department administers \$124 billion in loans and loan guarantees, but the subcommittee found that it maintains some of the poorest financial records in the Federal Government. At the hearing, representatives from the department acknowledged the existence of serious financial management problems and pledged to make improvements.

10. *"H.R. 866, a bill to prohibit the provision of financial assistance by the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation," June 6, 2001*

a. Summary.—This hearing examined a bill that would prohibit financial assistance by the Federal Government to anyone who is more than 60 days delinquent in the payment of any child support obligation. Witnesses included Representative Michael Bilirakis from Florida who introduced the bill, representatives from Federal agencies that provide health services and loans, and representatives of non-profit groups concerned with child welfare. Concerns were raised that the legislation could adversely affect children's welfare by cutting financial aid to their non-custodial parents. In addition, the subcommittee learned that delays in obtaining timely information from the States could adversely affect non-custodial parents who were attempting to fulfill their child-support obligations.

11. *"How Effectively are State and Federal Agencies Working Together to Implement the Use of New DNA Technologies?" June 12, 2001*

a. Summary.—This hearing examined how State and Federal law enforcement agencies are working together to ensure that recently developed DNA technology is available and being used to the fullest extent possible throughout the Nation. The use of DNA evidence provides criminal investigators with a powerful forensic tool that may either incriminate or clear a suspect. The subcommittee learned that hundreds of thousands of DNA samples have been collected nationwide, which has created enormous processing backlogs for State and local forensic laboratories. The DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) authorized \$45 million in grants over 3 years to address the convicted offender back-

log and another \$125 million over 4 years to eliminate ongoing casework backlogs. However, witnesses told the subcommittee that there are serious shortages of forensic scientists who are trained in DNA technology and laboratories that are capable of processing DNA samples.

12. *“The Results Act: Has It Met Congressional Expectations?” June 19, 2001*

a. Summary.—The Government Performance and Results Act of 1993 (Public Law 103–62) was enacted to encourage greater efficiency, effectiveness and accountability in the Federal Government. The Results Act requires Federal departments and agencies to set goals and to use performance measures for management purposes and future budgeting. The law requires agencies to submit long-range strategic plans that are to be updated every 3 years, as well as annual performance plans and reports. The first performance reports comparing actual performance to agency goals were submitted on March 31, 2000. At the hearing, the subcommittee reviewed agency performance plans and reports submitted on March 31, 2001, and discussed several problem areas found in the reports. Specifically, agency results were difficult to assess due, in part, to overlapping programs and inadequate performance data. In general, witnesses testified that the performance reports and plans had major deficiencies. Witnesses concluded that consistent Government oversight is needed to ensure that the law is properly implemented.

13. *“Is the CIA’s Refusal to Cooperate with Congressional Inquiries a Threat to Effective Oversight of the Operations of the Federal Government?” July 18, 2001*

a. Summary.—The subcommittee held a joint hearing with the Subcommittee on National Security, Veterans Affairs and International Relations on effective oversight of the Central Intelligence Agency. The hearing was a result of the Central Intelligence Agency’s unwillingness to cooperate with the oversight activities of the two subcommittees. The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations had requested the General Accounting Office to conduct a survey of computer security involving classified systems. With the exception of the CIA, all Federal agencies responded to the survey. The CIA cited a change in the rules of the House as justification for its refusal to cooperate. At the hearing, witnesses agreed that the CIA should be more responsive to congressional inquiries. However, they disagreed about the amount of information the agency should disclose to committees other than the House Permanent Select Committee on Intelligence. The debate centered on the definition of “sources and methods.” CIA advocates argued that the agency’s sources and methods encompass all of the agency’s activities and operations. Other witnesses defined “sources and methods” as the direct means of gathering intelligence information.

14. *"The Defense Department's Illegal Manipulation of Appropriated Funds," July 23, 2001*

a. *Summary.*—This hearing focused on a General Accounting Office [GAO] report, released at the hearing, which found that the Department of Defense [DOD] made \$615 million in illegal and improper "adjustments" to closed appropriations accounts. These "adjustments" enabled the DOD to resurrect and use funds beyond the time limits imposed by congressional appropriations and, perhaps, in amounts exceeding congressional appropriations. The hearing explored how these illegal adjustments were allowed to occur and what could be done to prevent such abuses in the future. The DOD witnesses acknowledged the problem and pledged to take appropriate corrective actions. The subcommittee has asked the GAO to determine what corrective actions the department has taken and whether they are effective.

15. *"The Use and Abuse of Government Purchase Cards: Is Anyone Watching?" July 30, 2001*

a. *Summary.*—This hearing examined the Federal Government's purchase card programs at two units within the Department of the Navy—the Space and Naval Warfare Systems Center and the Navy Public Works Center, both located in San Diego, CA. Witnesses included the commanding officers at both facilities, the admiral in charge of the facilities' purchase card program, and other Defense Department agencies responsible for the department's financial management. The subcommittee learned that there was a proliferation of the Government-guaranteed credit cards issued to employees at the facilities, yet there was poor financial control over either program. The General Accounting Office, which audited the programs, found several cases of fraudulent use of the credit cards, and numerous instances of questionable purchases, such as flowers, Mary Kay cosmetics, designer briefcases and gift certificates to Nordstrom.

16. *"Local Economy, Environment, and Intergovernmental Cooperation: What Can Be Learned from Ft. Ord?" Monterey, CA, August 28, 2001*

a. *Summary.*—This field hearing examined the local impact of the base closure process at Fort Ord in northern California. During the 1991 Base Closure and Realignment [BRAC] process, Fort Ord, an active army post from 1917 to 1994, was recommended for closure. After the fort's closure in 1994, the local community suffered a severe economic impact. According to witnesses from cities surrounding the closed facility, environmental hazards, such as lead paint and unexploded ordinance, have hampered the reuse process. These witnesses testified that various levels of government bureaucracy have also slowed redevelopment. At the time of the hearing, only a small percentage of the base's more than 27,000 acres had been redeveloped. Additionally, local witnesses testified that a plethora of State and Federal environmental laws coupled with complex laws governing who is responsible for clean-up costs continue to delay redevelopments and revitalization of the local economy.

17. *“What Can Be Done to Reduce the Threats Posed By Computer Viruses and Worms to the Workings of Government?” San Jose, CA, August 29, 2001*

a. Summary.—This field hearing highlighted the reported damage to the Federal Government’s computer systems resulting from a rash of computer viruses and worms, including Code Red, Code Red II, and SirCam. In addition, the hearing examined the extent of the potential threat, emphasizing the need for proactive measures to protect critical operations and assets from more damaging attacks. Witnesses stressed the need for software vendors to improve their development practices and produce more secure systems. Although progress is being made in these areas, witnesses emphasized that substantial challenges remain.

18. *“Information Technology—Essential Yet Vulnerable: How Prepared Are We for Attacks?” September 26, 2001*

a. Summary.—During this hearing, witnesses discussed the probability of cyber-attacks against the Nation’s critical computer-dependent infrastructure and the Nation’s preparedness to deal with such attacks. Witnesses detailed the specific types of security weaknesses that pervade Federal agencies and demonstrated how these weaknesses increase the potential for cyber-attacks against targets such as the networks that control critical information and operations. In addition, witnesses summarized the lessons learned from the September 11, 2001, attacks, and made recommendations on the actions that are necessary to strengthen the overall security of the Nation’s information infrastructure.

19. *“A Silent War: Are Federal, State, and Local Governments Prepared for Biological and Chemical Attacks?” October 5, 2001*

a. Summary.—The subcommittee held this hearing to examine the Nation’s ability to respond to biological or chemical attacks. Witnesses included Federal, State and local officials who are responsible for responding to national emergencies and others who have special expertise in the area of biological/chemical attacks. The subcommittee learned that although progress has been made toward coordinating Federal, State and local efforts to respond to emergencies, several problems remain that could impede the Nation’s ability to respond to a large-scale emergency. These impediments include an inadequately funded public health system, hospitals’ inability to handle massive casualties, an inadequate national pharmaceutical stockpile of vaccines and antibiotics, and the poor flow of intelligence information from Federal law enforcement agencies to local police departments.

20. *“The Debt Collection Improvement Act of 1996: How Well Is It Working?” October 10, 2001*

a. Summary.—This hearing was the latest in a series of hearings held by the subcommittee to examine Federal debt collection practices in general and implementation of the Debt Collection Improvement Act of 1996 [DCIA] in particular. The DCIA established new tools and expanded existing ones to enhance the collection of non-tax-related Federal debt. The subcommittee received testimony from the General Accounting Office and the Departments of Edu-

cation, Health and Human Services, Treasury, and Veterans Affairs on their progress in implementing the DCIA. The hearing also explored the results of a survey the subcommittee conducted to examine how effectively 27 major Federal agencies were implementing the DCIA. The hearing demonstrated that, while some progress has been made, agencies must do a much better job in collecting delinquent debts. For example, not one major agency fully complied with the DCIA's basic mandate to refer eligible debts to the Treasury Department once they become more than 180 days delinquent. The subcommittee plans to issue an oversight report on this subject next year.

21. *"Oversight Hearing on The Presidential Records Act of 1978," November 6, 2001*

a. *Summary.*—The Presidential Records Act declared Presidential records to be Federal property and placed them in the custody and control of the Archivist of the United States. The act first applied to the records of the Reagan administration. In January 2001, many of the Reagan records became subject to public disclosure under the terms of the act. However, concerns over how to handle potential "Executive privilege" claims have delayed the release of the records. Shortly before the subcommittee's hearing, President Bush issued Executive Order No. 13233 (November 1, 2001), which established new procedures to deal with Executive privilege claims of a former or incumbent President concerning records subject to the act. During the hearing, the subcommittee examined the impact of the Executive order on the Presidential Records Act. Administration witnesses defended the new Executive order. However, other witnesses expressed concern that the order violates the Presidential Records Act and would impede disclosure of a former President's records. Subsequent to the hearing, the subcommittee received many other expressions of opposition to the order on both legal and policy grounds. The subcommittee is pursuing this issue and considering the possibility of corrective legislation.

22. *"Computer Security: How is the Government Doing?" November 9, 2001*

a. *Summary.*—At this hearing, the subcommittee issued its second annual computer security report card, grading the 24 major executive branch departments and agencies on their computer security efforts. With assistance from the General Accounting Office [GAO], the subcommittee analyzed recent information security audits and evaluations of Federal agencies by the GAO and agency Inspectors General. The subcommittee found that pervasive weaknesses continue to exist in agency information systems. During the hearing, the GAO identified serious weaknesses at Federal departments and agencies and outlined major common weaknesses that agencies need to address to improve their information security programs. The GAO emphasized the importance of establishing a strong agencywide security program at each agency and developing a comprehensive governmentwide strategy for improvement. Witnesses discussed the administration's efforts to strengthen the security of the Nation's computer and communications systems and

outlined the Office of Management and Budget's role in improving agency security programs by making adequate security a condition for approving all budget requests.

23. *"Law Enforcement: Are Federal, State and Local Agencies Working Together Effectively?" November 13, 2001*

a. *Summary.*—This hearing followed up on the subcommittee's October 5, 2001, hearing in which witnesses testified that following the September 11, 2001, terrorist attacks, Federal law enforcement agencies failed to provide sufficient intelligence information to local police departments in a timely manner. Witnesses included representatives from Federal law enforcement agencies, local police departments, and a mayor. Local government officials testified that their inability to obtain a Government security clearance seriously impeded their efforts to obtain information and protect their communities. Representative Horn subsequently introduced legislation to extend security clearance background checks to Governors, mayors of cities with a population of 30,000 or more, and police chiefs of departments that participate in Federal joint task forces.

24. *"Does America Need a National Identifier?" November 16, 2001*

a. *Summary.*—The terrorist attacks of September 11, 2001, renewed calls for a national identification system to improve national security. The recent lapses in identification security prompted the subcommittee to hold a hearing to examine the public policy implications of a national identification system, including civil liberties, law enforcement, security and technical issues. At this hearing, witnesses debated the necessity of an improved national identity system. While both panels agreed that some improvements to the identity system are necessary, witnesses did not support a mandatory national identification card. On the second panel, witnesses voiced differing views on the technological feasibility of a centralized national identification database. Subcommittee members also received testimony from a representative of Belgium, a country that requires citizens to carry a national identification card.

25. *"The Debt Collection Improvement Act of 1996: How Well Is It Working?" December 5, 2001*

a. *Summary.*—This hearing was a continuation of the subcommittee's October 10, 2001, hearing on implementation of the Debt Collection Improvement Act of 1996. One of the witnesses scheduled to testify at that hearing, Deputy Secretary of Agriculture James R. Moseley, was unable to attend. The primary purpose of the December 5 hearing was to receive Mr. Moseley's testimony. As such, it focused on debt collection at the Department of Agriculture. The subcommittee also received testimony from the General Accounting Office and the Treasury Department's Financial Management Service on the Agriculture Department's debt-collection practices. The hearing exposed serious deficiencies in the Agriculture Department's debt-collection efforts. It also elicited a strong personal commitment from Deputy Secretary Moseley to improve the department's debt-collection performance during 2002. The subcommittee intends to track the department's progress during the coming year.

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS AND
INTERNATIONAL RELATIONSHon. Christopher Shays, *Chairman*1. *“Defense Security Service: Mission Degradation?” March 2, 2001*

a. Summary.—This was the third hearing the subcommittee convened on DSS operational problems. The DOD’s Defense Security Service [DSS] administers the Personnel Security Investigations [PSI] program for conducting security clearance background investigations. The purpose of March 2, 2001 hearing was to examine the status of Defense Security Service [DSS] efforts to eliminate the personnel security investigations backlog.

The subcommittee wanted to determine what progress the Defense Security Service [DSS] made in reducing the personnel security investigations backlog, and how DOD determined DSS processing delays and system changes have not compromised national security. Witnesses included Mr. Robert J. Lieberman, Deputy Inspector General, Office of Inspector General, Department of Defense; Mr. Arthur L. Money, Assistant Secretary of Defense for Security and Information Operations, Command, Control, Communications and Intelligence, Department of Defense; and, General Charles Cunningham, Director, Defense Security Service.

In 2000, at the subcommittee’s request, the General Accounting Office [GAO] completed a review of the DSS personnel security investigation backlog entitled, “DOD Personnel: More Actions Needed to Address Backlog of Security Clearance Reinvestigations,” (GAO/NSIAD-00-215, August 2000).

In order to reduce the investigations backlog and reduce the time it takes to close personnel security investigation cases, DOD has transferred some of the caseload to the Office of Personnel and Management [OPM] and is considering changing some investigation standards. However, DSS continues to have operation problems with the Case Control Management System [CCMS], which hampers the agency’s ability to track security clearance requests, provide feedback to requestors on case status, and reduce the personnel security investigation backlog.

2. *“F-22 Cost Controls: How Realistic are Production Cost Reduction Plan Estimates?” August 2, 2001*

a. Summary.—This was the second hearing the subcommittee has convened regarding F-22 cost controls. The purpose of the hearing was a continuation of the subcommittee’s examination of Production Cost Reduction Plans [PCRP] for the F-22 program to determine the implementation status of best business practices, outsourcing and improvements in manufacturing and procurement processes. Witnesses included Mr. Allen Li, Director; Mr. Robert Murphy, Assistant Director; and Mr. Donald Springman, Senior Analyst, Acquisition and Sourcing Management, U.S. General Accounting Office; Mrs. Darleen A. Druyun, Principal Deputy Assistant Secretary of the Air Force-Acquisition and Management; Dr. George Schneiter, Director of Strategic and Tactical Systems, Department of the Air Force; and Mr. Francis P. Summers, Regional Director, Defense Contract Audit Agency. The subcommittee has

been conducting a review of production cost reduction plans [PCRP] for the F-22 program to determine the extent of realized cost savings, the potential for additional savings and the value of improvements in manufacturing and procurement processes.

As part of the examination, the subcommittee requested that the General Accounting Office [GAO] review the status of production cost reduction plans. GAO reported a very sizeable difference between the Air Force Program Office and the OSD-Cost Analysis Improvement Group [CAIG] projections of total F-22 production costs. Comparison of the two estimates, adjusted for a 339 aircraft buy, indicated a difference of \$7 billion as of December 2000. (GAO-01-782) The \$7 billion variance represents fully 15 percent of the F-22 production budget, a large margin of error even in the imprecise field of weapon system cost estimation, and adds substantial risk to the F-22 program.

The Air Force and OSD remain unable to reconcile the production cost estimates to bring them within a tolerable range of variance. In an attempt to analyze the difference, GAO and the subcommittee requested access to cost estimate records prepared by the OSD-CAIG, including briefings about the estimates, the methodologies used, and supporting analyses. The request was denied by the Department.

DOD refusal to provide GAO and the subcommittee access to production cost estimation data and detailed methodologies prevent a complete analysis of the factors contributing to the estimating differences between the two production cost figures. But it is clear one major area of disagreement is valuation of PCRPs.

3. *“Vulnerabilities to Waste, Fraud and Abuse: GAO Views on National Defense and International Relations Programs,” March 7, 2001*

a. Summary.—The subcommittee held an oversight hearing to look at high-risk operations and management challenges at the departments and agencies involved in national security, veterans’ affairs, international relations and international trade. The hearing examined the major performance and management challenges confronting the Departments of Defense, Energy, NASA, Veterans Affairs, State, and USAID, to what extent these departments and agencies are implementing management improvements and reforms, and how these departments and agencies are meeting performance and accountability measurements and goals under the Results Act.

David M. Walker, Comptroller General, U.S. General Accounting Office [GAO], testified on recent GAO findings of significant management challenges and high risks of fraud, waste and abuse in DOD, VA, Department of State and the other agencies.

4. *“Vulnerabilities to Waste, Fraud and Abuse: Inspectors General Views on National Defense, International Relations Programs,” March 15, 2001*

a. Summary.—The subcommittee held an oversight hearing to look at high-risk operations and management challenges at the departments and agencies involved in defense, national security, and veterans’ affairs. The hearing examined the major performance and

management challenges confronting the Departments of Defense, Energy, Veterans Affairs, NASA, FEMA, State, USAID, the Peace Corps, and the International Trade Commission, to what extent these departments and agencies are implementing management improvements and reforms, and how these departments and agencies are meeting performance and accountability measurements and goals under the Results Act.

Inspectors General from the Departments of Defense, Energy, Veterans Affairs, NASA, FEMA, State, USAID, the Peace Corps and the U.S. International Trade Commission testified on vulnerabilities and management challenges. They also discussed Results Act compliance with each department and the application of Results Act principles and measures to address potential problems of waste, fraud, abuse and mismanagement.

5. *“Protecting American Interests Abroad: U.S. Citizens, Businesses and Non-governmental Organizations,” April 3, 2001*

a. *Summary.*—The subcommittee held an oversight hearing to look at the types of security threats, particularly terrorist threats, posed to non-official American interests overseas, and to review what U.S. Government agencies are doing to address those threats. The hearing examined the nature of the threat(s) posed to American citizens, businesses, and non-governmental organizations overseas, what the U.S. Government is doing to address the threat(s), and what the U.S. Government can do to better protect American interests abroad.

Witnesses from private security associations, private organizations, the Department of State, the FBI, and USAID testified on programs to make U.S. citizens abroad aware of security threats. Information sharing and risk assessment programs were discussed, as well as the need for security training for citizens and organizations operating abroad.

6. *“Rule of Law Assistance Programs: Limited Impact, Limited Sustainability,” May 17, 2001*

a. *Summary.*—The subcommittee held an oversight hearing to examine whether the U.S. Government has learned from past mistakes with rule-of-law assistance programs in places such as Haiti and Latin America, and to examine the impact of existing funding in the former Soviet Union, evaluating whether or not funding has been effective and sustainable. The hearing examined what has been done by USAID and the Departments of State, Justice, and Treasury to ensure rule-of-law assistance programs in the former Soviet Union are effective and sustainable and how effectively rule-of-law assistance programs have been monitored and evaluated.

GAO testified on the results of work done at the subcommittee’s request regarding the results of aid programs intended to foster the rule of law and civil society. State Department, USAID and Treasury Department witnesses also testified on the planning and evaluation process used to determine whether rule of law programs are achieving anticipated results.

7. *“Federal Interagency Data-Sharing and National Security,” July 24, 2001*

a. Summary.—The subcommittee held an oversight hearing to look at the Justice Department’s Anti-Drug Network/Nigerian Crime Initiative [ADNET/NCI] as one example of interagency data-sharing to learn the most significant obstacles to information sharing among Federal agencies and to review the impact of data-sharing on national security. The hearing examined the status of the Anti-Drug Network/Nigerian Crime Initiative [ADNET/NCI] pilot project, the most significant obstacles to interagency data-sharing, and how greater interagency data-sharing could enhance national security.

The Departments of Defense, State, Justice and Treasury testified on the status of the ADNET/NCI and the implications of that effort for broader data sharing to enhance border security and counter terrorism efforts.

8. *“Combating Terrorism: Management of Medical Stockpiles,” May 1, 2001*

a. Summary.—The subcommittee held a hearing to assess the status of corrective actions taken by the Centers for Disease Control and Prevention [CDC], the Office of Emergency Preparedness [OEP], the Department of Veterans Affairs [VA], and the U.S. Marine Corps Chemical Biological Incident Response Force [CBIRF] to address the internal control weaknesses and General Accounting Office [GAO] recommendations regarding medical stockpile management. The hearing examined how the agencies addressed GAO recommendations and whether the stockpiles are managed effectively.

GAO testified on followup work done for the subcommittee on management controls over Federal medical and pharmaceutical stockpiles held for use in the event of a terrorist incident. Witnesses from VA, HHS, CDC and the Marine Corps testified on their plans to expand and improve the composition and inventory management of stockpile programs.

9. *“Hepatitis C: Screening in the VA Health Care System,” June 14, 2001*

a. Summary.—The subcommittee held a hearing to assess the Department of Veterans Affairs’ efforts to screen and test veterans for the Hepatitis C Virus [HCV]. The hearing examined why screening and testing for HCV has been limited and inconsistent, and why VA personnel weren’t made aware of the funding available for screening and testing veterans for HCV.

GAO and VA witnesses discussed the limited results to date of the VA’s initiative to screen and test veterans for Hepatitis C infection. While new data provided at the hearing suggests 49 percent of veterans using VA health care facilities since 1999 have been screened, versus only 20 percent by another indicator, GAO found that up to 90 percent could have been screened. Weaknesses and inconsistencies in the VA program were discussed.

10. *“Biological Warfare Defense Vaccine Research and Development Programs,” October 23, 2001*

a. *Summary.*—The subcommittee held a hearing to assess the role vaccines play in civilian preparedness. The hearing examined the near and long term roles of vaccines in preparedness against biological warfare and terrorism, and how adaptable the current regulatory process is to the development and approval of bio-warfare defense vaccines.

HHS Secretary Tommy Thompson, GAO, DOD, and private vaccine makers testified on the scientific and logistical barriers to vaccine research and production and the departures from current regulatory standards required to assess vaccine efficacy against rare pathogens.

11. *“Chemical and Biological Defense: Department of Defense Medical Readiness,” November 7, 2001*

a. *Summary.*—The subcommittee held a hearing to assess the Department of Defense’s capacity to provide medical support to military personnel in the event of a chemical or biological attack. The hearing examined the extent to which the Department of Defense and the services adapted their medical specialty mix to chemical and biological warfare threats, and the extent of medical personnel training in the treatment of chemical and biological [CB] casualties.

The General Accounting Office testified on the results of a GAO report entitled, “Chemical and Biological Defense: DOD Needs to Clarify Expectations for Medical Readiness.” GAO found DOD and the services had not fully addressed weaknesses and gaps in modeling, planning, training, tracking, or proficiency testing for the treatment of CB casualties. Dr. William Winkenwerder, Assistant Secretary of Defense for Health Affairs testified on behalf of the Department of Defense, and was accompanied by the Surgeons General of the Air Force, Army, and Navy.

12. *“Risk Communication: National Security and Public Health,” November 26, 2001*

a. *Summary.*—The subcommittee held an oversight hearing to look at the application of risk communication strategies to Federal efforts to disseminate information on bioterrorism threats. The hearing examined how effectively the Federal Government disseminated information to the public on bioterrorism threats, and how physicians and public health experts have been involved in the formulation and implementation of Federal communication strategies.

Dr. David Satcher, U.S. Surgeon General testified on the Department of Health and Human Services [HHS] efforts toward information dissemination and risk communication on bioterrorism threats. Dr. C. Everett Koop, former U.S. Surgeon General; Dr. Kenneth I. Shine, president of the Institute of Medicine; Dr. Mohammed Akhter, executive director, for the American Public Health Association; and Dr. Joseph Waeckerle, speaking on behalf of the American College of Emergency Physicians; testified on the government’s lack of effective risk communication on bioterrorism threats.

13. *“Military Aircraft: Cannibalizations Adversely Affect Personnel and Maintenance,” May 22, 2001*

a. Summary.—The subcommittee held an oversight hearing to discuss the impact of the U.S. military’s practice of cannibalization of aircraft parts on readiness, costs and personnel. The hearing examined the extent to which the Air Force, Navy/Marines, and Army rely on cannibalization of aircraft parts to maintain readiness, and to what extent the military has identified the effects of cannibalization on costs, personnel, operating tempo, and morale. The conclusions were that cannibalizations have several adverse impacts. They increase maintenance costs by increasing workloads, may affect morale and the retention of personnel, and sometimes result in the unavailability of expensive aircraft for long periods of time. Cannibalizations can also create unnecessary mechanical problems for maintenance personnel. Moreover, the service branches consider cannibalizations a normal practice, contrary to Pentagon policy, as long as shortages and delayed delivery schedules exist of new aircraft parts.

Witnesses were from the General Accounting Office, and the top logistics officers of the U.S. Air Force, U.S. Army, and U.S. Navy.

14. *“Sustaining Critical Military Training Facilities: Avon Park Air Force Range,” August 4, 2001*

a. Summary.—The subcommittee held an oversight hearing to look at military training range management issues. The hearing examined the extent to which the Avon Park Air Force Range has confronted encroachment issues such as compatibility of range usage with current and planned local development, airspace access, natural resource conservation, and environmental compliance.

Department of Defense military and civilian personnel, the Federal Aviation Administration, and local officials testified about the management challenges facing the Avon Park Air Force Range and the surrounding communities.

15. *“Law Enforcement: Are Federal, State, and Local Agencies Working Together Effectively?” November 13, 2001*

a. Summary.—The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and the Subcommittee on National Security, Veterans Affairs and International Relations held a joint oversight hearing to look at how effectively Federal and local law enforcement agencies are sharing information. The hearing examined what actions Federal law enforcement agencies have taken to improve information sharing with local enforcement agencies, what further actions are needed, whether Federal agencies are fully utilizing the resources of local law enforcement agencies, whether shared information has led to increased surveillance, arrests, and convictions of criminals, and whether data-sharing programs have proved cost effective.

The Department of Justice, Federal Bureau of Investigation, Immigration and Naturalization Service, Drug Enforcement Agency, and representatives from several cities testified about the effectiveness of data sharing in combating crime and protecting national interests.

16. *“Combating Terrorism: In Search of a National Strategy,”*
March 27, 2001

a. Summary.—The purpose of the hearing was to examine why the Federal effort to combat terrorism remains fragmented and unfocused. The hearing focused on two questions—What is the current national strategy to combat terrorism, and who in the U.S. Government is in charge of coordinating all Federal agency efforts to counter terrorism?

Representatives from the RAND Corp., U.S. Commission on National Security/21st Century, Advisory Panel to Assess the Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, and Center for Strategic and International Studies testified.

17. *“Combating Terrorism: Options to Improve the Federal Response,”*
April 24, 2001

a. Summary.—The hearing was held in conjunction with the Committee on Transportation’s Subcommittee on Economic Development, Public Buildings and Emergency Management. The purpose of the hearing was to examine three legislative proposals, H.R. 525, Preparedness Against Domestic Terrorism Act of 2001, H.R. 1158, National Homeland Security Agency Act, and H.R. 1292, Homeland Security Strategy Act of 2001. Each bill proposes to reorganize the Federal counterterrorism structure. The hearing focused on two questions—What is the current organizational structure of the Federal Government to combat terrorism, and how might the legislative proposals produce a more effective and efficient organization of the Federal Government to counter terrorism?

Witnesses testifying included Representative Wayne Gilchrest (MD), Representative Mac Thornberry (TX), Representative Ike Skelton (MO), the U.S. General Accounting Office, the Congressional Research Service, the Advisory Panel to Assess the Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, the U.S. Commission on National Security/21st Century, the Center for Strategic and International Studies, and the Henry L. Stimson Center.

18. *“The Biological Weapons Convention Protocol: Status and Implications,”*
June 5, 2001

a. Summary.—The purpose of the hearing was to continue the subcommittee’s review of United States participation in efforts to develop a compliance protocol for the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction [BWC]. The hearing focused on the questions—How was it determined the BWC Protocol, in its present form, will improve the verifiability of the BWC, and what additional mechanisms, under discussion, could be used to strengthen and improve implementation of the BWC?

Witnesses included representatives from the Pharmaceutical Research and Manufacturers of America, Sandia National Laboratory, National War College, Henry L. Stimson Center, and Federation of American Scientists.

19. *"The Biological Weapons Convention Protocol: Status and Implications," July 10, 2001*

a. Summary.—The purpose of the hearing was to continue the subcommittee's review of United States participation in efforts to develop a compliance protocol for the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction [BWC]. The hearing focused the questions—How was it determined the BWC Protocol, in its present form, will improve the verifiability of the BWC, and what additional mechanisms under discussion could be used to strengthen and improve implementation of the BWC?

Witnesses included representatives from the Department of State and former officials who represented the United States at the BWC negotiations.

20. *"Combating Terrorism: Federal Response to a Biological Weapons Attack," July 23, 2001*

a. Summary.—The purpose of the hearing was to examine the relationship between Federal and State governments during a biological weapons attack, and highlight the lessons learned from exercise Dark Winter. The hearing focused on the questions—How would the Federal Government react to a biological weapons attack on the United States, and what is the role of the National Guard during a biological weapons attack on the United States?

Witnesses included the Governor of Oklahoma, representatives from the Nuclear Threat Initiative, the Center for Strategic and International Studies, Kroll Associates, and the Adjutant General of Connecticut, the Adjutant General of Florida, representatives from the Centers for Disease Control and Prevention, Iowa Department of Public Health, and the Public Health Department, Seattle & King County, WA.

21. *"Combating Terrorism: Assessing the Threat of Biological Terrorism," October 12, 2001*

a. Summary.—The purpose of the hearing was to examine the factors that should be considered in assessing the risks of biological terrorism. The hearing focused on two questions—To what extent are assessments needed to address the threat of biological terrorism, and how are the intentions and capabilities of State and non-state actors measured in assessing the threat of biological terrorism?

Witnesses included representatives from the U.S. General Accounting Office, the President of Advanced Bio-Systems, Inc., RAND Corp., and George Washington University.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. *"Telework Policies," March 22, 2001*

a. Summary.—The subcommittee conducted an oversight hearing to examine Federal Government agency efforts to create and promote telecommuting initiatives that permit employees to work away from the traditional work site, either at home or at tele-

commuting centers in compliance with section 359 of Public Law 106–346. We found that with a few exceptions, Federal agencies have been reluctant to implement telecommuting policies due to the radical change in work culture that is required. OPM expressed its commitment to the initiative, but was clearly in the beginning stages of establishing a governmentwide policy. Additionally, the GSA-managed telecenters were found to be underperforming and we were unconvinced that GSA has marketed them to the fullest potential. The subcommittee heard testimony from Mr. Steve Cohen, Acting Director of the Office of Personnel Management; Mr. David Bibb, Acting Deputy Director of the General Services Administration; Mr. Mark Lindsey, Acting Administrator of the Federal Railway Administration; Mr. Tony Young, director of the National Industries for the Severely Handicapped; Dr. Bradley Allenby, vice president of Environment, Health and Safety for AT&T; and Ms. Jennifer Alcott, director of the Fredericksburg Regional Telework Center as to the cultural and technological barriers to successful telework initiatives.

The subcommittee indicated that it would continue to monitor the development and implementation of a governmentwide telecommuting policy, including the use of telecenters.

2. *“Enterprise-Wide Strategies for Managing Information Resources and Technology: Learning from State and Local Governments,”*
April 3, 2001

a. *Summary.*—This hearing followed a hearing held by the then-Subcommittee on Government Management, Information, and Technology [GMIT] in September 2000 that looked at the merits of establishing a Chief Information Officer [CIO] for the Federal Government. The GMIT hearing highlighted the infrastructural complications and deficiencies that now exist because of the lack of a Federal CIO. The purpose of the subcommittee’s April 3rd hearing was to more closely examine the potential role of a Federal CIO by looking at the various approaches that a number of State and local governments have implemented to manage and oversee information and information resources, including the use of IT enterprise-wide and the promotion of electronic government.

The hearing furthered the goal of Chairman Davis and Ranking Member Turner, who have both expressed deep concerns about the lack of coordination across government with respect to IT management and other information resources. As a result of their efforts to centralize the coordination of their IT capital planning, funding, personnel, and training across government, each of the State and local CIO witnesses testified with respect to the cost-savings, efficiencies, and improved service to citizens they have been able to achieve. The hearing provided a clear picture to the subcommittee of the benefits, obstacles, and solutions that States and local governments have accomplished by centralizing the management of their information resources, whether it be through a CIO or a panel of technology managers, and it demonstrated how those lessons learned could be applied to similar efforts at the Federal level. The subcommittee heard testimony from Mr. David McClure, Director of Information Technology Management Issues for the U.S. General Accounting Office; Ms. Aldona Valicenti, president of the

National Association of State Information Resources Executives and chief information officer for the State of Kentucky; Mr. Donald Upson, secretary of technology for the Commonwealth of Virginia; Mr. Charlie Gerhards, deputy secretary for information technology, Commonwealth of Pennsylvania; Mr. David Molchany, chief information officer of Fairfax County, VA; and Mr. Donald Evans, chief information officer of Public Technology, Inc.

3. *“FTS 2001: How And Why Transition Delays Have Decreased Competition And Increased Prices,” April 26, 2001*

a. *Summary.*—This hearing addressed the progress of the FTS 2001 program, which provides long distance telecommunication services to Federal agencies. The FTS 2001 program is managed by the GSA and it is the follow-on to the FTS 2000 program which provided long distance telecommunications services to Federal agencies. The subcommittee sought to discover how the government had updated its strategy under the FTS 2001 program to achieve the overall goals of the program. A significant and growing part of the Federal Government’s mission is enhanced service delivery to citizens, agencies, and State and local governments. Delays in agency acquisition of end-to-end network services could impede progress to delivering more information and services electronically. Insufficient contract management appears to have slowed this goal. As the manager of FTS 2001, GSA is responsible for overall contract management and administration, coordination and procurement of services, planning, engineering and performance support to agencies, and customer service. At the hearing, it was not evident that agencies received the necessary support from GSA to manage their transitions. Moreover, it was unclear what actions GSA took to monitor contractor performance and rapidly remedy transition problems. The GAO states that GSA eliminated contract performance requirements until the completion of transition and was not able to establish a database to manage and track transition until January 2001.

The subcommittee heard testimony from Ms. Linda Koontz, Associate Director, Governmentwide and Defense Information Systems of the U.S. General Accounting Office; Ms. Sandra Bates, Commissioner of the Federal Technology Service of the General Services Administration; Brigadier General Gregory Premo, Deputy Director of Operations for the Defense Information Systems Agency, U.S. Department of Defense; Mr. James Flyzik, Chief Information Officer of the U.S. Department of Treasury; Mr. Jerry Edgerton, senior vice president of Worldcom Federal Systems; Mr. Anthony D’Agata, vice president and general manager of Sprint Government Systems Division; Mr. John Doherty, vice president, AT&T Government Markets; and Mr. James F.X. Payne, senior vice president of Qwest Communications.

The subcommittee intends to continue to monitor the progress of telecommunications procurement and management for the Federal Government. The subcommittee will continue to review the progress of FTS 2001 to ensure the Federal Government is updating its telecommunications acquisition strategy to secure up-to-date services at the best value.

4. *“The Next Steps in Services Acquisition Reform: Learning from the Past, Preparing for the Future,” May 22, 2001*

a. *Summary.*—The hearing addressed and examined the progress of the acquisition reform initiatives undertaken in the early to mid-nineties. This hearing assessed the next steps in services acquisition reform. The streamlining, cost savings, access to technological advancements, and reduced procurement cycles have dramatically improved the quality of products and services purchased by the Federal Government. The subcommittee reviewed the success or failure of implementation efforts governmentwide. Additionally, the hearing examined what subsequent legislation is necessary to further streamline procurement and achieve greater utilization of commercial best practices. The Federal Government purchases \$87 billion in services a year. In order to ensure the government is maximizing efficiency for service contracting, the subcommittee reviewed workforce training, contract management, and the utilization of performance-based contracting and share-in-savings contracting. The subcommittee examined the rapid growth of service contracting over the past decade. According to the General Accounting Office [GAO], since fiscal year 1990, the dollar value of service contracts has increased by 24 percent. Service contracting accounts for 43 percent of the government’s total contracting expenses—larger than any other contracting expenditure. While there is no doubt that increased competition and growth in services contracting has led to greater efficiency for the Federal Government, there is evidence to suggest that agencies are having increased difficulty in managing the growing number of complex, multi-tiered service contracts.

The subcommittee heard testimony from Mr. David Cooper, Director, Contracting Issues of the U.S. General Accounting Office; Mr. David Oliver, Deputy Undersecretary of Defense for Acquisition, Technology, and Logistics for the U.S. Department of Defense; Mr. David Drabkin, Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy of the General Services Administration; Dr. Steven Kelman, Albert J. Weatherhead III and Richard W. Weatherhead professor of public management at the John F. Kennedy School of Government at Harvard University; Mr. Michael Mutek, senior vice president, general counsel and secretary of Raytheon Technical Information Services testifying on behalf of the Professional Services Council; and Mr. Mark Wagner, manager, Federal Government Affairs of Johnson Controls testifying on behalf of Contract Services Association.

The subcommittee intends to hold additional legislative hearings on services acquisition reform in spring 2002.

5. *“Ensuring Program Goals Are Met: A Review of the Metropolitan Area Acquisition Program,” June 13, 2001*

a. *Summary.*—This hearing examined the progress of the MAA program. The subcommittee explored whether or not the program has accomplished its primary goals of: (1) ensuring the best service and price for the government and (2) maximizing competition for services. Specifically, we reviewed the problems that Federal Government agencies in phase I and II cities encountered in transitioning to the MAA program. Additionally, this oversight

hearing focused on what further action the General Services Administration, working with Federal agencies, needs to take in order to achieve the programmatic goals of the MAA. The MAA program was initiated by GSA in 1997 in order to capitalize on the goals in the Telecommunications Act of 1996. That act was intended to promote competition and higher quality services for consumers while reducing regulations to lower prices and facilitate the deployment of new telecommunications technologies. Accordingly, GSA's Federal Technology Service designed the ambitious MAA program in conjunction with Congress and the vendor community. GSA encountered many program challenges in implementing the goals of the program and did not adequately attempt to update the overall acquisition strategy once problems were identified. Often, there was a failure to communicate between FTS regions and headquarters. While it is clear that many of the hurdles that have existed nationwide within the telecommunications marketplace contributed to MAA program delays, it does not appear the FTS shared problems and solutions among user cities to eliminate future impediments to transition.

The subcommittee heard from testimony from Ms. Linda Koontz, Associate Director, Governmentwide and Defense Information Systems, U.S. General Accounting Office; Ms. Sandra Bates, Commissioner of the Federal Technology Service of the General Services Administration; Commander Robert Day, Commanding Officer Coast Guard Electronic Support Boston of the U.S. Coast Guard; Mr. John Doherty, vice president of AT&T Government Markets; Mr. James F.X. Payne, senior vice president of government systems of Qwest Communications; Mr. Randall L. Lucas, vice president of sales, Federal Markets of Verizon Federal Inc.; Mr. Jerry Hogge, vice president of government solutions and enhanced service providers of Winstar; and Mr. David Page, vice president, Federal Systems of Bell South Business Systems.

The subcommittee will continue to review what impact the delays in transition had on the MAA program and additional solutions for updating the Federal Government's local telecommunications acquisition strategy.

6. *"The Best Services at The Lowest Price: Moving Beyond a Black-and-White Discussion of Outsourcing," June 28, 2001*

a. *Summary.*—The subcommittee conducted an oversight hearing to examine the Federal Government's implementation of the Office of Management and Budget Circular A-76. We reviewed outsourcing as a means to enhance cost savings and efficient delivery of services under Federal agency oversight and management, while ensuring the equitable treatment of the agencies' employees. The subcommittee also reviewed DOD's compliance with the Federal Activities Inventory Reform Act and the process by which an agency determines which positions it will study under an A-76 cost comparison.

While outsourcing through the A-76 process is a means to achieving cost savings, there exist on-going concerns about the length and complexity of the process. The subcommittee heard testimony from the Honorable Pete Sessions (R-TX); the Honorable Albert Wynn (D-MD); the Honorable Luis Guitierrez (D-IL); Mr.

Barry Holman, Director of Defense Capabilities and Management of the U.S. General Accounting Office; Ms. Angela Styles, Director of the Office of Federal Procurement Policy of the Office of Management and Budget; and Mr. Ray DuBois, Undersecretary of Defense for Installations and Environment of the U.S. Department of Defense along with testimony provided to the subcommittee from numerous private sector associations, companies, and trade unions. Currently, the congressionally mandated GAO Commercial Activities Panel is examining these issues and will report its findings and recommendations to Congress in May 2002. The subcommittee will conduct a followup hearing at that time.

7. *“Toward Greater Public-Private Collaboration in Research and Development: How the Treatment of Intellectual Property Rights Is Minimizing Innovation in the Federal Government,” July 17, 2001*

a. *Summary.*—This hearing addressed one of several barriers to acquisitions and sourcing by the Government: the treatment of intellectual property in government-funded research and development [R&D]. The goals of the hearing were to gather information about the nature and scope of intellectual property law and regulation as it relates to procurement. The Government has had difficulty attracting innovation to meet its R&D needs, and the hearing investigated existing mechanisms for flexible contracting, the need for training of the acquisition workforce on intellectual property issues, reform efforts currently underway in agencies, and proposals for regulatory and legislative change. The subcommittee heard testimony from Mr. Jack Brock, Managing Director of Acquisition and Sourcing Management at the U.S. General Accounting Office; Ms. Deidre Lee, Director of Defense Procurement for the U.S. Department of Defense; Mr. Eric Fygi, Deputy General Counsel of the U.S. Department of Energy; Mr. Richard Carroll, chief executive officer of Digital Systems Resources, Inc.; Mr. Richard Kuyath, counsel for the 3M Corp.; and Dr. Christopher Hill, professor of public policy and technology and vice provost for research, George Mason University.

How the Government treats intellectual property has a profound impact on the competitive environment for R&D. This hearing revealed that efforts underway in agencies are progressing, but that more reform may be necessary to attract top companies. Intellectual property rights are the lifeblood of commercial firms and are vitally important to universities. Working to improve the Government’s treatment of intellectual property rights must be a priority in order to ensure the ability to access the very best technologies for the country’s future civilian and military needs. The subcommittee plans to hold additional hearings on these subjects in 2002.

8. *“Public Service for the 21st Century: Innovative Solutions to the Federal Government’s Technology Workforce Crisis,” July 31, 2001*

a. *Summary.*—This hearing focused on the information technology human capital management [HCM] crisis facing the Federal Government. Government-wide, significant human capital short-

ages exist that will only get worse as 35 percent of the Federal workforce becomes eligible to retire in the next 5 years and an estimated 50 percent of the government's technology workforce will be eligible to retire by 2006. The subcommittee heard testimony from the Honorable David Walker, Comptroller General of the U.S. General Accounting Office; the Honorable Kay Coles James, Director of the Office of Personnel Management; the Honorable Stephen Perry, Administrator of the U.S. General Services Administration; Dr. Steven Kelman, Harvard University, John F. Kennedy School of Government, Albert J. Weatherhead III and Richard W. Weatherhead professor of public policy; Mr. Martin Faga, CEO of the Mitre Corp. and representative of the National Academy of Public Administration; Dr. Ernst Volgenau, president and CEO of SRA International, and representative of the Information Technology Association of America [ITAA]; and Mr. Steve Rohleder, managing partner, Accenture.

While the administration has requested workforce analysis reports from all executive agencies that include identifying personnel needs, succession planning, recruitment and retention strategies, and human capital is expected to be a part of every agency's performance plan and budget submissions, the participation of agencies in HCM may need to be monitored in 2002.

The hearing also focused on legislation sponsored by the chairman, the Digital Tech Corps Act of 2001 (H.R. 2678). This bill helps government transform itself by creating a new vision of public service for the 21st century. The legislation sets up an exchange program between agencies and the private sector for mid-level IT managers who can work daily on reviewing the status of IT modernizations and cross-agency initiatives. This public-private exchange program will allow for greater knowledge and understanding between the public and private sectors, and it will foster greater innovation and partnership for government and industry.

9. *"Toward a Telework-Friendly Government Workplace: an Update on Public and Private Approaches to Telecommuting," September 6, 2001*

a. Summary.—The subcommittee conducted a follow-up to its March 22, 2001, oversight hearing to examine Federal agencies' progress in developing and implementing telecommuting initiatives. We found that the cultural change required by managers, in particular, remains the greatest obstacle to overcome. OPM and GSA joined forces to create a comprehensive telework Web site to educate managers and employees, alike. GAO has recently reported to Congress about the potential tax, regulatory, liability, and managerial barriers that private sector companies must address when implementing telecommuting initiatives. The subcommittee examined the extent to which these private sector telecommuting barriers may be applicable to the Federal Government. The subcommittee heard testimony from Mr. Robert Robertson, Director of Education, Workforce and Income Security Issues at the U.S. General Accounting Office; Ms. Teresa Jenkins, Director of the Office of Workforce Relations at the Office of Personnel Management; Mr. David Bibb, Deputy Associate Director of the Office of Government-wide Policy for the U.S. General Services Administration; Mr. Har-

ris Miller, president of the Information Technology Association of America [ITAA]; Mr. Mark Straton, vice president of global marketing for Siemens Enterprise Networks; and Mr. Robert Milkovich, managing director of CarrAmerica.

The creation and implementation of telecommuting policies is an on-going process in the Federal agencies. Therefore, the subcommittee will continue to monitor the work of OPM and GSA in this area, in addition to the efforts made by individual agencies.

10. *“The Potential Benefits of Public-Private Partnerships as a Real Property Management Tool,” October 1, 2001*

a. *Summary.*—The subcommittee conducted an oversight hearing to examine the benefits of the Federal Government entering into public-private partnerships for real property. The General Services Administration needs to address the growing challenges created by deteriorating buildings in the Federal inventory. Currently, billions of dollars are spent to maintain buildings. However, that is insufficient to reduce the deferred maintenance backlog. The hearing revealed that since limited funding is available for repairs and alterations of Federal buildings, public-private partnerships are potentially beneficial as a real property management tool. The public-private partnership provisions of H.R. 2710, the Federal Asset Management Improvement Act of 2001, were discussed. The subcommittee heard testimony from Mr. Bernard Ungar, Director of Physical Infrastructure Issues at the U.S. Government Accounting Office; Mr. Stephen Perry, Administrator of the U.S. General Services Administration; Mr. Ray DuBois, Deputy Undersecretary of Defense for Installations and Environment for the U.S. Department of Defense; Mr. Anatolij Kushnir, Director of the Office of Asset Enterprise Management for the Department of Veterans Affairs; Ms. Kimberly Burke, principal, Ernst & Young; and Mr. Sherwood Johnston, designated broker, Arizona of CarrAmerica Realty Corp.

11. *“Transforming the IT and Acquisition Workforces: Using Market-Based Pay, Recruiting and Retention Strategies to Make the Federal Government an Employer of Choice for IT and Acquisition Employees,” October 4, 2001*

a. *Summary.*—This hearing followed up on the July 31st hearing’s exploration of the human capital management crisis facing the government and reviewed a draft of legislation to be introduced later in the session. The subcommittee also reviewed the findings of the report of the National Academy of Public Administration [NAPA] from its recent in-depth study of public and private sector compensation practices for IT employees. At this hearing, the subcommittee reviewed testimony provided by Mr. David McClure, Director of IT Management Issues for the U.S. General Accounting Office; Mr. Mark Forman, Associate Director for Information Technology and E-government for the U.S. Office of Management and Budget; Mr. Donald Winstead, Acting Associate Director of Workforce Compensation and Performance at the U.S. Office of Personnel Management; the Honorable Don Upson, Secretary of Technology for the Commonwealth of Virginia; Mr. Arthur Amler, director of employee compensation, for IBM, representing the Information Technology Association of America; Ms. Jean Baderschneider,

vice president of procurement for ExxonMobil Global Services Co.; and Mr. Costis Toregas, president of Public Technology, Inc., representing the National Academy of Public Administration [NAPA].

While advances in technology provide an unprecedented opportunity to improve government service, these gains can only be made if the Government has a skilled workforce that can acquire, manage, and implement information technology products and services. The current human resources management system of the great majority of Federal workers is built upon rigid 19th century models. The legislation would draw from the private sector's near universal use of "pay-for-performance" and would make new flexibilities available for hiring, training, and retaining employees in order to solve the looming human capital management crisis. Further hearings on these subjects are planned in 2002.

12. *"Moving Forward with Services Acquisition Reform: A Legislative Approach to Utilizing Commercial Best Practices," November 1, 2001*

a. *Summary.*—The hearing built on oversight hearings conducted over the past year on the continuing barriers government agencies have in acquiring the goods and services necessary to meet mission objectives. The hearing reviewed proposed legislative initiatives designed to provide the Federal Government greater access to the commercial marketplace. Unfortunately, the subcommittee found the government is not utilizing commercial best practices or fully realizing the importance of performance metrics in acquisition cycles. The legislative proposals reviewed by the subcommittee are necessary to further streamline procurement and achieve greater utilization of commercial best practices. The Federal Government purchases \$87 billion in services a year. In order to ensure the government is maximizing efficiency for service contracting, the subcommittee reviewed legislation which included provisions to address workforce training, business environment reform, contract management, the utilization of performance-based contracting and share-in-savings contracting.

The subcommittee heard testimony from Mr. William Woods, Director of Contracting Issues for the U.S. General Accounting Office; Mr. Stephen Perry, Administrator of the U.S. General Services Administration; Ms. Angela Styles, Administrator of the Office of Federal Procurement Policy for the Office of Management and Budget; Ms. Deidre Lee, Director of Defense Procurement of the U.S. Department of Defense; Mr. Stan Z. Soloway, president of the Professional Services Council; Dr. Renato DiPentima, president of SRA Consulting and Systems Integration, testifying on behalf of the Information Technology Association of America; Mr. Mark Wagner, manager of Federal Government Affairs for Johnson Controls, testifying on behalf of the Contract Services Association; Mr. Charles Mather, principal at Acquisition Solutions, Inc.; and Dr. Charles Tiefer, professor at the University of Baltimore Law School.

The subcommittee will be conducting additional legislative hearings in spring 2002.

13. *“Battling Bioterrorism: Why Timely Information-Sharing Between Local, State and Federal Governments is the Key to Protecting Public Health,” December 14, 2001*

a. *Summary.*—This hearing discussed the response and information dissemination capabilities of the Nation’s public health systems to a bioterrorism threat or incident. The hearing reviewed the Centers for Disease Control and Prevention [CDC] March 2001 report on Public Health’s Infrastructure: Every health department fully prepared; every community better protected. The best initial defense against public health threats, whether naturally occurring or deliberately caused, continues to be accurate, timely recognition and reporting of problems. To that end, one of our top priorities must be to ensure we have a strong information-sharing network that protects privacy while seamlessly connecting local, State, and Federal Governments. The March 2001 report outlined a number of goals for improving communication and information technology capabilities at the Federal, State, and local level. The hearing examined our progress to date in meeting the goals set forth in the report and the timeframes for reaching yet unmet goals. Additionally, it discussed lessons learned from the recent events related to the anthrax incidents in October and November 2001 as well as existing pilot programs on the Health Alert Network [HAN] and the National Electronic Disease Surveillance System [NEDSS]. The hearing also reviewed best practices for information sharing among Federal, State, and local entities to determine our next steps for responding to future bioterrorism threats. The anthrax attacks in October 2001 showed the need to improve information-sharing capabilities of the disparate Federal, State, and local health authorities, as well as private hospitals in the event of a public health emergency. Both basic IT infrastructure and communications protocols must be clarified and improved in order to achieve the efficient system necessary to effectively respond to an emergency.

Finally, the subcommittee reviewed what effect media reporting played in the public health communities’ response to the anthrax incidents. As public health professionals attempted to provide warnings and guidance based on traditional epidemiological methods, they often found themselves outpaced by constant media reports. Timely and accurate transmission of information to the general public will be a vital communications objective in future health emergencies. Recent events have shown the slim margin of error in this area before public mistrust begins to take hold. Thus, future communications plans must take into account the role the media will play in shaping public reaction and ensuring that the correct message emerges immediately from those responsible for making health policy decisions.

The subcommittee heard testimony from Dr. Edward Baker, M.D., MPH, Director of the Public Health Program Practice Office for the Centers for Disease Control and Prevention; Dr. Kevin Yeskey, M.D., Acting Director of the Bioterrorism Preparedness and Response Program, National Center for Infectious Diseases. Additionally the subcommittee reviewed testimony from a range of State and local government organizations along with testimony from private sector health providers, including Mr. Rock Regan, chief information officer for the State of Connecticut, representing

the National Association of State Chief Information Officers; Dr. Gianfranco Pezzino, M.D., MPH, State epidemiologist for the Kansas Department of Health and Environment, representing the Council for State and Territorial Epidemiologists; Dr. Paul Wiesner, M.D., MPH, Director for the DeKalb County Board of Health, representing the National Association of County and City Health Officials; Mr. Michael H. Covert, president of the Washington Hospital Center, representing the American Hospital Association; Dr. Carol S. Sharrett, M.D., MPH, director of health for Fairfax County, VA; and Dr. Charles E. Saunders, M.D., president of EDS Health Care Global Industry Group.

The subcommittee will be holding additional hearings on information sharing best practices throughout 2002.

PART THREE. PUBLICATIONS

I. Committee Prints

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. "Rules of the Committee on Government Reform," February 2001.

SUBCOMMITTEE ON CIVIL SERVICE AND AGENCY ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. "Title 5, United States Code, Government Organization and Employees," May 2001.

II. Printed Hearings

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. "Challenges to National Security: Constraints on Military Training," May 9, 2001, Serial No. 107-3.
2. "The Controversial Pardon of International Fugitive Marc Rich," February 8 and March 1, 2001, Serial No. 107-11.

SUBCOMMITTEE ON THE CENSUS

Hon. Dan Miller, *Chairman*

1. "The Success of the 2000 Census," February 14, 2001, Serial No. 107-7.
2. "BEA: Is the GDP Accurately Measuring the U.S. Economy?" April 5, 2001, Serial No. 107-8.
3. "The Census Bureau's Proposed American Community Survey [ACS]," June 13, 2001, Serial No. 107-9.
4. "Americans Abroad: How Can We Count Them?" July 26, 2001, Serial No. 107-13.

SUBCOMMITTEE ON CIVIL SERVICE AND AGENCY ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. "The National Security Implications of the Human Capital Crisis," March 29, 2001, Serial No. 107-5, held joint with the Oversight of Government Management, Restructuring, and the District of Columbia Subcommittee, Governmental Affairs Committee, U.S. Senate.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

Hon. Mark E. Souder, *Chairman*

1. "Medical Marijuana, Federal Drug Law and the Constitution's Supremacy Clause," March 27, 2001, Serial No. 107-2.

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

Hon. Constance A. Morella, *Chairwoman*

1. "America's Main Street: The Future of Pennsylvania Avenue," March 21, 2001, Serial No. 107-6.
2. "Coordination of Criminal Justice Activities in the District of Columbia," May 11, 2001, Serial No. 107-20.

3. "The Outlook for the District of Columbia Government: The Post-Control Board Period," June 8, 2001, Serial No. 107-15.

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS AND
INTERNATIONAL RELATIONS

Hon. Christopher Shays, *Chairman*

1. "Protecting American Interests Abroad: U.S. Citizens, Businesses and Nongovernmental Organizations," April 3, 2001, Serial No. 107-16.
2. "Combating Terrorism: Management of Medical Supplies," May 1, 2001, Serial No. 107-17.
3. "Combating Terrorism: In Search of a National Strategy," March 27, 2001, Serial No. 107-18.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. "Telework Policies," March 22, 2001, Serial No. 107-1.
2. "Enterprise-Wide Strategies for Managing Information Resources and Technology: Learning from State and Local Governments," April 3, 2001, Serial No. 107-4.

VIEWS OF THE RANKING MINORITY MEMBER

VIEWS OF HON. HENRY A. WAXMAN

While I agree with elements of the chairman's interim report, there are several sections that warrant a response as discussed below. It should also be pointed out that this report should not be considered an official committee report because it was not approved by the committee.

OVERSIGHT HEARINGS

FULL COMMITTEE

The Controversial Pardon of International Fugitive Marc Rich, Day 1, February 8, 2001

In its description of the February 8, 2001, hearing on "The Controversial Pardon of International Fugitive Marc Rich," the majority makes observations that unfairly characterize the record of the hearing. The majority writes that "the Justice Department was never formally consulted by the White House, and the prosecutors responsible for the case did not know the pardon was being considered until after it was granted." In the very same paragraph, however, the majority acknowledges that "White House Counsel Beth Nolan asked [Deputy Attorney General Eric] Holder for his position on the Rich pardon." It is inaccurate to conclude that no consultation occurred when the counsel to the President personally consulted the second highest ranking official in the Justice Department.

The majority writes that Mr. Holder "stated to Ms. Nolan that he was 'neutral, leaning toward favorable' on the pardon. Holder took this position despite the fact that he knew little about the case, other than the fact that Rich was a wanted fugitive." The majority's suggestion that Mr. Holder supported the pardon and knew only that Mr. Rich was a fugitive is a distortion of Mr. Holder's hearing testimony. Mr. Holder testified that by "neutral," he meant that he had no opinion based on the little he knew about the case. By "leaning toward favorable," Mr. Holder said he meant that he would be moved in a positive direction if there were foreign policy benefits that would be reaped by granting the pardon. He had testified that he had been told that Israeli Prime Minister Ehud Barak had weighed in strongly on behalf of the pardon request.

The Controversial Pardon of International Fugitive Marc Rich, Day 2, March 1, 2001

In its summary of the March 1, 2001, hearing on "The Controversial Pardon of International Fugitive Marc Rich," the majority omits significant testimony. The majority writes that former White House Counsel Beth Nolan, former Deputy White House Counsel

Bruce Lindsey, and former White House Chief of Staff John Podesta “all testified that they were strongly opposed to the Rich pardon, but that the President granted the pardon despite their advice.” Every one of those witnesses also testified that while they disagreed with the President’s decision, they all believed that he made a decision based on his evaluation of the merits. Every one of those witnesses also testified that they had no reason to believe that a quid pro quo or any other improper consideration influenced the President’s exercise of the pardon power.

The majority writes that I. Lewis “Scooter” Libby, Vice President Cheney’s chief of staff and formerly a lawyer representing Marc Rich, “was questioned regarding his role in the Rich case, which predated any effort to obtain a pardon, and was instead limited to efforts to settle Rich’s criminal case with prosecutors in New York.” Mr. Libby made several other significant points in the hearing. For example, he testified that:

- he agreed with five of the substantive reasons President Clinton had published to explain the pardon of Marc Rich;
- the U.S. Attorney’s office for the Southern District of New York, which had obtained the indictment of Mr. Rich, had “misconstrued the facts and the law, and looking at all of the evidence of the defense . . . he had not violated the tax laws;”
- if it had been decided to pursue a pardon during his representation of Mr. Rich, he could have put together a good and defensible case for the pardon;
- he thought his client, Mr. Rich, was a traitor to the United States; and
- on January 22, 2001, he called Mr. Rich at home and congratulated him on reaching a result that Mr. Rich had sought for a long time.

Six Years After the Enactment of DSHEA: The Status of National and International Dietary Supplement Regulation and Research, March 20, 2001; and Autism—Why the Increased Rates? April 25–26, 2001

The majority’s activities report sections regarding its investigation into health issues contains several omissions. Under the hearing, *Six Years After the Enactment of DSHEA: The Status of National and International Dietary Supplement Regulation and Research*, the majority fails to include a description of testimony that raised concerns about the safety of some dietary supplements and suggested the need for greater regulation of these products. Under the hearing, *Autism—Why the Increased Rates?*, the majority fails to include descriptions of testimony of scientific witnesses who have examined the theory that autism can be caused by the MMR vaccine and have concluded that there is no evidence to support the theory and that the theory itself is fragmentary.

The Use of Prosecutorial Powers in the Investigation of Joseph M. Gersten, June 15, 2001

In its summary of the committee’s June 15, 2001, hearing on *The Use of Prosecutorial Powers in the Investigation of Joseph Gersten*,

the majority restates conclusions of an April 10, 2001, staff report that were directly contradicted by every witness who gave testimony in the hearing. The majority first states, "A review of the available evidence suggests that individuals participated in a conspiracy to make allegations against Gersten involving drug use and consorting with prostitutes that they knew to be false." At the hearing, which the majority's activities report purports to summarize, every witness gave testimony directly contradicting the majority's conclusion of prosecutorial misconduct. In fact, the witnesses testified that Mr. Gersten was never indicted for any offense, had been cited for contempt of court for refusing to cooperate with the State's investigation, and had left the jurisdiction before a criminal proceeding would have required that he receive the State's evidence against him.

The current and former prosecutors who appeared at the hearing all testified that they were aware that the witnesses who gave information about Mr. Gersten had extensive criminal records and dubious credibility. They testified that the existence of incriminating physical evidence nevertheless caused them to seek corroboration for the witness statements and to seek information from Mr. Gersten himself. They testified that despite a subpoena ordering Mr. Gersten to testify before the Florida State attorney, which conferred upon him a grant of use immunity from prosecution, Mr. Gersten refused to testify. The hearing testimony revealed that after three motions to quash the subpoena, a State court judge held Mr. Gersten in civil contempt and confined him to jail until he agreed to testify. Although an appellate court later ordered him released during the pendency of his appeals, the contempt order was upheld in all respects in six different State and Federal judicial proceedings. To date, Mr. Gersten continues to reside outside the United States and has not submitted to questioning by Florida authorities.

The majority also writes that "[t]wo of the principal attorneys who conducted the investigation declined to be interviewed by committee staff, necessitating the hearing." The majority fails to mention, however, that prior to any attempt to interview the prosecutors involved in the case, the majority staff released a report unfairly concluding that State prosecutors had engaged in serious misconduct. For example, the majority wrote, "It appears, as new facts emerge, that the vast power of the state was used to destroy [Mr. Gersten]." They also wrote that "government officials acted in extreme bad faith" and "were more concerned about using allegations to harm Gersten than to find the truth." Mr. Band testified: "Had [majority] counsel for the committee contacted me some 6 months ago, I believe I would have happily met with him on or off the record. I was not contacted until after the report was issued. I believed the report made insinuations which were unfair." Mr. Gregorie testified:

What happened was, I was informed that this committee wished to speak to me and I was informed of that after a report had already been written which indicated that there was wrongdoing, without anyone having spoken to me. I then contacted someone who knows the system up here . . . and they told me, Dick, you shouldn't go in and an-

swer questions where a part of your answer may be taken—you may not be able to have your full story told. Make sure you go before the committee, where there are rules, where everyone will be there and where the public will be able to hear and see all that is said to you and all that you answer.

SUBCOMMITTEES

SUBCOMMITTEE ON THE CENSUS

The majority's summary of the February 14, 2001, hearing on the 2000 census is inaccurate and misleading. The 1990 census was not the first time that response rates fell, as the summary indicates. GAO report GAO/GGD-92-94 (page 36) indicates that the response rate went from 78 percent in 1970 to 75 percent in 1980 to 65 percent in 1990. The response rate was also 65 percent in 2000. The mail return rate, a more accurate measure of public participation in the census went from 87 percent in 1970 to 83 percent in 1980 to 74 percent in 1990. This decline continued in 2000 where the return rate was 72 percent.

More importantly, the summary of this hearing is misleading in suggesting that the 2000 census is more accurate than 1990. This statement is true only if you believe that counting some people twice is a sufficient correction for missing others. In 1990, the census missed 8.4 million people and counted 4.4 million people twice. In 2000, the census missed 6.5 million people and counted 6.1 million people twice. If all the people missed were in Texas and all the people counted twice were in California, the majority would not be so happy with the census results. In fact, those missed in the census tend to be the poor and minorities, while those counted twice tend to be affluent and white. We believe that an equitable census should be our goal, not one which substitutes one kind of error for another.

